

Report to the Environmental Review Commission

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

January 14, 2015

Name of Local Government Unit: *Town of Carrboro*

Approved/delegated program subject to reporting requirements:

☒ Sedimentation/erosion control

☒ Stormwater

☐ Water/sewer

☐ Cross-connection

☐ 401 certifications

☐ Other

Martin Roupe, Development Review Administrator

Signature of report preparer

January 14, 2015

Date

*Submit this report electronically to Mariah Matheson, Commission Assistant,
Environmental Review Commission, at Mariah.Matheson@ncleg.net.*

Name of local government unit: Town of Carrboro

A memorandum is attached clarifying related requirements to all individuals involved in engineering review in Carrboro, NC

☒ 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.

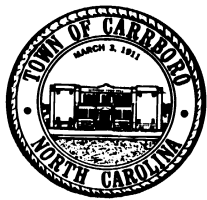
☒ Check to indicate that this plan review program established an informal internal process to address disputes when a plan reviewer identifies a change to the plans as being "required" under a specific, identified legal authority. Refer to S.L. 2014-120, Section 29.(c)(2) for further details about this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

Name of local government unit: Town of Carrboro

☒ 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.



TOWN OF CARRBORO


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MEMORANDUM

TO: All Individuals Involved in Engineering Review in Carrboro

CC: Patricia McGuire, AICP, Planning Director

FROM: Martin Roupe, Development Review Administrator 

DATE: January 14, 2015

SUBJECT: Explanation of Changes in Law Related to Local Government Review of Engineering Related Work

Pursuant to Omnibus Regulatory Reform Bill, S. L. 2014-120, Section 29, this memo explains specific parameters related to the review of work submitted by licensed engineers. Please continue to review plans and materials consistent with our existing practices and within the stated parameters and ensure that review letters you produce reflect the new requirements associated with this state law. Please let me know if you have questions.

Authority for review of engineering materials and plans submitted by private sector engineers is based in Chapter 15, Land Use Ordinance, of Carrboro's Town Code. Please let me know if additional information or discussion is needed.

New requirements associated with S. L. 2014-120, Section 29:

- ☒ 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.

Staff commentary: Please ensure that letters make clear and distinguish between requirements and suggestions.

- ☒ 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.

Staff commentary: Authority for review of engineering materials and plans submitted by private sector engineers is based in Chapter 15, Land Use Ordinance (LUO), of Carrboro's Town Code. Please ensure that review letters you produce now clearly state as much at the beginning of the letter, and further identify specific LUO sections where appropriate related to individual comments.

- ☒ 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.

Staff commentary: Please consult with the Development Review Administrator in the case that you are asked to review any information not currently governed by authority granted in the LUO so that we can ensure we are acting in compliance with this section of the law.

- ☒ 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.

Staff commentary: Please consult with the Development Review Administrator in the case that you are asked to review any information not currently governed by authority granted in the LUO so that we can ensure we are acting in compliance with this section of the law.

- ☒ 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.

Staff commentary: The Town of Carrboro maintains a list of consulting Professional Engineers that conduct reviews upon request. The engineering firms are: Sungate Design Group of Raleigh, NC; McGill Associates of Pinehurst, NC; and Anderson & Associates of Greensboro, NC. With regard to proposed innovative designs, the LUO relies upon what the NCDENR BMP Manual allows, which includes the potential to propose and for the Town to approve an innovative design not specifically included in the manual. As related to septic systems, Orange County Environmental Health reviews proposals on behalf of the Town, and they are willing to consider innovative designs.

- ☒ 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.

Staff commentary: The Town of Carrboro offers a Development Review Meeting forum on a weekly basis in which engineering matters of any type may be informally discussed between consulting Professional Engineers and town staff, including the Town Attorney when needed. Additionally, LUO Section 15-91, Appeals, and Section 15-93, Interpretations, both provide for more formal review of disputes by the Board of Adjustment.

- ☒ 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.

Staff commentary: The Town of Carrboro currently complies with this requirement. The Public Works’ Department employs an Engineering Technician, which seems to be an acceptable public title under the new law.

- ☒ 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.

Staff commentary: Yes, the Town of Carrboro has reviewed all applicable job titles. The Town currently complies with this requirement. The Public Works’ Department employs an Engineering Technician, which seems to be an acceptable public title under the new law.

- ☒ 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.

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