



NAME:
 Mike Williams: Community Development Director
 Rick Carpenter: Development and Environmental Review Specialist

DEPARTMENT:
 Community Development



REPORT DATE: November 3, 2021 (reporting period 10/1-10/31/21) **PREPARED FOR:** Town Manager/Town Council

I. REOCCURRING WORK ACTIVITIES

1. Zoning Administration/Code Enforcement

Certificate of Zoning Compliance Issued	11
Certificates of Zoning Compliance Denied	0
Certificates of Occupancy Issued.....	6
Vacation Rental Operating Permits Issued.....	2
Permanent Sign Permits Issued (0) Temporary (0)	0
Complaints Logged	0
Complaints Investigated	0
Notices of Violation Issued	0
Civil Penalties Issued	0
Stop Work Orders Issued.....	0
Improperly Posted Address Notifications Issued	0
Abandoned/Dilapidated Structures Cases Open..... (0 closed by demo)...	0
Z&P Hearings Processed.....	0
BOA Hearings Processed.....	0
Demolition Permits Issued	0
VROPs Active to Date.....	449

2. House/Modular/Heavy Load Moves Through Town..... 1

3. Environmental

Land Disturbance Permits Issued.	2
Complaints Logged	0
Complaints Investigated	1
Stop Work Orders Issued.....	0
Floodplain Development Permits Issued.....	1

4. Lake Structures/Shoreline Stabilization

Lake Structure Permits Issued	1
Shoreline Stabilization Permits Issued	0
LSAB Hearings Processed	0

5. Subdivision Administration

Preliminary Plat:	0
Final Plat	0

Minor Subdivisions: 1
 Exempt Plat Reviews: 0
 Lots Approved 2

As Rutherford County Plat Review Officer (per GS 47-30):

Plats Reviewed: 2
 Plats Approved: 2

II. PROJECTS UPDATE

Sedimentation into Lake/Water Quality Concerns; sub watershed 5-Grey Logs Cove and the Highlands Subdivision —

The Town, at the advice of our attorney, has agreed to hold Civil Penalties in abeyance for the opportunity for all parties to meet. Amy Annino with the State of NC, Brandee Boggs with USACE, Pete Dickerson with Odom Engineering, Clear Water Environment Consultants, and Highlands HOA have met at the upper road failure site on 02/26/2020. Odom Engineering, as a consultant for Highlands HOA, provided the Town with plans. Staff coordinated and reviewed plans with Amy Annino from NCDEQ and Brandee Boggs from the USACE to ensure all regulations measures are satisfied. Plan revision requests and comments were sent to Pete Dickerson with Odom Engineering on 04/02/2020. Town staff have reviewed the revised plans submitted by Odom Engineering. NCDWR, USACE, and Town Staff have approved the revised plans and have released permits to the applicants.

CDD staff received plan revision requests from Odom Engineering for the upper slope failure repair. Staff reviewed the plan revisions and coordinated comments with NCDEQ and USACE. These comments were shared with Odom Engineering and the Highlands POA on 2/11/21. **Update:** No final revisions were submitted nor has work commenced on this repair. On 4/1/21, the USACE issued a deadline for final plans to be submitted by 5/15/21 and the project be completed within 180 days. **Update:** 8/12/21 communication with USACE: their purview is the redirected stream without permits. They returned Odom Engineering’s last resubmission due to incorrectly calculated specs and, for what USACE considered, an inadequate solution. On 8/18/21, Mitchell Anderson from NCDEQ told me that they have not received an application or acceptable plans. Their purview issue is the sediment runoff from The Highlands’ road/slope failure into stream. The Town issued a NOV letter on 9/6/19 addressing the failure to file an Erosion Control Plan and related failures of control measures. On 5/1/20, the Town issued a Land Disturbance Permit and erosion & sedimentation control plan Letter of Approval. While some measures have been taken, the approved plans have not been followed. We are evaluating, with USACE and NCDEQ, how to proceed. **Update:** Working with NCDEQ/Mitchell Anderson and a representative from Zoning & Planning Board to meet at site to evaluate current situation and appropriate actions to move forward with. **No Update: 10/31/21**

Lake Structure Tag Maintenance Program – The Town of Lake Lure’s Lake Structure Regulations require that all lake structures be maintained and in good repair. There is to be a lake structure certificate and accompanying structure tag issued for all structures on the waters of Lake Lure certifying that the structure is in compliance with the ordinance. The ordinance provides that the town shall have the authority to condemn any lake structure due to decay, disrepair, or any hazardous condition. The property owner will be given a written notice and 90 days to comply with the Town Council's determination. If the owner fails to appeal to the Town Council for a hearing or comply with their determination, Council may revoke their lake structure certificate and accompanying tag (if one had been issued) and remove the structure at the property owner's expense. It also provides that owners of upland property who fail to comply with this section of the Lake Structure Regulations (§ 94.08), shall be ineligible to receive a boat permit.

As this program has not been enforced in over 20 years, some lake structure have not been maintained, resulting in potentially hazardous conditions. In an effort to ensure all lake structures built or installed over the Town’s lake

property, the Community Development Department has been asked to restart the enforcement of the lake structures tag program. The department is working with the Town's attorney to ensure all elements of this program align with state regulations and can be restarted, as well as evaluating how to develop a sustainable means of monitoring/enforcing the program. As staff are not qualified to inspect the structural integrity of structures, a qualified professional (engineer) will have to perform the inspections. **Update:** Reinstating the program with focus on 1) communicating Town's ownership of Lake where structures stand, 2) communicating the responsibility of Lake Structure owners to maintain those structures in good repair, and 3) Town will begin periodic inspections of structures, including having certified engineering inspections and utilize those professional opinions as a basis for enforcement of the existing Lake Structure regulations. We are negotiating a contract with LaBella to conduct inspections and provide written opinion of structure compliance with Town's Regulations. Inspections will begin during this year's drawdown. **Update:** No contract with LaBella/working on referral-based enforcement of Town's existing Lake Structures requirement that property owners maintain their lake structures in good repair and not create a "hazardous condition". Referrals will come from LaBella's engineers as they conduct Sewer Modification inspections, general public complaints/referrals, and staff referrals based on "float-by" inspections of all lake structures. The staff referrals will be based on inspections done by a selected team of staff and structural review-qualified inspectors. During September-October, we will conduct visual inspection from boat of all lake structures, creating new digital image file of existing structures, and identifying structures that appear to be less than structurally sound and not in compliance with Town requirements. Property owners of those identified structures will be notified of their need to either correct those structural hazards or provide professional certification that the structure is structurally sound and should not be considered a hazard. The other component of the program is communication of the Town's right, as owner of the lake, to require that property owners of structures built on the lake do maintain their structures in good, safe repair or potentially lose their right to maintain a structure on the Town's property. This will be a significant change after many years of very limited enforcement of that requirement but should greatly enhance the safety and enjoyment of the lake for our community as we go forward. **Update:** Have begun CDD inspections of lake structures by boat. Compiling current photo record of each structure and evaluating each structure using a program checklist. Checklist uses a visual inspection assessment ranking of 1) "Excellent Condition" (like new/no obvious damage), 2) "Good Condition" (minimal signs of wear or damage/decay), 3) "Poor Condition" (missing/damaged boards, decay, not an immediate health/safety hazard), or 4) "Bad Condition/Hazard" (damage, disrepair and/or decay that may constitute a hazard). Structures identified with "Poor Condition" will receive a notice of advisement that their structure may soon require repairs or action in order to continue to meet the Town's requirement of maintaining structures built on the Town-owned lake in good repair. Structures identified with "Bad Condition/Hazard" will be notified that they are being referred to an outside evaluator to make a recommendation as to whether *immediate* action may be necessary in order to meet the "Good Repair" requirement. **Update: CDD completed visual inspections from boat of all lake structures within "first priority area" (Phase 1 of Town's Sewer Project), and took structure photos. Now working on post-inspection communications to property owners and follow-up inspections of about 5 properties containing structures identified as potentially "Bad Condition/Hazard".**

Deep-water Ramp project: CDD is working with Dana Bradley and Dean Givens to obtain Federal and State approval for the critical ramp beside the dam, and then to issue the Town permits to allow the ramp to be built during this year's lake drawdown. To try to push through complications with the U.S. Army Corp of Engineers and NCDEQ processes, we have scheduled a review meeting with their representatives here in Lake Lure on September 13th. **Update: Continuing to work with Dana Bradley and Dean Givens on Federal, State and Town permitting.**

Town Park/Cell Tower Project: CDD working with AT&T and their design/construction partners on potential tower, with plan to site it within a planned park/campground development. A proposed 70' X 100' lease area, containing a

50' X 70' fenced tower site has been surveyed and marked. AT&T has recommended a 199' monopole tower based upon the signal effectiveness that our community needs, while keeping the tower under the 200' FAA's required lighting height. AT&T/contractor have also agreed to an engineered tower design that would have a fall-zone of no more than 75', creating the opportunity for safe placement within a smaller setback. The Zoning and Planning Board has recommended that the Boys Camp Road site be rezoned from the previous zone (Chimney Rock Village's "Commercial Business" Zone) to Town's "Government Use" Zone. This will be presented to the Town Council on November 9th. We will also present a Master Plan revision to include both the park and tower and a text amendment relating to the fall-zone setback at that same meeting. We are also working on a potential lease agreement between the tower owner and the Town that could provide valuable funding for the park project. Potential project completion/tower operation could be mid-2022. **Update: Public Hearing and Town Council decision scheduled for 11/9/21 for 1) Zoning and Planning Board reviewed and prepared recommendation to Town Council to zone Boys Camp Road site as Government Use and 2) to adopt the Proposed Master Plan prepared by Parks and Recreation Department which combines the planned public park and tent camping area with the tower. Presented to Town Council as 11/9/21 agenda items for public hearing and Council review/vote.**

III. OTHER

In addition to what has already been covered, the Community Development Department has been involved in:

1) Staff Development/Training

- a. Rick continuing classes through UNC School of Government classes (virtual) for his Certified Zoning Official credentials. Plans to sit for the CZO testing on November 18th.
- b. I attended the NC Floodplain Managers Conference October 20-22nd for information, peer contacts and required training credits.

2) Other Projects

- a. CDD is studying and evaluating permitting processes, forms and our code interpretations by asking questions of "why" and "what was the intent of the code as written". We do/will continue to take these issues to the Zoning and Planning Board for follow-up reviews and for recommendations to ensure that we are fairly, consistently and accurately administering the Town's development permitting processes.

If questions or ideas, please let Rick or me know.



Mike Williams, CZO, CFM
Community Development Director