

**NAME:**

Assistant Community Development Director: Mike Williams
Development and Environmental Review Specialist: vacant

DEPARTMENT:

Community Development

REPORT DATE:

June 1, 2021

PREPARED FOR

Town Manager/Town Council

I. REOCCURRING WORK ACTIVITIES**1. Zoning Administration/Code Enforcement**

Certificate of Zoning Compliance Issued	6
Certificates of Zoning Compliance Denied	0
Certificates of Occupancy Issued.....	5
Vacation Rental Operating Permits Issued.....	8
Permanent Sign Permits Issued (0) Temporary (0)	0
Complaints Logged	2
Complaints Investigated	2
Notices of Violation Issued	0
Civil Penalties Issued	0
Stop Work Orders Issued.....	1
Improperly Posted Address Notifications Issued	0
Abandoned/Dilapidated Structures Cases Open.....	0 (0 closed by demo)
ZnP Hearings Processed.....	1
BOA Hearings Processed	1
Demolition Permits Issued	0
VROPs Active to Date.....	388

2. House/Modular/Heavy Load Moves Through Town..... 0**3. Environmental**

Land Disturbance Permits Issued.	1
Complaints Logged	0
Complaints Investigated	0
Stop Work Orders Issued.....	0
Floodplain Development Permits Issued.....	4

4. Lake Structures/Shoreline Stabilization

Lake Structure Permits Issued	3
Shoreline Stabilization Permits Issued	0
LSAB Hearings Processed	0

5. Subdivision Administration

Preliminary Plat:	0
Final Plat	0
Minor Subdivisions:	0
Exempt Plat Reviews:	0

Lots Approved 0

Review Officer (per GS 47-30):

Plats Reviewed: 0

Plats Approved: 0

II. PROJECTS UPDATE

Review of Town Ordinances on Vacation Rental Operating Permit– CDD staff have reviewed UNCSONG documents evaluating the impacts of a Superior Court Judge’s decision to strike down the city of Wilmington’s whole-house lodging ordinance on short term rentals. This decision may impact the Town’s vacation rental ordinance. A memo on this topic was provided to the Zoning and Planning Board. The Zoning and Planning Board has reviewed the information and have requested advice from the Town’s attorney on the matter. Staff are currently waiting for any appeals of the decision. Comment was received from the Town’s attorney. These comments will be presented to the Zoning and Planning Board. **Update: No update at this time.**

Floodplain Management CAV -

The Community Development Department participated in a Community Assistance Visit (CAV) conducted by North Carolina Division of Emergency Management. This is a major component of the National Flood Insurance Program's (NFIP's) Community Assistance Program (CAP). The CAV is a visit to a community by NCDEM on behalf of FEMA that serves the dual purpose of providing technical assistance to the community and assuring that the community is adequately enforcing its floodplain management regulations. Generally, a CAV consists of a tour of the floodplain, an inspection of community permit files, and meetings with local appointed and elected officials. FEMA or the State will work with the community to help ensure their program is in compliance with NFIP requirements. The Community Development Department was visited by Terry Foxx CFM on 3/25/21. Mr. Foxx reviewed documents related to the management of the floodplain ordinance and also toured the Town’s floodplain. Staff are waiting on the final report. **Update: No update at this time.**

*Phase 1 Sewer Database and Map – CDD staff have compiled parcel data, street data, sewer customer data, and topographic data. This data has been analyzed for topographic and geographic relevance to Phase 1 of the sewer system. Maps and data layers are being updated to reflect changes in project scope to align with information released by engineering firms. **Update: Mitchell Anderson provided sewer system mapping information shape file per Reese Walsh request.**

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: Will be reviewing files to determine appropriate next actions.**

N.C. G.S. 160D – North Carolina passed new statutes that affect how local municipalities can regulate land use. These updates will become effective on July 1, 2021. Staff with assistance from Isothermal Planning and Development Commission are reviewing Town ordinances in preparation for the 160D update required before July 1, 2021.

Update: On March 16th, staff and IPDC presented to the Zoning and Planning Board a preliminary audit of the Town's Ordinances identifying the area's requiring text amendments to comply with G.S. 160D. The Town's attorney has reviewed the recommend updates and provided feedback for consideration. IPDC will update the recommendations and staff will present these to the Zoning and Planning Board. **Update: The Zoning and Planning Board and Town Council approved the text amendments to bring our land-use ordinances into compliance with the new NC Statutes 1160D. New TOLL land-use ordinances have been updated and posted to EGov and currently working on updating applications and forms.**

Town Policy for Compliance with Title VI of the Civil Rights Act of 1964 – Town Staff has contacted Ashley Council, Title VI Officer/ ADA Specialist with North Carolina Department of Transportation/ Office of Civil Rights [accouncil@ncdot.gov]. With assistance from Amy Wright and the use of examples from other jurisdictions, the CDD Staff have created a non-discrimination policy that satisfies the requirements for Title VI. This document will be shared with William Morgan for review. Once reviewed and approved by Mr. Morgan, an adoption resolution and document will be presented to Town Council. A copy of the drafted Title IV was shared with Isothermal Planning & Development Commission for comment. Staff are currently working on incorporating their recommendations. Requests for access to the survey of compliance have been submitted to NCDOT. Staff are currently waiting for a response. **Update: No update at this time.**

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. To ensure compliance, lake structures should be inspected every five years. Structures deemed safe and in compliance are issued a "tag" to be attached to the structure. 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. (§ 94.08)

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 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 staff are not qualified to inspect the structural integrity of structures, a qualified professional will have to perform the inspections. **Update: Continuing evaluation of program and implementation planning.**

Land Use Fee Increase – The Community Development Department was requested by the Town Manager to increase permit fees to ensure department revenues cover the wage of the lowest paid department employee. Figures provided by the Finance Department shows that an increase of all land use fees by 60% will satisfy this request. After over 8 years without increasing land use fees, on May 26th the upcoming year budget was approved with the 60% increase.

III. OTHER

In addition to the projects listed above, there are a few things that have required significant focus from the Community Development Department:

- 1) Mitchell Anderson provided technical expertise required to host 4 meetings via Zoom during May. This task required staff time for setup, hosting and monitoring during the meetings, and for post-production and publishing after the meetings.
- 2) Staff Development/Training/ Updates
 - a. Mitchell Anderson resigned as the Assistant Community Development Director to accept employment with North Carolina.
 - b. Mike Williams accepted the Assistant Community Development Director position effective 5/29/21.
 - c. Staff working with Amy Wright/HR and Town Manager to interview and hire a new staff member for Development and Environmental Review Specialist position.

Overall, the Community Development Department is working towards completing larger projects while focusing on current permitting demands, and training new department staff. The CDD has experienced a significant increase in permitting demands. This is a trend that is being experienced throughout Western North Carolina over the past year.



Mike Williams
Assistant Community Development Director