



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

DEPARTMENT:
Community Development

REPORT DATE:
August 3, 2021

PREPARED FOR
Town Manager/Town Council

I. REOCCURRING WORK ACTIVITIES

1. Zoning Administration/Code Enforcement

Certificate of Zoning Compliance Issued	10
Certificates of Zoning Compliance Denied	0
Certificates of Occupancy Issued.....	6
Vacation Rental Operating Permits Issued.....	9
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 (0 closed by demo)
ZnP Hearings Processed.....	0
BOA Hearings Processed	1
Demolition Permits Issued	0
VROPs Active to Date.....	441

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

3. Environmental

Land Disturbance Permits Issued.	4
Complaints Logged	1
Complaints Investigated	1
Stop Work Orders Issued.....	2
Floodplain Development Permits Issued.....	3

4. Lake Structures/Shoreline Stabilization

Lake Structure Permits Issued	3
Shoreline Stabilization Permits Issued	0
LSAB Hearings Processed	1

5. Subdivision Administration

Preliminary Plat:	0
Final Plat	0
Minor Subdivisions:	1
Exempt Plat Reviews:	0

Lots Approved	2
Review Officer (per GS 47-30):	
Plats Reviewed:	1
Plats Approved:	1

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: Waiting for update from USACE.**

N.C. G.S. 160D – North Carolina passed new statues 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 160D. New TOLL land-use ordinances have been updated and posted to EGov and TOLL Website. **Update: During July, completed update of applications and forms to 160D compliance and posted to TOLL website for public access.**

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. 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.**

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. **Update:** Land Use fee increases, while previously reviewed by Council, were inadvertently omitted from the May 26th approved budget package. They have been placed on the consent agenda of the July 13, 2021 Town Council meeting and new fee schedule should be implemented as of July 14, 2021. **Update: Fiscal year 21-22 fee increases were approved July 13th and implemented July 14, 2021. New fee schedule has been updated on website, as well as updated permit applications with current review fees on forms.**

Department Staffing – A new Development and Environmental Review Specialist has been hired (and started work on July 1st). Rick Carpenter comes to us with broad experience reviewing land use plans and permit applications, and also brings strong mapping, especially GIS, skills. He grew up in the area, most recently was working in zoning, planning and code enforcement with Spartanburg County, and he’s a rock climbing enthusiast and guide – very familiar with our local trails and the Town’s natural assets. I’ve been working to get him incorporated into the team and preparing for his ongoing training. Expecting a great asset in Rick! **Update: Rick Carpenter began July 1 as the new Development and Environmental Review Specialist. He has quickly and effectively taken on the load of reviewing and issuing permits, helping the department catch up on a backlog of applications. Rick has also contributed significantly as a professional peer for me with his broad zoning, planning and mapping experience. He is registered for UNC School of Government courses to prepare for, test and receive his Certified Zoning Official (CZO) accreditation by the end of this calendar year. ShaLinda Pruitt (front desk) also contributes to the**

department by receiving applications, payments and doing initial permitting system inputs as well as recording and preparing board minutes.

Powell Bill – Reviewed Town street maps and scope of street maintenance in preparation for preparing Powell Bill Certified Statement and required documentation. Submitted both to State on 7/15 and turned over process to Sam Karr/Finance for accounting portion.

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) Staff Development/Training/ Updates

- a. I'm now continuing to learn and discover the broad scope of the Community Development Director position. It has been a very busy, and equally productive time since jumping into the role 7/12/21.
- b. In July, I participated in the NC Certified Zoning Officials annual conference which also included acquiring the necessary continuing education credits required to maintain my certification for another year. Rick Carpenter is scheduled for classes (online) with UNC School of Government in order to earn his CZO by calendar year end.

Overall, the Community Development Department is working towards completing larger projects while focusing on current permitting demands, follow-up and enforcement in the community, and expanding our effectiveness through study, training and on the job experiences. I'm very grateful for the support of the Town Manager, Mayor and Town Council, and the rest of the Town staff!



Mike Williams
Community Development Director