



Incorporated 1927

Town of Lake Lure

P. O. Box 255 • Lake Lure, NC 28746-0255 • 828/625-9983 • FAX 828/625-8371

Minutes of the Regular Meeting of the Zoning and Planning Board

Tuesday, August 17, 2010

Lake Lure Municipal Center

Chairman Washburn called the meeting to order at 9:34 a.m.

ROLL CALL

Present: Dick Washburn, Chairman
Rick Coley
Bill Bush
Paula Jordan
John Moore, Town Council Liaison

Absent: Donnie Samarotto

Also Present: Suzy Smoyer, Planner/ Subdivision Administrator, Recording Secretary
Shannon Baldwin, Community Development Director
Mike Egan, Community Development Attorney
Sheila Spicer, Zoning Administrator
Clint Calhoun, Environmental Management Officer

APPROVAL OF THE AGENDA

The agenda was approved upon a motion made by Ms. Jordan and seconded by Mr. Bush.

APPROVAL OF THE MINUTES

The minutes were approved, as amended, upon a motion made by Mr. Bush and seconded by Rick Coley.

NEW BUSINESS

(A) Discussion on House Bill 683; an Act to Amend the Permit Extension Act of 2009

Ms. Smoyer gave an overview of the Session Law 2009-405, known as the Permit Extension Act of 2009. The Permit Extension Act basically stopped the clock for

development approvals that were current and valid at any point during the three year period between January 1, 2008 and December 31, 2010. This Act was passed to help the development community through the economic downturn. Also, a significant amount of staff time had gone into the review of development approvals. It was thought that the Act would prevent staff from having to revisit old permits/ approvals while new ones are coming in.

This past session, the General Assembly enacted a session law allowing for an additional year extension, providing a mechanism for local government to “opt” out. The following is a summary of the amendment:

- Session Law #2010-177 extends the existing permit extension legislation in such a way that the suspension period will now not come to an end until December 31, 2011 (instead of December 31, 2010). In other words, the clock will not start again until December 31, 2011.
- A local government may opt out of the one year extension (and other amendments to the original legislation) by adopting a resolution that provides that the one year extension and related 2010 amendments shall not apply to a development approval issued by that governmental unit.

The Board reviewed the existing subdivision approvals. The research was included in the packet. In general, the Board agreed that the additional one year extension would be appropriate for most of the approved subdivisions because they have made significant progress and because the regulations that have passed since the original approvals will not have a significant impact on the overall subdivision. The one exception is Overlook Subdivision for which no improvements have been installed. The Board and staff discussed the various approved subdivisions including Overlook, Firefly Cove and the Highlands. Mr. Egan explained that the Town should not single out an individual development approval because it could be viewed as being unconstitutional.

The Board also discussed other development approvals such as conditional use permits. Overall, staff and the Zoning and Planning Board do not believe that the additional year will have a significant negative impact on these development approvals.

Mr. Coley made a motion to recommend that the Town Council take no action on Session Law #2010-177. Taking no action would support the additional one extension for development approvals in Lake Lure. Paula Jordan seconded the motion. All were in favor.

Consent Agenda

The Board reviewed the subdivision report and the Blue Heron Point position paper. Bill Bush noted that many Property Owners Associations (POAs) in Lake Lure maintain their own water system. The Board also discussed the roads in Blue Heron Point. Mr. Bush believes that the Lake Lure Village Resort owns the north side of Carson’s Way.

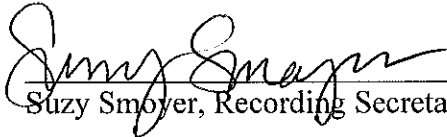
OTHER BUSINESS

The Board watched a special on television regarding the upcoming Olympiad. The Board discussed the new bridge and retaining wall. They also discussed plans for the old bridge.

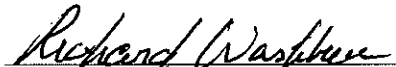
ADJOURNMENT

Mr. Bush made a motion seconded by Ms. Jordan to adjourn the meeting. The motion passed unanimously. The meeting was adjourned at 10:35 a.m. The next regular meeting is scheduled for Tuesday, September 21, 2010 at 9:30 a.m. at the Lake Lure Municipal Center.

ATTEST



Suzy Smoyer, Recording Secretary



Richard Washburn, Chairman