

Report to the Environmental Review Commission

Pursuant to S.L. 2014-120, Sec. 29 REFORM AGENCY REVIEW OF ENGINEERING WORK January 12, 2015

Name of Local Government Unit:

Avery County Planning Department

Approved/delegated program subject to reporting requirements:

☒ Sedimentation/Erosion Control

☐ Storm Water

☐ Water/Sewer

☐ Cross-connection

☐ 401 Certifications

☐ Other

Tommy Burleson



Date: 1/12/15

*Report submitted electronically to Muriah Matheson, Commission Assistant,
Environmental Review Commission, at Mariah.matheson@ncleg.net.*

S.L. 2014-120 Sections 29, (b) 1 & 2, (c) 1 & 2

Avery County Planning Department has made the following adjustment to the Avery County Soil Erosion & Sedimentation Control Ordinance to be in compliance with North Carolina Statutes S.L. 2014 – 120, Sec. 29, reform agency review of engineered work. The agency (Avery County Planning Department) will only require changes to the plan application which are required by the Avery County Erosion & Sedimentation Ordinance and/or statutory requirements required by the state or federal agencies.

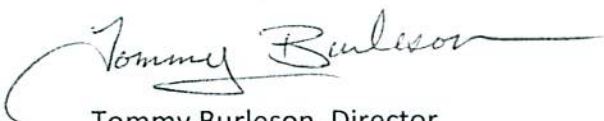
If the plan reviewer makes the determination that a measure or control devices has not been submitted by a prescriptive method and required additional analytic calculations to support the “innovative design” and/or methodology by which the professional engineer has submitted the plan. It then becomes the option of the submitter to request an informal review of said discrepancies and if the reviewer and submitter cannot agree on a remedy for the reviewers request. The submitter has the option and the right to allow a “third party” review of the plan and/or measures or device methodology.

Avery County Planning Department has a list of Design Professional Engineers (civil) of which the submitter has the right to request a secondary review of the plan. The submitter will be responsible to pay for the additional review at a presently “set rate” of \$90.00 (ninety dollars) per hour. The secondary review shall be acceptable to the Avery County Planning Department’s Plan Reviewer.

S.L. 2014 – 120 Section 29. (h) 1 & 2

The Avery County Planning Department Director has reviewed all Plan Reviewers job description and the word “engineer” does not appear in any job description that does not require a design professional licenses/professional engineer licenses for the Avery County Planning Department Staff. If any questions, concerning this document, please contact the Avery County Planning Department Director at (828) 733-8204.

Sincerely,



Tommy Burleson, Director
Avery County Planning Department

☒ Check to indicate that this plan review program implemented procedures whereby plan reviewers distinguish between plan changes that are required by statutory or other legal authority and those that the reviewer offers as suggestions for improvement. Refer to S.L. 2014-120, Section 29.(b)(1) for further details about this requirement.

☒ Check to indicate that this plan review program identifies the statutory or regulatory authority for any revisions or requests for additional information that are required by the program in order to grant the requested plan permit, approval, or license. Refer to S.L. 2014-120, Section 29.(b)(2) for further details about this requirement.

☒ Check to indicate that this plan review program implemented procedures for local governments to follow when (1) a Professional Engineer submits a sealed design or practice that is not in the local government's guidance, manuals, or standard operating procedures, and (2) the submitting Professional Engineer requests additional internal review of that design or practice. Refer to S.L. 2014-120, Section 29.(c)(1) for further details about this requirement.

☒ Check to indicate that this plan review program established a procedure whereby the plan reviewer's supervisor OR the approving/delegating state agency can provide further review and oversight of these design details. Refer to S.L. 2014-120, Section 29.(c)(1) for further details about this requirement.

☒ Check to indicate that this plan review program either employs a Professional Engineer who can conduct further review of these innovative designs, or maintains a list of consulting Professional Engineers of the local government unit's choice that may conduct this review, if requested by and paid for by the submitting Professional Engineer. Refer to S.L. 2014-120, Section 29.(c)(1) for further details about this requirement.

☒ Check to indicate that this plan review program established an informal internal process to address disputes when a plan reviewer identifies a change to the plans as being "required" under a specific, identified legal authority. Refer to S.L. 2014-120, Section 29.(c)(2) for further details about this requirement.

☒ Check to indicate that this plan review program discontinued use of the word "engineer" in the job titles of all program employees whose responsibilities include review of plans in affected programs, *unless* those employees hold Professional Engineer licenses. Refer to S.L. 2014-120, Section 29.(h) for further details about this requirement.

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☒ Check to indicate that this plan review program reviewed the titles of all employees conducting plan reviews for this program. Refer to S.L. 2014-120, Section 29.(h)(1) for further details about this requirement.

☒ Check to indicate that this plan review program proposed revisions to those employees' job titles in order to eliminate use of the word "engineer" when publicly identifying those employees, if those employees do not hold Professional Engineer licenses. Refer to S.L. 2014-120, Section 29.(h)(2) for further details about this requirement.

A secondary review of a sedimentation & erosion plan shall be acceptable to the Avery County Planning Department upon the request of the plan submitter per S.L. 2014-120 Section 29 of the: Reform Agency Review Statutes.