

Town of Lake Lure - Lake Advisory Board

- Minutes of Regular Monthly Meeting -

The Lake Advisory Board held their regular monthly meeting at the Town of Lake Lure Municipal Center on Monday the 4th day of February, 2008 at 5:30 p.m.

Attendees:

Chris Braund (chairperson)
Bo Williams (vice-chair)
Wiley Bourne
Harvey Harris
Bob Keith
Gary Hasenfus
Robin Proctor
Dean Givens (LOA)
Jeanine Noble (council liaison)

Non-Attending Members:

N/A

Guests:

Bonnie Bittle
John Bittle
Blaine Cox
Commissioner Russ Pitts
Town Manager Steve Wheeler

General Meeting Actions:

- Chairperson Chris Braund called the meeting to order at 5:30 p.m.
- After discussion, Wiley Bourne made a motion, seconded by Harvey Harris, to approve the minutes of the January 7, 2008 regular meeting as written. The vote of approval was unanimous.
- Public Forum: John Bittle requested to speak regarding roof overhangs for boat houses. Mr. Bittle said roof overhangs are needed for the protection of the boathouse and makes the boathouse look better.
- Reviewed draft amendments to the lake structures regulations recommended by the LAB to be presented to town council for consideration at their next regular meeting being held on Tuesday, February 12, 2008. Chairperson Braund agreed to submit a packet of 5 proposed amendments agreed upon by the LAB to town council (included at end of meeting minutes)
- Chairperson Braund recessed the meeting for a break at 7:30 p.m. and reconvened the meeting at 7:35 p.m.
- Reviewed pending open action items
- Mr. Braund notified LAB members of the approval of an additional non-motorized watercraft under the 2008 lake commercial license issued to Paul and Paula Heinauer (per the standing Marine Commission authorization for additional non-motorized watercraft to approved licensees).
- Other business: Harvey Harris reported missing buoys in the lake due to high wind. Dean Givens to investigate.
- Bo Williams made a motion, seconded by Robin Proctor, to adjourn the meeting at 8:30 p.m. The vote of approval was unanimous.

Individual Meeting Reports and Actions:

Lake Operations Administrator – Dean Givens reported:

- Mr. Givens briefed LAB members on the status of the fuel pump for the marina. He said the permits for dredging of the lake have been obtained. Mr. Givens stated that he will be working with LAB members getting their input to draft language for a standard operating procedures manual for lake management. Mr. Givens asked LAB members to submit their suggestions in writing for the SOP manual.

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- Chairperson Braund agreed to provide to LAB members with an template for standard operating procedures, including chapters and initial material for each area of responsibility.

Emergency Preparedness – Bob Keith reported:

- *[from a report submitted prior to the meeting:]* A meeting of the LLLOA Cove Watch Captains and town officials has been scheduled for Saturday, April 19 at 10am at Fire Station 2. Ron Morgan, Eric Hester, Dean Givens and Steve Wheeler will be invited to explore ways the Cove Watch Captains can assist in lake management and fire, police and safety matters on and around the lake.

Dredging – Harvey Harris reported:

- Town Manager Steve Wheeler briefed LAB members about issues concerning the existing silt disposal sites and stabilization of these sites.
- Chairperson Braund stated there is a need for procedures to be put in place including methods for prioritizing, funding (private/public), and evaluating public requests for dredging.
- Mr. Wheeler informed LAB members that the town has already obtained a lake-wide permit authorizing lakefront owners to be permitted to install rip-rap around the lake.

[from a report submitted prior to the meeting:]

- As suggested during the 1/7/08, LAB meeting I contacted Dean Givens, Russ Pitts, and Bob Washburn and as a result did not locate any written dredging plans to date. Bob advised that a 10 year dredging plan was required by the Corps of Engineers for permitting years ago, and since the Corps no longer permits that way, such a plan may not be as critical. I suggest to pursue at least the development of a written annual plan as an action item for 2008.
- Russ Pitts on 1/27/08, via email informed the Town Manager that "we are about to have all the State permits necessary to resume dredging activities". Russ has set up a Town operational meeting on 2/4/08, at 10AM at the Town Hall for those principals responsible or involved in dredging activities. The purpose is to review operational aspects of the dredging plans for 2008. Bo, Dean, and I were asked to attend, and we can provide an update at our 2/4 meeting.
- I had an informal meeting with Dean on 1/22/08 where we reviewed the status of various issues including written plans.
- Watershed Stabilization: I will attend a planning meeting of the Upper Broad River Watershed Protection Committee at 9AM, 2/6/08, at the Town Hall. The purpose of this meeting is to inform attendees of the status of cost share projects. In addition, committee members will discuss the Quarterly Progress Report, Strategic Planning for the Program, UBRWPP Education Workshop, and the Clean Streams Workshop and Drought Forum. Any significant outcomes from this meeting will be reported.

Dam Operations, Sewer System, Water Quality – Robin Proctor reported:

- Robin is planning an upcoming tour of the wastewater treatment plant

Fish & Ecosystem – Gary Hasenfus reported:

- *[from a report submitted prior to the meeting:]* Christmas tree reefs will be constructed this month...we have the trees, i will get the necessary cinder-blocks and ropes this week...a boat is

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required for this task and our town work boat continues to be "out of order". Lake Operations Administrator Dean Givens agreed to talk to Public Works Director Tony Hennessee about the status of the public works boat being repaired.

VWIN Coordinator – Bo Williams reported:

- Nothing to report

Recreation & Commercial Activities – Bo Williams reported:

- Bo mentioned that there is no definition for public dockage written in the town's lake use regulations nor the lake structures regulations. Mr. Williams said the LAB members may wish to make a recommendation to town council to amend the lake use regulations to limit the time allowed to 15 or 20 minutes for parking of boats at public docks.
- Bo stated that the town might need a variance from the lake structures requirements to expand the boat dockage slips that have already been approved by the town council. Town Manager Wheeler stated that the town should make itself exempt from a variance for public good. After discussion, the board members agreed that the town lake structures should be exempt from lake structures design standards providing that the LAB and Town Council approves the plans. This amendment was added to the list to be presented at the February 12th council meeting (see end of meeting minutes).

Lake Structures – Wiley Bourne reported:

- Special topic discussion – proposed amendments to Lake Structures Regulations

Law Enforcement – Chris Braund reported:

- Nothing to report

Council Liaison Report:

- Heard a report from Commissioner Russ Pitts regarding previous actions taken at the Lake Lure Marine Commission meeting held on January 15, 2008 including approval or disapproval of commercial license applications for 2008, approval of meeting schedule, and presentation regarding National Lake Management Society.

Recap of Motions Passed:

- None

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Action Items:

- [Bo] will work with Dean and town staff to obtain signage for the non-motorized boat launch ramp near the ABC store.
- [Chris] Prepare and submit the draft Lake Advisory Committee bylaws for review and approval by the town council/marine commission.
- [Chris] provide standard operating procedures templates to each member for their area of responsibility

Respectfully Submitted,

Mary Flack
Town Clerk

Proposed Amendments to Lake Structure Regulations:

§ 94.05 DESIGN AND CONSTRUCTION STANDARDS

Relating to roof overhangs

(B) No structure shall be placed in the water more than 30 feet or one third the distance to the opposite shore, whichever is less, as measured to and from the shoreline. At least one third of the waterway must be left unobstructed. No portion of any lake structure, *except for a roof overhang of up to 2 feet*, shall extend beyond this boundary. *Rooftop decks and railings are examples of portions of a lake structure that are subject to the 30 foot or one-third distance limitation.* (Amended 4-12-05)

RATIONALE: Pontoon boats of 26, 27 and even 28 feet are allowed in the lake use regulations. Under the current design standards, a 30' foot extension envelope for a boathouse may not accommodate full protection for a long boat and provide for a roof overhang in aesthetic harmony with a residence. This has resulted in situations where residents take one of a few options: build walls out to 30 feet with no roof overhang (not aesthetically harmonious), let the pontoon hang out the back of the boathouse (not aesthetically harmonious) or get a smaller pontoon boat (not often done). The Board feels that allowing a roof overhang would enable owners/builders/architects to better utilize the full 30 feet, if desired, and have an attractive roofline with functionally protective eaves. This wording permits a roof overhang beyond 30 feet, but not a rooftop deck or railings. Although this has not been permitted by the design standards, many of the boathouses built over the last 10 years have, in fact, been built in this manner with walls that extend 30 feet into the lake and roof

EXPECTED IMPACTS: The Board felt that there would be no impact on navigation, as the 30 foot extension rule would remain in place for the decking and walls. There could be an impact on sightlines from neighboring properties, as the roofline of the boathouse could project up to 2 feet farther than what would be allowed under the current standards. years were built with walls that are 30 feet from the shore and an overhang that extends beyond 30 feet.

OTHER CONSIDERATIONS: The lake structures design standards would make a distinction between the main

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body of the structure (pilings, decking, walls) and the roof eaves when evaluating how far it can extend into the lake. The zoning regulations, as applied to a residential structure, do not make this distinction. Roof overhangs are part of the house when considering setback requirements.

COMPREHENSIVE PLAN:

1) Does the amendment support any policies, goals and objectives of the Plan?

YES, Policy LMLS-1.1.1(3) Update and enforce construction standards for the various types of lake structures for safety and appearance.

2) Does the amendment contradict any policies, goals or objectives of the Plan? *No*

3) Is the amendment in harmony with the stated policies, goals and objectives of the Plan? *Yes*

CRITICALITY OF AMENDMENT: LOW

LOW – not essential, but may improve the clarity, enforceability or consistency of the regulations

MEDIUM – A desirable, but not essential, improvement to the regulations

HIGH – strongly recommended to protect the interests or achieve the goals of the town, the residents or the public
Lake Advisory Board, February, 2008

§ 94.05 DESIGN AND CONSTRUCTION STANDARDS

Relating to town-owned lake structure exemption

(R) These standards shall not apply to any lake structures owned or proposed by the Town of Lake Lure, providing that designs for such structures have been reviewed and approved by the Lake Advisory Board and the Town Council.

RATIONALE: This exemption is added in order to provide flexibility for town lake structures (e.g., marinas, boat houses, boardwalks, docks) to exceed some portions of the design standards when appropriate and necessary to support the objectives for use by the public or town staff. There have been, and we anticipate there will be, situations where the desired size and configuration of town-owned facilities would not be permissible under the broad design standards. The same language is also added to section 94.06 to cover reconstruction of town-owned lake structures.

EXPECTED IMPACTS: This language already exists in section 94.14, exempting town-owned marinas from the marina design standards. This amendment extends that exemption to all lake structures design standards and provides the requirement of Lake Advisory Board and Town Council approvals.

OTHER CONSIDERATIONS: A similar exemption for town facilities is already provided in the zoning regulations.

COMPREHENSIVE PLAN:

1) Does the amendment support any policies, goals and objectives of the Plan?

YES, Policy LMLS-1.1.1(3) Update and enforce construction standards for the various types of lake structures for safety and appearance.

2) Does the amendment contradict any policies, goals or objectives of the Plan? *No*

3) Is the amendment in harmony with the stated policies, goals and objectives of the Plan? *Yes*

CRITICALITY OF AMENDMENT: HIGH

LOW – not essential, but may improve the clarity, enforceability or consistency of the regulations

MEDIUM – A desirable, but not essential, improvement to the regulations

HIGH – strongly recommended to protect the interests or achieve the goals of the town, the residents or the public
Lake Advisory Board, February, 2008

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§ 94.06 ALTERATION AND RECONSTRUCTION OF STRUCTURES

Relating to town-owned lake structure exemption

(D) These standards shall not apply to any lake structures owned by the Town of Lake Lure, providing that designs for such structures have been reviewed and approved by the Lake Advisory Board and the Town Council.

RATIONALE: See 94.05 (R) above. This new 94.06 exempts town-owned lake structures from the alteration and reconstruction standards provided there is Lake Advisory Board and Town Council approval.

§ 94.13 CLUSTER MOORING FACILITIES

Relating to cluster moorings – canopies

(B) Cluster mooring facilities shall only be installed adjacent to upland lot(s) zoned for resort or commercial use. The same requirements apply to cluster mooring facilities as do to all other lake structures except they shall have no walls or roofs. *Canopies attached to or installed above boat lifts are considered roofs and are prohibited in cluster mooring facilities. Such facilities may not have* more than three individual permanent moorings per 100 feet of measurable shoreline of lake front property that is owned by the applicant and that is free of any lake structures (other than sea walls and boardwalks). Existing private docks or boathouses must be removed prior to construction of a cluster mooring facility and no private docks or boathouses can be applied for or constructed adjacent to the upland lot(s) for which a cluster mooring facility has been approved. All moorings shall be classified as permanent or temporary, numbered, and with signage that is viewable from the lake which indicates classification and number of each mooring. **(Amended 4-12-05, 7-11-06, 8-14-07)**

RATIONALE: The addition of clarifying language that defines boat lift canopies as an example of a prohibited roof was suggested during conversations between the Lake Advisory Board and the Lake Structures Administrator. It is intended to remove the ambiguity that may exist in the current regulations. The same language is inserted in 94.14 below.

EXPECTED IMPACTS: This clarifies that the boat lift canopies currently in place in the Quail Cove condominium cluster mooring facility are prohibited under these regulations. There is a recommend activity to bring these existing units into compliance (perhaps by granting a variance) and then enforcing the prohibition against additional ones.

OTHER CONSIDERATIONS: None

COMPREHENSIVE PLAN:

- 1) Does the amendment support any policies, goals and objectives of the Plan?
YES, Policy LMLS-1.1.1(3) Update and enforce construction standards for the various types of lake structures for safety and appearance.
- 2) Does the amendment contradict any policies, goals or objectives of the Plan? *No*
- 3) Is the amendment in harmony with the stated policies, goals and objectives of the Plan? *Yes*

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CRITICALITY OF AMENDMENT: MEDIUM

LOW – not essential, but may improve the clarity, enforceability or consistency of the regulations

MEDIUM – A desirable, but not essential, improvement to the regulations

HIGH – strongly recommended to protect the interests or achieve the goals of the town, the residents or the public

§ 94.14 MARINAS

Relating to marinas – canopies

(B) Marinas shall only be installed adjacent to upland lot(s) zoned for commercial or resort use. The same requirements apply to marinas as do to all other lake structures except they shall have no walls or roofs. *Canopies attached to or installed above boat lifts are considered roofs and are prohibited in marinas. Such facilities* may have not more than five permanent or temporary moorings for each 100 feet of measurable shoreline that is owned by the applicant and that is free of any lake structures (other than sea walls and boardwalks). The lake front property that is used in the formula for determining the number of moorings must be contiguous with the site of the proposed marina. Existing private docks or boathouses must be removed prior to construction of a marina and no private docks or boathouses can be applied for or constructed adjacent to the upland lot(s) that are associated with a marina. All moorings shall be classified as permanent or temporary, numbered, and with signage that is viewable from the lake which indicates classification and number of each mooring. These limitations shall not apply to any marina owned by the Town of Lake Lure. **(Amended 4-12-05, 7-11-06, 8-14-07)**