

Town of Lake Lure Lake Advisory Committee - Minutes of Recessed Regular Monthly Meeting -

The Lake Advisory Committee (LAC) resumed their recessed, regular monthly meeting at the Town of Lake Lure Municipal Center on 11th day of May, 2007 at 1:30pm.

Attendees:

Bob Washburn (Chairman)
Chris Braund (Secretary & V-Ch)
Blaine Cox
Bo Williams
Russ Pitts (Council Liaison)

Non-Attending Members:

Wiley Bourne
Bob Keith
Gary Hasenfus

Guests:

Shannon Baldwin
Teresa Reid
Mike Egan
Jeff McGahee

General Meeting Actions:

- Chairman Washburn called the meeting to order at 1:34 pm.
- This is a special workshop with the Community Development Department to discuss strategies, wording and issues with the lake structures regulations.
- The Comprehensive Plan is targeted for Town Council approval on June 12th. This document contains sections on lake use. There was a recommendation to insert language in the Lake Structure Regulations that require the regulations and any amendments must be consistent with the policies and objectives in the Comprehensive Plan.
- There was an extended discussion of the current Lake Structures Regulations and proposed amendments.
- It was agreed that the amendment language to define and then prohibit commercial use of a lake structure adjacent to an R-1 lot should remain, but without reference to Property Owners Associations or uses “of such an impact...” This keeps the definition of commercial activity clear and defensible. The issue of regulating shared-use lake structures needs to be handled separately.
- Russ:
 - Our objective is to regulate the impacts of using shared lake structures. The intent is not to eliminate them, but to prevent adverse impacts on the lake and on neighboring property owners.
 - We need to be careful about grandfathering usage of the lake, because the town fully owns the lake. We need to be able to apply our rules equally across the board. Taking a zoning approach (grandfathering) could put the town in a legally weak position as we would be applying rules differently for different property owners.
- Mike Egan:
 - You’ve use a zoning model for the lake structures regulations and that has worked well in the past. the practice of grandfathering shouldn’t weaken your ownership interest and your ability to apply and uphold your regulations.
 - You’ve got a finite, limited resource out there. Here are some different regulatory approaches to consider:
 - You could determine a budget and a cost to maintain the lake...you could then charge license fees as a means of controlling activity.
 - You could require that multi-family piers in R-1 go through an approval process and meet special standards that deal with design, operation and use. Setup a conditional use permit process for the lot that is contiguous to the lake structure...required when using the lot for anything other than a single family purpose.

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- Enact standards for uses within the L-1 zoning district (currently unused). If the adjoining land is R-1, then there are standards you must adhere to. The LSAP could issue the conditional use permits and set usage restrictions (hours of operation, etc.)
- The model that the federal government and the state uses is a submerged land lease. The town could lease the land (under a lake structure) to homeowners for specified periods and specified uses.
- You could license the lake structure (1-year or 2-year terms) that could be revoked if the conditions aren't met or the impact is too much. In legal terms, a license is similar to a lease, but generally for shorter timeframes.
- Bob:
 - The ownership of the lake has become clearer of late. However, the lake structures were originally written in 1992 with the expectation that the town owned the lake outright and had the authority to enact these regulations...including the concept of grandfathering.
- Teresa:
 - Section 94.5 (I) – this should be updated to reflect to comply with “state and local codes”
 - There are inconsistencies in the references to the Community Development Director, Lake Structures Administrator and Zoning Administrator.
 - We should also define Lake Advisory Committee and Lake Structures Appeals Board in the regulations.
- Mike: references to “may” should be, in most cases, updated to “shall”
- Teresa will update the lake structures permit application to include the language from section 94.01(B):

No structure shall hereafter be erected or maintained within the lake boundary of Lake Lure within the corporate limits of the town and no use made of the water surface and land thereunder or any facility or structure located thereon, except in conformity with the regulations of this chapter, or amendments thereto. Issuance of a permit or certificate for a lake structure does not confer any rights to ownership of land or water owned by the town.
- Blaine made a motion that the LAC recommend that the town council should suspend issuing any lake structures permits for structures that are designed or intended to serve more than one dwelling unit, until such time that regulations can be adopted that address the intensity and frequency of use of these structures adjacent to R-1 lots. Seconded by Bo, passed unanimously.
- Meeting adjourned at 3:55 p.m.

Recap of Motions Passed:

- The LAC recommends that the town council should suspend issuing any lake structures permits for structures that are designed or intended to serve more than one dwelling unit, until such time that regulations can be adopted that address the intensity and frequency of use of these structures adjacent to R-1 lots.

Respectfully Submitted,

Chris Braund, Secretary LAC