

**Town of Maggie Valley  
Continued Planning Board Meeting  
July 26, 2007**

**Continued from the continued July 19, 2007 when a quorum was not present  
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Members Present: Chairman Billy Brede, Scott Pauley, June Johnson, and John Schreiber

Staff Present: Manager Tim Barth, Planning Director Nathan Clark, and Town Clerk Vickie Best

**Meeting Called to Order**

Chairman Brede called the meeting to order at 4:10 pm in the conference room in the Maggie Valley Town Hall.

**Review of Open Space Multiplier**

The following was reviewed:

**Designation of Open Space:**

All major subdivisions (including multi-family developments) must dedicate land for Open Space as required by the **Conservation Open Space (COS) or Recreation Open Space (ROS) formulas**. In no case may designated open space, whether held as a single parcel or subdivided into several parcels be eligible for future development unless the developer provides an equal or greater amount of open space elsewhere in the subdivision. In some cases a combination of dedicated COS and ROS may be used to satisfy the Open Space Requirement with approval from the Planning Board.

1) Conservation Open Space (COS) is intended to protect environmentally sensitive areas within a subdivision from being developed. Areas that include steep slopes (slopes over 10%), dense forest, wetlands, streams, flood hazard zones and their buffers will be award COS credit.

**$(0.35) \times (\text{DU per acre}) \times (\text{total acreage}) \times (0.35) =$**   
**Required Conservation Open Space (COS)**

for major subdivisions (including multifamily developments) over ten (10) acres in size

**$(0.35) \times (\text{DU per acre}) \times (0.35) =$**   
**Required Conservation Open Space (COS)**

for major subdivisions (including multifamily developments) under ten (10) acres in size

2) Community Recreation Space (ROS) is intended to provide a mix of active and passive activity areas. Their locations should be conveniently located and highly visible within the subdivision. ROS space may include pools, tennis courts, activity fields and other buildings/structures that are associated with recreational use. Small pocket areas should be avoided wherever possible and combined into one aggregate area which includes

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recreational amenities. While natural areas may be persevered as additional open space, only areas with less than an 10% slope will qualify for ROS credit.

**(0.165) x (DU per acre) x (total acreage) x (0.35) =**

**Required (Recreation Open Space ROS)**

for major subdivisions (including multifamily developments) over ten (10) acres in size

**(0.165) x (DU per acre) x (0.35) =**

**Required (Recreation Open Space ROS)**

for major subdivisions (including multifamily developments) under ten (10) acres in size

3). Ownership of Open Space

a. The owner of record at the time of subdividing shall have the option of retaining title or conveying, at his/her discretion, any and all parcels of open space created through the subdivision process.

b. Any individual or organizational entity which holds title to any parcel of open space may elect to grant community / public (those not living or owning property in the subdivision) access to that open space parcel.

c. Any portion or portions of the open space held by a Homeowners' Association shall be governed by covenants addressing the method of maintenance, maintenance fee and insurance arrangements, mandatory membership and assessment requirements, sales disclosure (public offering statement), improvement of common property, timing of conveyance of common property, timing of governance transition to the Homeowners, and maximum assessments.

There was discussion on how the Board could prevent developers from choosing to go with COS (Conservation Open Space) because this would allow steep valueless land to be used to meet the guidelines.

There is no way to control which avenue developers will choose to develop but this formula would help to stop building on steep slopes.

The Board agreed that they liked the flexibility.

The COS would be deeded to the Home Owners Association, but would not be taxable. This would allow for green space without anyone having to bear the cost to hold the land.

The road right-of-way is not included in the calculations.

The Board directed Director Clark to have a formula for 10 acres or less prepared by the next meeting. The next meeting was scheduled for August 8 at 3:30 pm.

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**Review of Land Use Plan**

The Board asked that all properties be identified. The public hearing will be held August 21, 2007 at the regularly scheduled Board of Aldermen Meeting.

Light commercial neighborhood businesses will be allowed along Moody Farm Road but mini-storages buildings will only be allowed in the open-air areas.

**Need for a Slope Ordinance**

The Waynesville slope ordinance has brought about mixed feelings.

Previously the Planning Board discussed enacting a driveway slope ordinance. Council tabled the issue. Mayor McElroy suggested requiring concrete driveways.

Due to the amount of developers that sit on the County's Planning Board, Ms. Johnson had concerns about the slopes being adequately protected.

**Adjournment**

**ON MOTION BY MS. JOHNSON, SECONDED BY MR. PAULEY, WITH ALL IN FAVOR THE MEETING ADJOURNED AT 5:09 PM.**

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Chairman Billy Brede

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Vickie Best, CMC, Town Clerk