



PLANNING & ZONING BOARD
MEETING

THURSDAY NOVEMBER 21ST, 2024

7:00PM

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**WHITE LAKE PLANNING BOARD
AGENDA
7:00 P.M.**

November 21, 2024

To: Chairman Joy Warren & White Lake Planning Board Members

From: Sean Martin, Town Administrator/Interim Clerk to P&Z Board

CC: Lee Cain, Zoning Assistant
Dale Brennan, Fire Chief
Kevin Taylor, Public Works Director

Date: November 21, 2024

Re: Planning Board Agenda Items

Agenda Items:

- 1. Approval of Minutes:** February 15, 2024 Meeting
- 2. Board Member Term Update**
 - A. ETJ Member Wade Lowry – Term expires 10/14/24
- 3. Stormwater Ordinance – Legal Review**
- 4. Stormwater Draft Proposal – WithersRavenel**
- 5. Planning Board Utilization**
- 6. Other Business**
- 7. Open Forum:** Three minutes per citizen. Please state name and address.

Adjourn

**MINUTES
OF THE
TOWN OF WHITE LAKE
PLANNING BOARD MEETING
February 15, 2024
7:00 P.M.**

The White Lake Planning Board met in the Town Hall, 1879 White Lake Dr., White Lake, North Carolina at 7:00 p.m. on Thursday, February 15, 2024. Those present were Chairwoman Joy Warren, Sarah Cook, Jonathan Langston, Hope Campbell, Lisa Young, Wade Lowry, and Sky Moore. Pat Taylor, Clerk to the Board, and Sean Martin, Town Administrator were also present. Absent were Vice-Chair Paul Norris and Stephanie Ensminger.

Chairwoman Joy Warren declared a quorum, called the meeting to order and gave the invocation.

Jonathan Langston recited the pledge of allegiance.

Approval of Minutes Chairwoman Joy Warren called for approval of the minutes of the November 16, 2023 meeting. There being no further discussion, Jonathan Langston moved, seconded by Lisa Young TO APPROVE THE MINUTES OF THE NOVEMBER 16, 2023 MEETING (Unanimous in favor).

Planning Board Members Term Expiration: Chairwoman Joy Warren informed the Board that three (3) members of the Planning Board terms have expired or were about to expire. Those members being Hope Campbell, Jonathan Langston, and Sky Moore. After brief discussion, Sarah Cook motioned, seconded by Wade Lowry, TO RECOMMEND HOPE CAMPBELL, JONATHAN LANGSTON, AND SKY MOORE BE REAPPOINTED TO ANOTHER 3-YEAR TERM ON THE PLANNING BOARD (Unanimous in favor).

Town of White Lake Storm Water Plan Draft: Amanda Hollingsworth, Project Manager, with WithersRavenel presented the draft stormwater plan virtually for the Planning Board's consideration and input. The draft included three main sections: stormwater ordinance comparisons, potential projects and cost estimates for said projects in the stormwater plan scope of work, and streetscape opportunity areas that would enhance stormwater control on White Lake Dr.

Lake Waccamaw Stormwater Ordinance Discussion: Sean Martin, Town Administrator presented the ordinance example and discussed relevant topics in the Town of Lake Waccamaw's stormwater ordinance that could be utilized in the Town of White Lake's draft ordinance.

Open Forum: Three (3) minutes per citizen. Should state name and address.

1. **Terri Hawley** – Asked the Planning Board for a recommendation to the Board of Commissioners on the Stormwater Plan presented earlier in the meeting and raised concerns over areas in the town that were not included in the draft plan.

Meeting Adjourned

Submitted by:

Sean Martin, Town Administrator

Approved:

Joy Warren, Chairwoman

**PLANNING & ZONING BOARD OF ADJUSTMENTS
 3 Year Term**

IN TOWN MEMBERS

Article 4, Section 4.6.3.1 (a): Four members SHALL reside within the corporate limits of the Town of White Lake and one member may reside within the corporate limits of the Town of White Lake or may reside outside fo the corporate limits and own or operate a business within the corporate limits. The Board of Commissioners may appoint up to two alternate members of the Planning Board who reside inside the Town limits and two alternate members shall be appointed by the Bladen County Board of Commissioners who reside within the Town's extraterritorial jurisdictional planning area or own or operate a business within the Town's extraterritorial planning area.

Article 4, Section 4.6.3.1 (b): Five in-town members shall be appointed by the Town Board of Commissioners and one extraterritorial member SHALL be appointed by the Board of County Commissioners in Bladen County.

<u>Name & Address</u>	<u>Appointed</u>	<u>Expires</u>
Hope Campbell (Member) 331 Lake Shore Dr. PO Box 637 Elizabethtown, NC 28337	10/18/01	10/18/04
	10/12/04	10/12/07
	02/12/08	02/12/11
	02/08/11	02/08/14
	03/11/14	03/11/17
	07/11/17	07/11/20
	02/09/21	02/09/24
	03/12/24	03/12/27
(Appointed in Feb. due to COVID)		
Joy Warren (Member) (Chairman-Woman) 86 Gray's Lane White Lake, NC 28337	12/08/09	12/08/12
	12/11/12	12/11/15
	12/11/15	12/11/18
	12/11/18	12/11/21
	12/10/19	12/10/22
	12/10/22	12/10/25
(Reappointed in error-Term extended to 2022)		
Lisa Young (Alternate) 51 Clarkland Village White Lake, NC 28337	02/16/23	02/16/26
Jonathan Langston (Member) 98 Wilson Rd. White Lake, NC 28337	02/09/21	02/09/24
	03/12/24	03/12/27
Sarah Cook (Member) PO Box 968 Elizabethtown, NC 28337	12/10/19	12/10/22
	12/10/22	12/10/25
Paul Norris (Member) (Vice-Chair) 472 Lake Shore Dr. White Lake, NC 28337	06/16/22	06/16/25
Sky Bass (Alternate) 254 Gray's Lane White Lake, NC 28337	03/09/21	03/09/24
	03/12/24	03/12/27

PLANNING & ZONING BOARD OF ADJUSTMENTS
3 Year Term

ETJ MEMBERS

Article 4, Section 4.6.3.1 (a): One member shall reside within the Town's extraterritorial planning area or shall own or operate a business within the Town's extraterritorial planning area. The Board of Commissioners may appoint up to two alternate members of the Planning Board who reside inside the Town limits and two alternate members SHALL be appointed by the Bladen County Board of Commissioners who reside within the Town's extraterritorial jurisdictional planning area or own or operate a business within the Town's extraterritorial planning area.

Article 4, Section 4.6.3.1 (b): Five in-town members shall be appointed by the Town Board of Commissioners and one extraterritorial member SHALL be appointed by the Board of County Commissioners in Bladen County.

Stephanie Ensminger

61 Hunter's Run Road

Elizabethtown, NC 28337

(Do not include on Gender Appointment Form)
(Reported by County)

04/03/18

05/20/20

05/18/20

05/20/23

05/18/23

05/18/26

Wade Lowry

3679 NC 53 Hwy. East

PO Box 95

Elizabethtown, NC 28337

(Do not include on Gender Appointment Form)
(Reported by County)

12/17/18

12/17/21

12/17/21

10/14/24

~~~~~  
\*\*\*PEOPLE THAT HAVE STATED THEY WOULD LIKE TO BE ON THE PLANNING BOARD IF SOMEONE RESIGNS IN-TOWN MEMBER.

**WAITING LIST:**

1. JEANE' POPE
  2. SUSIE HOLLAND
- ~~~~~

**Sean Martin**

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**From:** Maria Edwards <medwards@bladenco.org>  
**Sent:** Thursday, October 24, 2024 9:20 AM  
**To:** smartin@whitelakenc.org  
**Subject:** White Lake Planning & Zoning (ETJ) 10242024  
**Attachments:** White Lake Planning & Zoning (ETJ) 10242024.pdf  
  
**Importance:** High

Good morning, Sean.

Please find attached an updated membership roster for the Planning & Zoning Board of Adjustments. The County Commissioners reappointed Mr. Lowry to a three-year term of service during the October 21, 2024 meeting. A letter of reappointment is being mailed today.

I hope you have a great day,

*~ Maria*



Maria C. Edwards, NCCCC  
Clerk to the Board/Asst to County Manager  
County of Bladen  
PO Box 965  
201 East King Street  
Elizabethtown, NC 28337  
910 862-6702 (voice)  
910 862-6767 (fax)

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Pursuant to North Carolina General Statutes Chapter 12, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to request and review by third parties.

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This message has been scanned for viruses and dangerous content by MailScanner believed to be clean.  
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Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to request and review by third parties.  
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## White Lake Planning & Zoning Board of Adjustments (ETJ)

| Member Info                                                                                                               | Appt / Reappt                          | Term Expiration                        |
|---------------------------------------------------------------------------------------------------------------------------|----------------------------------------|----------------------------------------|
| Stephanie Ensminger<br>61 Hunter's Run Road<br>Elizabethtown, NC 28337<br>910 874-3819<br>to fill A Evans' unexpired term | 4/03/2018 A<br>5/18/2020<br>5/15/2023  | 5/20/2020<br>5/20/2023<br>5/20/2026    |
| (Alternate Position)                                                                                                      |                                        |                                        |
| Wade Lowry<br>PO Box 95<br>Elizabethtown, NC 28337<br><br>3679 NC 53 Hwy. East<br>Elizabethtown, NC 28337                 | 12/17/2018<br>10/18/2021<br>10/21/2024 | 10/14/2021<br>10/14/2024<br>10/14/2027 |

Board has one (1) Alternate member who serves only in absence of regular member.

Marcia deAndrade resigned her appointment by letter of resignation dated September 15, 2016. Per email from White Lake Town Clerk dated September 16, 2016, the active ETJ membership will remain at one (1) designated voting member and one (1) alternate.





## Memorandum

### Attorney-Client Privileged and Attorney Work Product

**To:** Sean Martin, Town Administrator, Town of White Lake  
**From:** Catherine G. Clodfelter, Andrew P. Tabeling  
**Date:** August 2, 2024  
**Re:** Proposed White Lake Stormwater Ordinance Revisions

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### **Suggested Revisions of Draft Stormwater Ordinance**

Parker Poe has performed a review of the White Lake's proposed Stormwater Ordinance Revisions. Following our review, we suggest changing enforcement language in the ordinance from a mandatory enforcement standard to a discretionary enforcement standard. Our review of North Carolina law suggested this approach would not create a risk of challenge and would allow the Town to decide upon its own future practices for stormwater enforcement.

Section I of this memo summarizes Parker Poe's proposed revisions, and Section II discusses the acceptability of a discretionary enforcement standard versus a mandatory enforcement standard.

### **Section I. Proposed Revisions**

#### Section 3.0

- "shall govern" change to "shall apply to" in order to remove a suggestion of mandatory enforcement

#### Section 4.0

- 4.1(a)- "to regulate" developments, etc. consistent with regulations and requirements changed to "to bring developments into compliance with" regulations and requirements

#### Section 7.0

- 7.1(b)- change "mandatory standards" to "standards"
  - (b)(1)- change "is subject to" to "may be subject to"
  - (b)(2)- change "are subject to" to "may be subject to"
  - (b)(3)- change "is subject to" to "may be subject to"
  - (b)(4)- change "are subject to" to "may be subject to"
  - (b)(5)- change "are subject to" to "may be subject to"
  - (b)(6)- change "will be given" to "may be given" and "will be subject to" to "may be subject to"
  - (b)(7)- change "will be subject to" to "may be subject to"

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- 7.1(c)- change “mandatory standards” to “standards” and change “will be subject to” to “may be subject to”
- 7.1(d)- change “will be subject to” to “may be subject to”
  - (d)(2)- change “conduction” to “conducting” (typo)
- 7.4(c)- change “which obtains a building permit” to “that obtains a building permit” and “which discharges” to “that discharges” (grammar)
- 7.4(d)- change “shall be served” to “may be served”
- 7.6(a)- change “shall subject” to “may subject”
- 7.6(b)- change “shall be enforced” to “may be enforced”

## **Section II. Discretionary Enforcement**

### **Caselaw Suggests White Lake May Maintaining a Discretionary Standard for Stormwater Enforcement**

Prior to making the suggested revisions in Section I, Parker Poe also performed research to understand whether the Town would violate other State or Constitutional standards if it set out by ordinance that enforcement were discretionary and not mandatory.

Our conclusion from that research is that the Town would not face any risk by retaining a discretionary stormwater enforcement standard. This research suggested that (1) a court would defer to the Town’s decision to not enforce its stormwater ordinances at the present time, especially where the ordinance gives the Town discretion regarding when and how to enforce the ordinance; and (2) a court would not find the Town’s previous enforcement decisions relevant to any future enforcement of the stormwater ordinances if the Town chooses to commit further time and resources to stormwater ordinance enforcement.

In theory, the primary risk of a discretionary enforcement program would be that a resident might go to court to compel the Town to enforce its stormwater ordinances. Parker Poe’s research determined that such a request would be unlikely to succeed. Courts have previously declined to compel a municipality to enforce its ordinances where the ordinance gives the Town discretion on when and how to enforce the ordinance.<sup>1</sup>

Our interpretation of the law is that a court is unlikely to compel code enforcement where the stormwater ordinances vest any enforcement decision-making authority with the discretion of the local government. The language in the proposed revisions is designed to protect that discretion and prevent any argument that the Town *must* issue a citation any time a stormwater ordinance is violated. Instead, the proposed language allows the Town to develop its own enforcement pattern over time.

The Town could also develop an enforcement program over time. If the Town began enforcement of stormwater ordinances, it is possible that a resident could argue that the Town’s prior failure to enforce its stormwater ordinances is a defense to their present non-compliance. However, research revealed that a Town’s lack of enforcement is generally not a defense to noncompliance with an ordinance. Only in an extreme circumstances—such as where a municipality establishes an enforcement pattern that suggests a local government uses the ordinance to treat a group of residents unequally—will a court recognize prior enforcement

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<sup>1</sup> David M. Lawrence, *Mandamus to Require Enforcement of Local Ordinances*, available at <https://www.sog.unc.edu/sites/default/files/reports/lglb132.pdf>.

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patterns as a valid defense to an ordinance violation.<sup>2</sup> The cited article discusses zoning cases. Like the discretionary stormwater standard discussed here, municipalities routinely decide when and whether to enforce their ordinances, meaning that violations often can go unenforced. These cases are helpful in showing that courts generally respect and defer to a municipality's decisions regarding when and how to enforce its ordinances unless there is truly "a pattern of conscious discrimination." If the Town decides to initiate stormwater enforcement, the Town's decisions regarding when and how to enforce that ordinance will generally be respected by courts.

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<sup>2</sup> David Owens, Coates' Canons, Singled Out. A Problem in Enforcement? Available at <https://canons.sog.unc.edu/2010/04/singled-out-a-problem-in-enforcement/>.

## 1.0 General.

This Article may be cited as the town's stormwater management ordinance for implementation within its approved planning area.

## 2.0 Authority.

This chapter is hereby adopted under the authority of the North Carolina General Statutes, chapter 160A-175, article 8, General Police Powers, Enforcement of Ordinances.

## 3.0 Jurisdiction.

The regulations contained in this chapter shall govern all real property and each and every stormwater quantity and quality management device or facility, each and every on-site septic system and the sanitary sewer system within the town's planning area. Whenever conflicts exist between federal, state, or local laws and this chapter, the more restrictive provision shall apply.

## 4.0 Goal and Purposes.

4.1 Goal. The central environmental goal of the town is to preserve water quality and the natural ecological functions of the surface waters that are in its planning area. The Town Board recognizes that development has the potential to substantially alter the natural drainage characteristics of drainage courses such that the water can be diverted and thereby affects adjacent property and property owners' rights. The Town Board also recognizes that development in and around drainage courses can also be detrimental to the water quality in White Lake.

In order to meet this goal of preservation of water quality and the natural ecological functions of the surface waters in the Town's planning area, the town's stormwater ordinance has been adopted for the following purposes:

- (a) To regulate existing developments, new developments and construction activities consistent with state requirements and the town's requirements.
- (b) To prepare and implement a stormwater quality management program and a surface water quality monitoring program.
- (c) To establish the authority of the town to administer and enforce stormwater quantity and quality regulations, including the monitoring, testing and inspection of the groundwater and stormwater runoff from all sources, including, but not limited to, point stormwater outfall pipes, stormwater runoff from impervious surfaces, farms, golf courses, disturbed lands, sanitary sewer system and septic systems located within the town's planning area.

- (d) To create public education programs so that the citizens of the town's planning area will have knowledge of how to reduce and prevent pollution of all nature from their land, homes and businesses.

## 5.0 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*BMP* means best management practices as adopted by the town.

*Built-upon area* means that portion of an individual development project that is covered by impervious or partially impervious cover, including buildings, pavement, compacted soil (including coquina and marl), recreation facilities, gravel roads and parking areas, etc. Wood slatted decks and the water area of a swimming pool are not considered to be built-upon areas.

*Development* means any land disturbing activity that increases the amount of built-upon area or which otherwise decreases the infiltration of precipitation into the soil.

*Erosion* means the wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

*Erosion and sediment control plan* means a written plan, including drawings or other graphic representations, for the control of soil erosion and sedimentation resulting from a land disturbing activity.

*Existing development* means any land that has been utilized for a land disturbing activity as of the effective date of the ordinance from which this chapter is derived.

*Health department* means the county health department or the state board of health, dependent on jurisdiction.

*Impervious surfaces* mean those areas within the land of the planning area that prevent or significantly impede the infiltration of water into the soil. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, brick or concrete pavers and other surfaces which prevent or significantly impede the natural infiltration of water into the soil.

*Improved lands* mean any lands that have had land disturbing activities that altered or changed the natural cover or topography of said land.

*Infiltration system* means a stormwater treatment system designed to allow runoff to pass or move (infiltrate) into the soil.

*Land disturbing activity* means any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

*New development* means any land which is utilized for a land disturbing activity after the effective date of the ordinance from which this chapter is derived.

*On-site septic system* means any system that does not mechanically cause the effluent to be treated to a tertiary level, as defined with the most current EPA and state regulations.

*Planning area* means the entire area of the town, to include the corporate limits as well as the extraterritorial jurisdiction.

*Redevelopment* means any rebuilding activity which has no net increase in built-upon area or which provides equal or greater stormwater controls than the previous development.

*Sedimentation* means the deposition of solid material, both mineral and organic, that has been transported from its site of origin by air or water.

*Sedimentation/erosion control plan* means a plan required by the division of land resources in which developers must describe the sedimentation and erosion control devices they will use for land disturbing activities that are one acre or greater.

*Septic system* means a subsurface wastewater system consisting of a settling tank and a subsurface disposal field.

*Sewerage or septage* means the liquid and solid human body waste and liquid waste generated by water-using fixtures and appliances, including those associated with food handling.

*State certification* means one or more of the following documents: a stormwater certification or permit, as required, from the division of environmental management, and/or a sedimentation and erosion control plan that has been approved by the division of land quality.

*Stormwater* means the flow of water which results from precipitation and which occurs immediately following rainfall or a snowmelt.

*Stormwater collection system* means any conduit, pipe channel, curb or gutter for the primary purpose of transporting (not treating) runoff.

*Surface waters* means rivers, streams, creeks, channels, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming part of the boundaries of the planning area. The term "surface waters" excludes privately-owned ponds which have no entry or exit of water to or from waters of public domain.

*Unimproved land* means any land that has had land disturbing activities as described in this chapter.

*Vegetative filter* means an area of natural or planted vegetation through which stormwater flows in a diffuse manner so that runoff does not become channeled and which provides for control of stormwater runoff through infiltration of runoff and filtering of pollutants. The defined length of the filter shall be provided for the direction of stormwater flow.

*Wet detention pond* means a structure that provides for storage and treatment of runoff and includes a permanent pool of water under normal conditions.

## 6.0 Lake Water Management Program

6.1 Lake Water Quality Management Department. The Town of White Lake shall create a Lake Water Quality Management Department within the Town as follows:

- a) The Town shall appoint a Lake Water Quality Management Supervisor to manage the department. The supervisor is authorized to:
- 1) Continue the Town's efforts to monitor lake water quality;
    - (i) Mapping of the existing stormwater system and its major and secondary drainage areas;
    - (ii) Locating the primary and secondary stormwater runoff outfall points;
    - (iii) Locating and identifying non-point groundwater and surface water pollution from the sanitary sewer system and septic systems;
    - (iv) Monitoring and testing of the groundwater and the stormwater runoff outfall points to determine type and quantity of pollutants contained therein;
    - (v) Inventory of existing and future land use data for hydrologic analysis;
    - (vi) Location of all potential sources of pollution to the stormwater system; and
  - 2) Make reports to the Board of Commissioners on a semi-annual basis on the status of lake water quality.
  - 3) Make recommendations for development and implementation of studies, plans and ordinances to guide and ensure the protection of lake water quality, including modifications to the Town's stormwater management ordinance.
  - 4) Administer and enforce ordinances developed to ensure preservation of lake water quality, including a stormwater management ordinance.
  - 5) Make recommendations on the construction of remedial pollution prevention devices also known as "Best Management Practices" (BMPs) and public education programs.

## 7.0 Stormwater Management Ordinance

7.1 Purpose: The Town of White Lake hereby adopts the following Stormwater Management Ordinance. The purposes of this ordinances are to:

- a. Ensure that property owners control the volume and rate of stormwater runoff originating from their property so that adjacent and downstream property and property owners' rights are protected, soil erosion minimized, off-site sedimentation prevented and flooding potential reduced;
- b. Prevent accelerated soil erosion and sedimentation, and control stormwater runoff resulting from earth changes proposed within the Town of White Lake after construction activities occur; and
- c. Maintain and protect the town's municipal stormwater facilities and the stormwater facilities located downstream of development and construction activities.

7.2 Standards:

- a. General water quality protection measures.

- 1) All visitors, residents, business owners, developers, and others who utilize the resources within the planning area shall take all reasonable measures to protect surface waters from damage resulting from their activities.

b. Mandatory standards for existing developments.

- 1) No landscaping using impervious materials such as solid plastic and vinyl will be permitted. Property owners must remove any such materials installed after the effective date of the ordinance from which this chapter is derived. Failure to comply within 30 days of notification is subject to a fine of \$50.00 for each incident and day of violation as well as any and all costs of removal.
- 2) Yard wastes, including dredge spoil, leaves, and yard trimmings, may not be deposited into surface waters. Acceptable management practices for yard wastes include composting and landfilling. Persons who deposit yard wastes into surface waters are subject to fines in accordance with this ordinance for each incident of violation as well as any and all costs of removal, cleanup and remediation.
- 3) Any existing individual on-site septic systems shall be permitted in accordance with the laws and rules for sewage treatment and disposal systems of the state, as amended effective July 1, 1995. All septic systems shall have an approved method of disposal (ADM) located on an approved septage disposal site (ASDS) and maintain compliance with the permit issued for the ADM and the ASDS in accordance with said rules. A person who violates any rule of this section is subject to the penalty provisions contained in G.S. 130A-22(c) (Administrative Penalties), G.S. 130A-23 (Suspension and Revocation of Permits), and G.S. 130A-25 (Criminal Penalties).
- 4) Hazardous compounds must not be discharged onto the ground, into a septic system or into town's sanitary sewer collection system. Such compounds include, but are not limited to, paint, paint thinner, solvents, pesticides, and petroleum products. Persons who discharge these hazardous substances to the ground, septic systems or the sanitary sewer system are subject to fines in accordance with this ordinance for each incident of violation as well as any and all costs of removal, cleanup, and remediation.
- 5) All label directions must be followed so that fertilizers and pesticides are mixed and applied correctly and at the proper time. The label is a legal document. Persons who incorrectly mix or apply chemicals are subject to fines in accordance with this ordinance for each incident of violation as well as any and all costs of removal, cleanup, and remediation.
- 6) Chemicals on both commercial and residential property must be stored in properly built and maintained storage facilities. Persons who do not store chemicals safely will be given seven calendar days to correct such conditions. Failure to comply following this seven-day period will be subject to fines in accordance with this ordinance for each incident and day of violation as well as any and all costs of removal, cleanup, and remediation.
- 7) Illegal discharges degrade water quality and are strictly prohibited. The following direct discharges resulting from the improper disposal of such materials into surface waters are unlawful. Violators will be subject to fines in accordance with this ordinance for each incident and day of violation as well as any and all costs of removal, cleanup, and remediation:
  - i. Sewage or biosolids.



- ii. Polluted household wastewater, including, but not limited to, gray water (sinks, laundry wash water and dishwater) either from permanent residences or temporary residences including but not limited to campers, trailers and recreational vehicles.
  - iii. Leaking sanitary sewers and connections which have remained uncorrected for three days or more after seven days' notice.
  - iv. Leaking water lines with flows sufficient to cause soil erosion which have remained uncorrected for three days or more after seven days' notice.
  - v. Commercial, industrial, or public vehicle, vessel, or equipment wash discharge.
  - vi. Solid, chemical, or sanitary waste.
  - vii. Dead terrestrial animals or animal fecal waste.
  - viii. Petroleum products or derivatives thereof.
  - ix. Wrecked or discarded vehicles or equipment.
  - x. rash, refuse, or garbage.
  - xi. Excavated soil without proper sedimentation controls (e.g., sediment fencing, groundcover, riparian buffer, etc.).
- c. Mandatory standards for new developments. All new developments must comply with the regulations set forth under subsection (1) of this section and the regulations set forth under either subsection (2) or (3) of this section. Any developments which fail to comply with the requirements set forth in this section will be subject to a \$500.00 fine for each violation and other action or penalties as may be authorized by the town.
- 1) *Protection of shoreline resources.*
    - i. New developments may not infringe upon surface waters unless the proper approvals have been obtained from the state.
    - ii. The town will require certification from developers that are intending to infringe on surface waters that all necessary approvals have been obtained from the state.
  - 2) *Low density developments.*
    - i. To be considered low density, a development must have a built-upon area of 25 percent or less per lot, and must not have an engineered stormwater collection system. Developments that do not meet these requirements will be considered high density and will be subject to the requirements set forth for high density developments.
    - ii. Cluster development that has an overall built-upon area of 25 percent may also be considered low density if the proper state approvals are obtained. In this case, the town will require certification that the developer has obtained state approval.
    - iii. Low density developments are not required to include any engineered stormwater management controls.
  - 3) *High density developments.*
-

- i. Wet detention ponds may be used as a primary treatment device for the stormwater, or as a secondary device following an infiltration system. State requirements for wet detention ponds are as follows:
    - a. The design storage volume must be above the permanent pool.
    - b. The discharge rate from these systems following the one-inch rainfall design storm shall be such that the runoff is drawn down to the permanent pool level in not less than two days or more than five days.
    - c. The mean depth shall be a minimum of three feet.
    - d. The inlet structure must be designed to minimize turbulence using baffles or other appropriate design features.
    - e. Pretreatment by the use of infiltration swales is encouraged to minimize sedimentation and eutrophication of the detention pond.
  - ii. Vegetative filters must meet the following current state standards:
    - a. A distribution device such as a swale must be used to provide even distribution of runoff over the length of the filter.
    - b. The slope of the vegetative filter must be determined so as to provide a non-erosive velocity of flow through the filter for a ten-year, 24-hour design storm and it must have a slope of five percent or less.
    - c. Vegetation in the filter may be natural vegetation, grasses, or artificially planted wetland vegetation appropriate for the site characteristics.
    - d. The vegetative filter must have a minimum width of 50 feet measured from the mean high-water mark.
  - ii. The developer must provide an operation and maintenance plan or manual for stormwater systems, indicating what operation and maintenance action are needed, what specific quantitative criteria will be used for determining when those actions are to be taken, and who will be responsible for those actions if the system is not turned over to the town by an operation and maintenance plan executed and verified by the developer.
- d) Mandatory standards for construction activities. Persons who fail to comply with the regulations of this article after they have received notice from the town will be subject to a fine for each violation and other actions or penalties as may be authorized by the town.
- 1) The town will require developers and individuals to furnish copies of all necessary state certifications involved with the land disturbance activity.
  - 2) Any person conducting a land disturbing activity within the planning area for the purpose of creating permanent impervious surface exceeding 500 square feet must notify the town's Lake Management Supervisor and the Zoning Code Administrator to determine if a soil erosion and sedimentation control device is necessary.

- 3) For construction activities that are one acre or larger, the state will require a sedimentation and erosion control plan from the division of land quality. The developer must submit a copy of the approved sedimentation and erosion control plan to the town official or the code enforcement officer.
- 4) The town's Lake Management Supervisor and the Zoning Code Administrator officer have the authority to monitor construction activities to ensure that developers comply with the sedimentation and erosion control plan.
- 5) A five-foot vegetated buffer strip must be retained or established adjacent to any surface water bordering a land disturbing activity where feasible. If the land disturbing activity is water-dependent (e.g., bulkheads, piers, marinas, and bridges) and thus is not feasible, then the activity may be permitted with the appropriate approvals from either the state or the local permitting officer.
- 6) All debris and trash must be contained on site during construction. All garbage receptacles must have high sides or covers to prevent the airborne transport of debris such as plastic and paper. In addition, hazardous materials used during the construction process must be stored and disposed of properly to ensure that they do not enter surface waters.
- 7) During construction, the person or firm responsible for the site development is responsible for the maintenance of erosion and sedimentation control devices.

7.3 Exemptions. No public or private property shall be exempt from the general enforcement requirements as set forth within this article relating to stormwater quantity and quality management unless granted through the appeal process set forth herein. No exemption shall be granted based on the age, tax or economic status, race, religion of the customer, or other conditions unrelated to the enforcement of the general requirements of this chapter.

7.4 Inspections and notifications.

- a) The town's Lake Management Supervisor and the Zoning Code Administrator shall have the power and authority to conduct inspections as may be reasonably necessary to carry out its duties hereunder and to enforce the terms of this article. When necessary to carry out the town's duties hereunder or to enforce the terms of this article, the designated representatives of the town may enter at reasonable times upon public or private property for the purpose of inspection.
- b) All persons, firms, or corporations owning real estate within the planning area shall allow the designated representative of the town to inspect such real estate to determine compliance with the terms and provisions of this article.
- c) No person shall refuse access to the designated representative of the town nor shall any person interfere with any such representative while in the process of carrying out his duties for the town at reasonable times. Any person, firm, or corporation which obtains a building permit, zoning permit, approval of a land use plan, subdivision approval or other development approval or permit, or which discharges into the town's stormwater system or surface waters, hereby

consents to and gives permission to the designated representatives of the town to inspect his premises for compliance with the terms of this article.

- d) If it is determined that a person has failed to comply with this article, a notice of violation shall be served upon that person by registered or certified mail or other reasonable means to give actual notice. The notice shall set forth the measures necessary to achieve compliance with the plan and specify a reasonable time period within which such measures must be completed. The notice will warn that failure to correct the violation within the time period will result in the assessment of a civil penalty or other enforcement action. If the person in violation of this article fails to comply within the time specified, enforcement action will be initiated.

#### 7.5 Appeals.

- a) Any person who is found in violation of the requirements set forth under this article may appeal by submitting a written explanation of the appeal to the planning area's duly appointed advisory board within 30 days of the date of the notification of the violation. During the appeals process, a stop-work order will issued.
- b) The advisory board shall render a recommend decision on the appeal in writing within 30 days after the receipt of the written appeal to the board of commissioners.
- c) The board of commissioners shall accept, reject or modify the recommended decision.
- d) Appeals from the town's action will be made through the general court of justice of the county.

#### 7.6 Penalties.

- a) Violation of this article shall subject the offender to a civil penalty of not less than \$200.00 or more than \$1,000.00 per violation, to be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after he has been cited for violation of this article. Each day's continuing violation thereof shall constitute and be a separate and distinct offense.
- b) This article shall be enforced by any appropriate equitable remedy issuing from a court of competent jurisdiction. In such cases, the general court of justice shall have jurisdiction and authority to issue such orders as may be appropriate to enforce the ordinance of the town, and it shall not be a defense to application made by the town therefor that there is an adequate remedy at law.

#### 7.7. Injunctive relief.

This article may also be enforced by appropriate equitable remedy issuing from a court of competent jurisdiction. The general court of justice shall have jurisdiction to issue such orders as may be appropriate to enforce the terms of this article. The institution of an action for injunctive relief under this section shall not relieve any party from any civil or criminal penalty prescribed for violations of this article.

7.8 Amendments.

The final parameters of the stormwater quality management ordinance to be developed and implemented pursuant to this chapter cannot be accurately determined until adequate data on the impact of stormwater runoff on groundwater and surface water quality is obtained and evaluated. This chapter provides for the collection of such data through the promulgation and implementation of regulations establishing requirements for the monitoring, testing and inspection of stormwater runoff from all sources within the town's planning area and the establishment of a comprehensive groundwater and surface water quality monitoring program. Once the necessary data have been obtained and thoroughly evaluated, and the stormwater management program refined, following public review and comment to adequately address remaining problems, the town will supplement this chapter as necessary to ensure that the stormwater quality management program is fully implemented and enforced.



November 14, 2024

Sean Martin, Town Administrator  
Town of White Lake  
1879 White Lake Dr, PMB 7250  
White Lake, NC 28337-7250

RE: **Task Order 1**  
Town of White Lake Stormwater Ordinance  
Town of White Lake, North Carolina  
WithersRavenel Project No. 24-1367

Dear Mr. Martin,

We are pleased to present the attached Task Order 1 for the Town of White Lake On-Call. This Task Order is for professional consulting services for a Stormwater Ordinance Update for the Town of White Lake. We appreciate the opportunity to provide this proposal and look forward to working with you. If you have any questions or concerns, please contact me at (919)-678-3841.

Sincerely,  
WithersRavenel

Amanda Hollingsworth, PE, CFM  
Project Manager, Stormwater  
[ahollingsworth@withersravenel.com](mailto:ahollingsworth@withersravenel.com)  
Ph. 919-535-5200 | Direct. 919-678-3841

Attachment:  
Task Order 1



# Town of White Lake Task Order 1 Town of White Lake On Call

## A. Preliminary Matters

This Task Order is hereby included as an addition to and incorporated as part of the Agreement Between Owner and Engineer for Engineering Services, Task Order Edition signed 10-10-2023 between the Town of White Lake “Owner” and WithersRavenel, Inc. (“Engineer”).

## B. Project Description

This Task Order is intended to provide the scope of services and associated fees to provide consulting services to develop a Stormwater Ordinance per request of Town of White Lake and formalize an agreement for the implementation and logistics for these services.

Listed below is a summary of several key aspects of the project based on our discussions. Refer to the Scope of Services and Additional Services/Exclusions for further detailed information.

For the purposes of this Task Order the following references shall apply:

- ▶ Town of White Lake shall be known as the “Client” or “Town”; WithersRavenel shall be known as the “Consultant”; The overall project shall be known as the “Project; Bladen County shall be known as “County”; The executed agreement shall be known as the “Agreement”.

## C. Timeline for Services

WithersRavenel will begin work upon receipt of this executed Agreement and written notice to proceed from the Client. Estimated timeframe(s) for the basis of the services described in the Scope of Services are shown below.

| Milestone                      | Time Frame            |
|--------------------------------|-----------------------|
| Development of Draft Ordinance | Three (3) Months      |
| Rollout of Ordinance           | Two (2) Months        |
| Project Close-out              | One (1) Months        |
| <b>Total:</b>                  | <b>Six (6) Months</b> |

Consultant estimates the total project timeframe for the Scope of Services to be six (6) months. A more detailed project schedule will be developed with the Client.

Certain tasks, such as reviews and approvals, are performed by third parties, including governmental agencies, over which neither Client nor WithersRavenel have control or responsibility. As such, neither party is responsible for delays or the resulting cost impacts caused by third parties.

## D. Scope of Services

WithersRavenel shall provide the services identified under each task below as its “Basic Services” under the Agreement:



## Task 1. Project Management

The Consultant will provide the following services as part of this task:

- A. Project Management Services following best practices to meet objectives, quality standards, schedule, and budget. Consultant shall provide services for the overall management and administration of the Project including any internal and external coordination and general administration duties.
- B. Consultant shall identify key team members, schedule and attend a project kick-off meeting to introduce the Team to the Client, establish the Project communication channels between the Client and Consultant. Consultant will also obtain from Client necessary background information including ordinances, land use plans, maps, stormwater concerns, and other available relevant information.
- C. Consultant will keep the Client advised of the progress of the project activities. Consultant will participate in regularly scheduled conference calls with Client to discuss project progress. This task includes monthly virtual progress meetings to be scheduled by the Consultant. Consultant to submit meeting notes to Client after progress meetings.
- D. Consultant will manage project processes, communication, and resources. Consultant will keep the Client regularly informed of progress, providing oversight of the production tasks, and managing the monthly billing and invoicing for the project.

## Task 2. Review Current and Draft Stormwater Ordinances

The Consultant will provide the following services as part of this task:

- A. The Consultant will review existing Town Zoning Ordinance, Draft Stormwater Ordinance from the 205J Grant effort (existing draft ordinance), White Lake Township Master Plan for Land Use, Bladen County Future Land Use Plan 2014-2030, and sections of the Bladen County Code of Ordinances that contain stormwater regulations to understand existing regulations, vision, goals, and projected growth.
- B. The Consultant will compare the existing draft ordinance to the state model stormwater ordinance. Consultant will compare the existing draft ordinance to ordinances from up to four communities within the state. The Consultant will consider the review of comparative communities completed as part of the Town of White Lake GoldenLEAF Stormwater Management Plan (2024).

### Task 2 Deliverable:

- Memo summarizing findings of the review.

## Task 3. Develop Stormwater Ordinance

- A. The Consultant will organize the ordinances into an agreed upon order and draft the various sections of the ordinance text and review the progress with staff.
- B. The Consultant will incorporate timely case law and updated legislation, best planning practices, and accessibility and ease of use.
- C. The Consultant will prepare a "Working" version of the Ordinance and provide to the Town for review and comments. Two rounds of review/comments and meetings (virtual) between the Town and Consultant are included in the scope before preparing a "Draft Ordinance" ready for adoption.
- D. The Consultant will prepare a Draft Ordinance.
- E. The Consultant will assist the Town to notice the ordinance for adoption following the Town's standard procedures.





### Task 3 Deliverables:

- Two versions of Working Ordinance
- Draft Ordinance (word document and PDF versions).

## Task 4. Rollout of Stormwater Ordinance

- A. The Consultant, in Collaboration with the Town staff will prepare and conduct a presentation summarizing key aspects of the proposed ordinance to the Town Board of Commissioners. Minor modifications to the proposed ordinance based on board input could be accommodated. Major modifications are not anticipated and therefore not included in this scope.
- B. If ordinance is not approved during the meeting attended by the Consultant, it is assumed that Town staff will present the revised draft ordinance to the Town Board of Commissioners for approval after Consultant has modified the ordinance based on feedback.

### Task 4 Deliverables:

- Revised Ordinance as approved by the board for adoption.

## E. Exclusions/Additional Services

Services that are not included in Section C or are specifically excluded from this Agreement (see below) shall be considered Additional Services if those services can be performed by WithersRavenel and its agents if requested in writing by the Client and accepted by WithersRavenel. The following list is not all inclusive and the Scope of Services defines the services to be provided by WithersRavenel for this project. Additional services shall be paid by the Client in accordance with the Fee & Expense Schedule outlined in Exhibit I. The exclusions are described below but are not limited to the following:

- ▶ Any work previously provided in other agreements;
- ▶ All permitting, submittal, advertising, and public notice fees are excluded from this proposal and will be the responsibility of the Client;
- ▶ Financial/funding analysis;
- ▶ Any legal noticing of the ordinance changes;
- ▶ Representation, presentation, or submittals to regional or state government entities;
- ▶ Staff training;
- ▶ Serving as an expert witness for the Client in any litigation involving the Project;
- ▶ Any other items not specifically listed in the Scope of Services.

## F. Client Responsibilities

The following items will be provided by the Client and WithersRavenel will rely upon the accuracy and completeness of this information:

- ▶ General:
  - Provide representative for communications and decisions;
  - Preferred media platforms for communications with the Client;
  - Provide in writing, any information as to Client's requirements for design;
  - Provide any information needed to complete the Project not specifically addressed in the Scope of Services;
  - Provide all available information pertinent to the Project, including any GIS information, reports, maps, drawings, and any other data relative to the Project;



- Examine all agreements, reports, sketches, estimates and other documents presented by the Consultant and render in writing decisions pertaining thereto within a reasonable period so as not to delay the services of the Consultant;
- Give prompt written notice to Consultant whenever Client observes or otherwise becomes aware of any defect in the Project or the services of Consultant;
- All noticing fees associated with the Project;
- Any legal representation requiring an attorney at law.

## G. Compensation for Services

WithersRavenel proposes to provide the Scope of Services previously outlined on a lump sum basis as described in the following table. Compensation shall not exceed the total estimated compensation amount unless approved in writing by the Client.

| Task No.     | Task Name                                      | Fee             |
|--------------|------------------------------------------------|-----------------|
| Task 1       | Project Management                             | \$7,500         |
| Task 2       | Review Current and Draft Stormwater Ordinances | \$13,000        |
| Task 4       | Develop Revised Stormwater Ordinance           | \$17,000        |
| Task 5       | Rollout of Stormwater Ordinance                | \$10,000        |
| <b>Total</b> |                                                | <b>\$47,500</b> |

1. Consultant may alter the distribution of compensation between individual phases noted herein to be consistent with services rendered but shall not exceed the total Lump Sum amount unless approved in writing by the Client.
2. The Lump sum includes compensation for Consultant's services. Appropriate amounts have been incorporated in the Lump Sum to account for labor costs, overhead, profit, expenses, and Consultant charges.
3. The portion of the Lump Sum amount billed for Consultant's services will be based upon Consultant's estimate of the percentage of the total services completed during the billing period.
4. The Client will pay the Consultant for services and expenses in accordance with periodic invoices to Client and a final invoice upon completion of the services. Each invoice is due and payable in full upon presentation to Client. Invoices are past due after 30 days. If the Project is reliant on State and/or Federal Funds, then the Client will pay Consultant for all invoices within three (3) banking days of receipt of those State or Federal Funds. The Client is ultimately responsible for payment of all invoices with or without receipt of State or Federal Funds.

The attached Exhibit I, Fee & Expense Schedule, is based on Consultant's rates as of the date of this agreement and may be subject to change for hourly tasks and any Additional Services that occur after any adjustments to such rates go into effect.



## H. Acceptance


This agreement is valid 60 days from the date it is transmitted to Client. Receipt of an executed copy of this Task Order will serve as the written Agreement between WithersRavenel and Town of White Lake. All Exhibits identified after the signature blocks below, including the Fee & Expense Schedule (Exhibit I), are incorporated herein and are integral parts of the Task Order.

OFFERED BY:


WithersRavenel

ACCEPTED BY:

Town of White Lake

DocuSigned by:  
 November 14,  
 2024  
 4E2E39C6E0A048F...  
 Signature Date  
 Amanda Hollingsworth, PE, CFM  
 Name  
 Project Manager  
 Title

\_\_\_\_\_  
 Signature Date  
 \_\_\_\_\_  
 Name  
 \_\_\_\_\_  
 Title

DocuSigned by:  
 November 14,  
 2024  
 36BB4898FDF44E3...  
 Signature Date  
 Dori Sabeh, PE, GISP  
 Name  
 Director of Stormwater  
 Title

**PREAUDIT STATEMENT:** This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act (NC G.S. 159-28(a)).

Signature of Finance Officer: \_\_\_\_\_  
 Printed Name: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Attachments:  
 Exhibit I- Fee & Expense Schedule



**WithersRavenel**  
 Our People. Your Success.

**EXHIBIT I**

**Fee & Expense Schedule**

| Description                                               | Rate   |
|-----------------------------------------------------------|--------|
| <b>Engineering, Landscape Architecture &amp; Planning</b> |        |
| Construction Project Professional                         | \$ 160 |
| Construction Manager I                                    | \$ 165 |
| Construction Manager II                                   | \$ 180 |
| Senior Construction Manager                               | \$ 205 |
| CAD Technician I                                          | \$ 110 |
| CAD Technician II                                         | \$ 125 |
| Senior CAD Technician                                     | \$ 150 |
| Designer I                                                | \$ 140 |
| Designer II                                               | \$ 160 |
| Senior Designer                                           | \$ 180 |
| Landscape Architect I                                     | \$ 160 |
| Landscape Architect II                                    | \$ 185 |
| Landscape Architect III                                   | \$ 205 |
| Senior Landscape Architect                                | \$ 230 |
| Landscape Designer I                                      | \$ 140 |
| Landscape Designer II                                     | \$ 150 |
| Landscape Designer III                                    | \$ 155 |
| Planning Technician                                       | \$ 125 |
| Planner I                                                 | \$ 135 |
| Planner II                                                | \$ 155 |
| Planner III                                               | \$ 180 |
| Senior Planner                                            | \$ 190 |
| Project Engineer I                                        | \$ 180 |
| Project Engineer II                                       | \$ 190 |
| Project Engineer III                                      | \$ 210 |
| Senior Project Engineer                                   | \$ 245 |
| Assistant Project Manager                                 | \$ 190 |
| Project Manager I                                         | \$ 210 |
| Senior Project Manager                                    | \$ 230 |
| Resident Project Representative I                         | \$ 110 |
| Resident Project Representative II                        | \$ 130 |
| Resident Project Representative III                       | \$ 145 |
| Senior Resident Project Representative                    | \$ 155 |
| Staff Professional I                                      | \$ 95  |
| Staff Professional II                                     | \$ 150 |
| Staff Professional III                                    | \$ 165 |
| Senior Technical Consultant                               | \$ 270 |
| Client Experience Manager                                 | \$ 245 |
| Director                                                  | \$ 265 |
| Principal                                                 | \$ 280 |
| Zoning Specialist                                         | \$ 360 |
| <b>Project Coordinators</b>                               |        |
| Project Coordinator I                                     | \$ 100 |
| Project Coordinator II                                    | \$ 120 |
| Project Coordinator III                                   | \$ 130 |
| Senior Project Coordinator                                | \$ 140 |
| Lead Project Coordinator                                  | \$ 150 |
| <b>Other</b>                                              |        |
| Implementation Consultant                                 | \$ 160 |
| Senior Implementation Consultant                          | \$ 170 |

| Description                           | Rate   |
|---------------------------------------|--------|
| <b>Funding &amp; Asset Management</b> |        |
| GIS Senior Specialist                 | \$ 180 |
| GIS Specialist                        | \$ 160 |
| GIS Technician                        | \$ 105 |
| GIS Analyst I                         | \$ 130 |
| GIS Analyst II                        | \$ 145 |
| GIS Project Manager                   | \$ 180 |
| F&AM Assistant Project Manager        | \$ 175 |
| Intern I                              | \$ 70  |
| Intern II                             | \$ 95  |
| F&AM Project Consultant I             | \$ 130 |
| F&AM Project Consultant II            | \$ 140 |
| F&AM Project Consultant III           | \$ 145 |
| F&AM Project Consultant IV            | \$ 150 |
| F&AM Senior Project Consultant I      | \$ 160 |
| F&AM Senior Project Consultant II     | \$ 165 |
| F&AM Senior Project Manager           | \$ 180 |
| F&AM Principal                        | \$ 280 |
| F&AM Director                         | \$ 250 |
| F&AM Staff Professional I             | \$ 75  |
| F&AM Staff Professional II            | \$ 125 |
| F&AM Staff Professional III           | \$ 165 |
| F&AM Staff Professional IV            | \$ 205 |
| F&AM Senior Project Manager           | \$ 230 |
| F&AM Senior Technical Consultant      | \$ 265 |
| <b>Geomatics</b>                      |        |
| Geomatics CAD I                       | \$ 110 |
| Geomatics CAD II                      | \$ 130 |
| Geomatics CAD III                     | \$ 145 |
| GIS Survey Technician I               | \$ 85  |
| GIS Survey Technician II              | \$ 110 |
| GIS Survey Technician III             | \$ 130 |
| GIS Survey Lead                       | \$ 145 |
| Geomatics Project Manager I           | \$ 180 |
| Geomatics Project Manager II          | \$ 190 |
| Geomatics Project Manager III         | \$ 220 |
| Geomatics Project Professional I      | \$ 160 |
| Geomatics Project Professional II     | \$ 185 |
| Geomatics Principal                   | \$ 260 |
| Geomatics Remote Sensing Crew I       | \$ 230 |
| Geomatics Remote Sensing Crew II      | \$ 325 |
| Geomatics Survey Crew I               | \$ 165 |
| Geomatics Survey Crew II (2 Man)      | \$ 195 |
| Geomatics Survey Crew III (3 Man)     | \$ 245 |
| Geomatics Senior Manager              | \$ 230 |
| Geomatics Survey Tech I               | \$ 65  |
| Geomatics Survey Tech II              | \$ 100 |
| Geomatics Survey Tech III             | \$ 130 |
| Geomatics Survey Tech IV              | \$ 140 |
| Geomatics Sr. Technical Consultant    | \$ 235 |
| Geomatics SUE Crew 1                  | \$ 195 |
| Geomatics SUE Crew 2                  | \$ 275 |

| Description                                       | Rate     |
|---------------------------------------------------|----------|
| <b>Environmental</b>                              |          |
| Environmental Technician I                        | \$ 90    |
| Environmental Technician II                       | \$ 105   |
| Environmental Technician III                      | \$ 110   |
| Environmental Senior Technician                   | \$ 125   |
| Environmental Project Geologist I                 | \$ 160   |
| Environmental Project Geologist II                | \$ 175   |
| Environmental Project Geologist III               | \$ 200   |
| Environmental Senior Project Geologist            | \$ 220   |
| Environmental Assistant Project Manager           | \$ 175   |
| Environmental Project Manager                     | \$ 200   |
| Environmental Senior Project Manager              | \$ 220   |
| Environmental Director                            | \$ 250   |
| Environmental Project Engineer I                  | \$ 160   |
| Environmental Project Engineer II                 | \$ 175   |
| Environmental Project Engineer III                | \$ 200   |
| Environmental Senior Project Engineer             | \$ 220   |
| Environmental Principal                           | \$ 280   |
| Environmental Project Scientist I                 | \$ 160   |
| Environmental Project Scientist II                | \$ 175   |
| Environmental Project Scientist III               | \$ 200   |
| Environmental Senior Project Scientist            | \$ 220   |
| Environmental Scientist I                         | \$ 115   |
| Environmental Scientist II                        | \$ 140   |
| Environmental Scientist III                       | \$ 150   |
| Environmental Geologist I                         | \$ 115   |
| Environmental Geologist II                        | \$ 140   |
| Environmental Geologist III                       | \$ 150   |
| Environmental Professional I                      | \$ 115   |
| Environmental Professional II                     | \$ 140   |
| Environmental Professional III                    | \$ 150   |
| Environmental Senior Technical Consultant         | \$ 245   |
| <b>Administrative</b>                             |          |
| Administrative Assistant                          | \$ 70    |
| Administrative Assistant I                        | \$ 90    |
| Administrative Assistant II                       | \$ 100   |
| Administrative Assistant III                      | \$ 110   |
| Marketing Administration I                        | \$ 100   |
| Marketing Administration II                       | \$ 130   |
| Director of Marketing                             | \$ 160   |
| Office Administration                             | \$ 75    |
| Office Administrator I                            | \$ 130   |
| Office Administrator II                           | \$ 135   |
| Office Administrator III                          | \$ 140   |
| <b>Expenses</b>                                   |          |
| Bond Prints (Per Sheet)                           | \$ 1.75  |
| Mylar Prints (Per Sheet)                          | \$ 11.00 |
| Mileage                                           | Per IRS  |
| Delivery - Project Specific (Distance & Priority) |          |
| Subcontractor Fees (Markup)                       | 1.15     |
| Expenses / Reprod. / Permits (Markup)             | 1.15     |



## Coates' Canons NC Local Government Law

### Planning Board Basics

Published: 01/07/22

Author Name: Adam Lovelady (<https://canons.sog.unc.edu/post-author/adam-lovelady/>)

So, you're a new member of the planning board. Or maybe you have been on the board for a while and need a refresher on your role. First off, thank you for your service to the community and congratulations on the honor. Now, what have you gotten yourself into? This blog outlines the basic state requirements and options for planning boards.

The local planning board may take many forms and perform many roles. The core responsibilities are clearly set forth by state law. The General Statutes also grant fairly wide-ranging authority for additional responsibilities, giving local governments the ability to use the planning board in a variety of ways. Local ordinances, policies, and procedures may refine or adjust some of the provisions discussed here. Check with your local government planner and/or local government attorney to find out any special rules and provisions that may apply to the planning board in your community.

### Balancing Interests

First up, consider the role of the planning board: to advise the governing board on the community's future. Such a broad and weighty role demands strong and thoughtful planning board members. You can and should bring your personal experience, professional knowledge, and passion for your community to your work as a planning board member. Even so, it is imperative that you approach the work with a community-focused perspective. You are making recommendations and decisions for the whole community; you are not making recommendations and decisions for your own interests or the interests of your friends and business partners.

This demands that you address many big issues and balance many competing interests: individual benefits and community impacts, neighborhood preferences and broader necessities, property value increases and housing affordability, short-term gain and long-term resilience, infrastructure capacity and desire for development. As is the case

for the governing board when they make a final decision on a legislative development matter, for the planning board there are some Considerations for Legislative Development Decisions (<https://canons.sog.unc.edu/2021/10/considerations-for-legislative-development-decisions/>) that *should* be considered and some Impermissible Considerations for Legislative Development Decisions (<https://canons.sog.unc.edu/2021/10/impermissible-considerations-for-legislative-development-decisions/>) that *must not* be considered when making recommendations and decisions on zoning amendments and other legislative development decisions.

It is also true that land use planning and development regulations are just pieces of the much larger puzzle of a thriving community. There are many governmental factors that interrelate to planning, such as transportation, education, parks and recreation, social services, and more. Additionally, there are many factors beyond the scope of the planning board. Next, let's consider the duties and responsibilities of the planning board.

## **Duties and Responsibilities**

***Advise on Comprehensive and Land Use Planning.*** Under G.S. 160D-301, planning boards are authorized “[t]o prepare, review, maintain, monitor, and periodically update and recommend to the governing board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.” This general authority is emphasized by the relatively recent requirement that in order to enforce zoning, a local government must have a reasonably maintained comprehensive plan or land use plan. Such plans are adopted by the governing board “with the advice and consultation of the planning board,” following the standard legislative process outlined at G.S. 160D.601. For more on the planning

requirements, check out this blog on [Comprehensive Plans and Land Use Plans Required for Zoning](https://canons.sog.unc.edu/comprehensive-plans-and-land-use-plans-required-for-zoning/) (<https://canons.sog.unc.edu/comprehensive-plans-and-land-use-plans-required-for-zoning/>).

***Advise on Initial Zoning.*** Before a local government exercises the powers of zoning, it must designate a planning board (G.S. 160D-604(a)). The planning board prepares and/or reviews and recommends the proposed zoning regulation. The governing board may not hold hearings or take action on the initial zoning ordinance until the planning board has provided written recommendation regarding adoption.

***Advise on Zoning Amendments and Plan Consistency.*** Proposed amendments to the zoning ordinance—text amendments or rezonings—must be submitted to the planning board for review and comment. As described in G.S. 160D-604(b), the planning board gets at least 30 days to review and comment. In carrying out its task of reviewing proposed amendments, the planning board is not required by state law to hold formal public hearings, but many local governments do require hearings by ordinance. If after 30 days of referral the planning board has not provided a written report, then the governing board may take action without planning board recommendation.

When the planning board reviews proposed amendments to the zoning ordinance, “the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive or land-use plan that has been adopted and any other officially adopted plan that is applicable.” The planning board may also review and comment on “other matters as deemed appropriate by the planning board” (160D-604(d)).

A planning board recommendation is advisory, not binding. Even if the planning board determines that a proposed zoning amendment is inconsistent with the comprehensive plan, that does not preclude governing board action and adoption of the amendment. For more on the procedures, take a look at this blog on [Procedures for Legislative Development Decisions](https://canons.sog.unc.edu/2021/10/procedures-for-legislative-development-decisions/) (<https://canons.sog.unc.edu/2021/10/procedures-for-legislative-development-decisions/>).

***Advise on Other Ordinances.*** The planning board *must* have an opportunity to review and comment on zoning adoption and amendment; the planning board *may* have an opportunity to review and comment on adoption and amendment of other development ordinances under Chapter 160D. So, adoption of and amendments to the subdivision ordinance, minimum housing code, historic preservation ordinance, and other development regulations may be referred to the planning board for review and

comment (G.S. 160D-604(c)). If the local ordinance calls for such referral to the planning board, then that procedural requirement is mandatory for local decision-making.

***Additional Planning Duties.*** In addition to the above duties, the General Statutes grant planning boards broad authority for planning and plan implementation. As outlined at G.S. 160D-301(b), the local government may assign the planning board the following powers and duties:

- To prepare, review, maintain, monitor, and periodically update and recommend to the governing board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.
- To facilitate and coordinate citizen engagement and participation in the planning process.
- To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
- To advise the governing board concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S. 160D-604.
- To exercise any functions in the administration and enforcement of various means for carrying out plans that the governing board may direct.
- To provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board.
- To perform any other related duties that the governing board may direct.

Some jurisdictions elect to grant all of the above powers to planning boards while others do not. Your local code of ordinances should identify which of the above powers have been granted to the planning board.

## **Additional Decision-Making**

The planning board may be tasked with decision-making for certain development approvals and may be tasked with the duties (decision-making and all) of certain appointed boards. For planning boards tasked with handling different types of



decisions, it is especially important to understand the substantive and procedural differences between those decisions, as outlined in the blog on [Types of Development Decisions](https://canons.sog.unc.edu/types-of-development-decisions/) (<https://canons.sog.unc.edu/types-of-development-decisions/>).

A planning board may provide final decisions on preliminary and final subdivision plats (G.S. 160D-803).

Planning boards may handle certain quasi-judicial decisions such as applications for special use permits (G.S. 160D-705). The planning board may perform some or all of the duties of a board of adjustment, if designated as such by the local governing board (G.S. 160D-302). So, some planning boards handle variance decisions, appeals of administrative zoning decisions, and appeals from the historic preservation commission. For each of these—special use permits, variances, appeals—the planning board is serving as a quasi-judicial board and must follow the procedural formalities for such decisions. This is a notable contrast from the advisory decisions that the board typically makes.

Additionally, as noted in the list of duties above, the planning board may “provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board.” This role of *preliminary forum* for quasi-judicial decisions is peculiar. It may serve as a sort-of dress rehearsal for the eventual evidentiary hearing. But, the ultimate decision-making board cannot base its decision on the forum or a recommendation from the forum.

The planning board also may perform the duties of a historic preservation commission, if designated by the governing board (G.S. 160D-303). When serving as a preservation commission, the planning board must have at least three members with special interest, experience, or education in history, architecture, or related fields. Preservation commission duties include, among other things, quasi-judicial determinations for certificates of appropriateness for construction and alterations in a historic district.

Finally, the North Carolina Urban Redevelopment Law outlines specific additional roles for planning boards, referenced in the law as “planning commissions” (G.S. 160-500 et seq.). First, the planning board must certify areas as “redevelopment areas.”

The local redevelopment commission then may craft a redevelopment plan. The planning board reviews and certifies a recommendation on that redevelopment plan before it is finalized and sent to the governing board (G.S. 160A-513).

## **Organization and Composition**

As outlined at G.S. 160D-301, the statutes are flexible with regard to composition of the planning board. A planning board must have at least three members, but otherwise the size, composition, and organization are open to the local governing board's discretion. As an alternative to establishing a planning board, a local government may assign the duties of the planning board to another board and local governments may create a joint planning board under Article 20 of Chapter 160A. While the governing board may take on the duties of some appointed boards, the governing board may not handle the planning board's review and comment duties outlined at G.S. 160D-604. That must be performed by a planning board or another board separate from the governing board (160D-604(e)).

There are no specific qualification requirements for planning board members, except in cases where the planning board acts as a historic preservation commission (described above). The governing board may set procedures for soliciting, reviewing, and making appointments to the planning board (G.S. 160D-310). For municipalities that have extraterritorial planning jurisdiction, the planning board must include proportional representation for the extraterritorial area (G.S. 160D-307). Unless prohibited by charter or ordinance, a governing board may appoint nonresidents to serve on the planning board (GS 160A-60 & 153A-25). Terms for planning board members may be set by local ordinance, or members may serve for indefinite periods at the pleasure of the governing board.

As with any appointed board under Chapter 160D, members of the planning board must take an oath of office pursuant to G.S. 153A-26 and 160A-61 (G.S. 160D-309).

A local government may provide compensation to planning board members (G.S. 160D-301 & -502).

## **Rules of Procedure**

Any board needs up-to-date and thorough rules of procedure to operate most effectively. G.S. 160D-308 provides that the local governing board may adopt rules for procedure for the planning board, and if the governing board does not adopt rules of

procedure, then the planning board may do so. The adopted rules of procedure must be maintained by the local government clerk (or other designated official) and must be posted to the local government website, if one exists.

## **Conclusion**

The planning board has an important role for land use planning and development regulations in North Carolina communities. This blog has outlined some of the duties and responsibilities, organization and composition, and other considerations for planning boards and planning board members.

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