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**RESOLUTION PROPOSAL**

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**DATE:** June 25, 2009

**SUBJECT:** Amend PM 13.03 LMOA Environmental Controls: Construction and Property Maintenance Requirements to revise Dredging Policy

**SPONSOR:** Rich Barringer, Chairman, Lake Preservation Committee

**BACKGROUND INFORMATION:**

LMOA has established a long-term Lake Maintenance Dredging Program to remove sediment from the lake. The program has a provision for lakefront homeowners to have their waterfronts maintenance dredged for a fee, on an as available basis. The recommended changes to LMOA policy are to accommodate this provision. Additionally, changes are recommended to clarify previous dredging policy.

**STAFF RECOMMENDATION:** Concur

**PROPOSED FINANCIAL IMPACT:** Income from homeowner dredging fees to supplement the Lake Health Account

**PROPOSED SOURCE OF FUNDING:** NA

**STRATEGIC PLAN REFERENCE:**

2.1 Protect and improve the lakes and ponds through ecologically sound measures implemented by the Association and individual property owners.

**POSSIBLE MOTION:**

Move that the Board of Directors approve the amendment of PM 13.03 LMOA Environmental Controls: Construction and Property Maintenance Requirements to revise Dredging Policy as presented in the June 25, 2009 Board packet.

**PERSON RESPONSIBLE FOR FOLLOW-UP:** General Manager

CHAPTER THIRTEEN – Section 13.03  
CONSTRUCTION AND PROPERTY MAINTENANCE REQUIREMENTS

Revised: April 24, 2008  
Amended: April 23, 2009  
**Proposed: June 25, 2009**

**X. DREDGING (Change of Lake Basin)****A. General**

No dredging of any lake or cove shall be undertaken without prior approval of the ECC. ~~Property owners may clear leaves and loose debris from the shoreline and waters adjoining their property without prior approval.~~

**B. Restrictions**

1. No tracked vehicles shall be permitted on the LMOA roadways at any time or for any reason.
2. No dredging will be allowed in the vicinity of the "gas transmission line" under the lake.
3. Dredging shall not extend into the fifteen foot (15') easement for placement of utility lines.

**C. Application Requirements**

1. Property owner applications for approval of dredging will be considered on an individual lot-by-lot basis. Application for construction of a shore wall or dock shall be submitted separately from the home construction application when dredging is involved.
2. Applications will be considered by the ECC when accompanied by the required **fee**, deposit and the following documentation:
  - a. Copies of all approvals or permits required by the Corps of Army Engineers and other Federal, Virginia or County agencies;
  - b. Certification that all utility companies have been notified, and approvals obtained;
  - c. Certification that notification to dredge has been made to and received by adjacent and other potentially affected shoreline owners. The application shall include all comments received, and a certified statement specifying non-respondents. The notification to adjacent and other potentially affected shoreline owners shall include as a minimum:
    - i. A requested response, postmarked within ten days from the date of receipt of the notification;
    - ii. A summary description of the dredging application;
    - iii. A telephone number where additional information regarding the proposed dredging application can be obtained.
3. The dredging application shall include a detailed plan, including the following information:

- a. A drawing showing the finished grade of the lake bottom after dredging. For a bottom contour steeper than a slope of 1:3 a bulkhead or rip rap is required.
  - b. Erosion control measures (shore wall, rip rap, etc.) during and after the dredging process.
  - c. All trees to be removed, both in the area to be dredged and to obtain access to the area to be dredged. All such trees shall also be adequately marked on the property for inspection by members of the ECC.
  - d. Deposition of Spoils: The amounts of materials to be removed in the dredging process, as well as the location for deposition of such materials. Proper disposal of such materials, whether on the owner's property or elsewhere, shall be the sole responsibility of the property owner.
  - e. Transportation of Spoils: The method of transporting the silt, soil, and other materials removed by the dredging procedure, including measures to be taken to assure that such materials will not be **leaked or spilled deposited** on the LMOA roadways.
    - i. Any damage to roads or other common property attributable to the dredging operation shall be the responsibility of the applicant/property owner, who shall be given an opportunity to affect repairs at his/her own expense within a reasonable period of time, and to the satisfaction of the Association. If such damage is not satisfactorily repaired within a reasonable period of time, the Association shall have the option of affecting the repairs and charging the cost thereof to the property owner.
    - ii. When dredged materials are to be deposited on the applicant's property, before and after drawings with two feet contour line intervals shall be provided, including projected water "run-off" areas. Erosion shall be controlled until soil has been landscaped or otherwise stabilized in accordance with Section II of this Policy [Site Improvements].
4. A licensed land surveyor shall place and string irons and stakes to identify the property line prior to consideration of any dredging application by the ECC. The owner shall provide a certified plat of the lot to be dredged, showing the exact location of all underground utilities. "Off-set" stakes, and flags identifying utilities, shall be set an appropriate distance from the lot line to remain undisturbed throughout the dredging process.
- D. The ECC shall have the right to withhold their decision on the dredging application in order to provide, when requested, an adjacent or potentially affected shoreline owner adequate time to review the complete dredging application.
- E. Mitigation of Nuisance: During the dredging process, the property owner shall take immediate steps to mitigate, to the satisfaction of the Association, any odor problem for which a formal complaint is received.
- F. Completion: The lot owner shall **notify-submit a Notice of Completion to** the ECC **in-writing** when all work has been completed. Upon satisfactory compliance with all requirements, the deposit will be refunded. If the dredging operation is

not completed within a reasonable period of time, the Association may complete the dredging operation, including completion of the shore wall or rip rap, at the property owner's expense.

**XI. Maintenance Dredging using a Commercial Contractor (removing sediment down to the basin)**

**A. General**

No maintenance dredging of any lake or cove shall be undertaken without prior approval of the ECC except that property owners may clear leaves and loose debris from the shoreline and waters adjoining their property by hand without prior approval.

**B. Restrictions**

1. No tracked vehicles shall be permitted on the LMOA roadways at any time or for any reason.
2. No maintenance dredging will be allowed in the vicinity of the "gas transmission line" under the lake.
3. Maintenance dredging shall not extend into the fifteen foot (15') easement for placement of utility lines.

**C. Application Requirements**

1. Property owner applications for approval of maintenance dredging will be considered on an individual lot-by-lot basis.
2. Applications will be considered by the ECC when accompanied by the required fee, deposit and the following documentation:
  - a. Copies of all approvals or permits required by the Corps of Army Engineers and other Federal, Virginia or County agencies;
  - b. Certification that all utility companies have been notified, and approvals obtained.
3. The maintenance dredging application shall include a detailed plan, including the following information:
  - a. Deposition of Spoils: The amounts of materials to be removed in the maintenance dredging process, as well as the location for deposition of such materials. Proper disposal of such materials whether on the owner's property or elsewhere, shall be the sole responsibility of the property owner.
  - b. Transportation of Spoils: The method of transporting the silt, soil, and other materials removed by the maintenance dredging procedure, including measures to be taken to assure that such materials will not be leaked or spilled on LMOA roadways.
    - i. Any damage to roads or other common property attributable to the maintenance dredging operation shall be the responsibility of the applicant/property owner, who shall be given an opportunity to affect repairs at his/her own expense within a reasonable period of time, and to the satisfaction of the Association. If such damage is not satisfactorily repaired within a reasonable period of time,

the Association shall have the option of affecting the repairs and charging the cost thereof to the property owner.

- ii. When maintenance dredged materials are to be deposited on the applicant's property, before and after drawings with two feet contour line intervals shall be provided, including projected water "run-off" areas. Erosion shall be controlled until soil has been landscaped or otherwise stabilized in accordance with Section II of this Policy [Site Improvements].

- D. Mitigation of Nuisance: During the maintenance dredging process, the property owner shall take immediate steps to mitigate, to the satisfaction of the Association, any odor problem for which a formal complaint is received.
  - E. Completion: The lot owner shall submit a Notice of Completion to the ECC when all work has been completed. Upon satisfactory compliance with all requirements, the deposit will be refunded. If the maintenance dredging operation is not completed within a reasonable period of time, the Association may complete the maintenance dredging operation, including completion of the shore wall or rip rap, at the property owner's expense.
- XII. Maintenance Dredging using the LMOA Maintenance Dredging Program (removing sediment down to the basin)**
- A. General

No maintenance dredging of any lake or cove shall be undertaken without prior approval of the ECC except that property owners may clear leaves and loose debris from the shoreline and waters adjoining their property by hand without prior approval.
  - B. Restrictions
    1. No maintenance dredging will be allowed in the vicinity of the "gas transmission line" under the lake.
    2. Maintenance dredging shall not extend into the fifteen foot (15') easement for placement of utility lines.
  - C. Application Requirements
    1. Property owner applications for approval of maintenance dredging will be considered on an individual lot-by-lot basis.
    2. Applications for maintenance dredging will be considered by the ECC when accompanied by the following documentation:
      - a. Certification that all utility companies have been notified and approvals attained.
      - b. Signed LMOA Hold Harmless Agreement.
      - c. The application fee and payment of not less than fifty percent of LMOA fees for maintenance dredging shall be paid before services are rendered.
  - D. Completion: If full payment was not made at time of application the balance for maintenance dredging services shall be made within 10 days of the Notice of Completion approval date.