

NORTH CAROLINA

CHATHAM COUNTY

FOURTH AMENDMENT TO AGREEMENT

This Fourth Amendment to the Agreement (this "Fourth Amendment") is made and entered into this 12th day of July, 2024, by and between Chatham County, North Carolina, a body politic and corporate of the State of North Carolina (the "County") and White & Smith, LLC (the "Contractor"). Either the County or the Contractor may be referred to herein as a "Party" or collectively as the "Parties."

RECITALS

A. The County and the Contractor entered into an agreement for the Contractor to complete the development of a Unified Development Ordinance, on September 10, 2021 (the Original Agreement). The amount of that contract was \$398,174.00.

B. In April June 2022, the original agreement was revised to reflect the County's addition to the Consultant's scope of work the preparation of a health and equity assessment for an additional amount of \$25,000, which additional work has been completed and remittance made (the "First Amendment to the Agreement"). The revised total budget following the First Amendment to the Agreement was \$423,174.

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E. In February 2024, the Contractor and County staff entered into discussions regarding the need for additional services related to the UDO, as well as a 15-month extension to the original 24-month project schedule necessary to meet the County's desired completion date of the UDO. This revision was estimated to require an additional budget of \$159,000 approximately, in addition to the \$398,174 budget in the Original Agreement to complete the UDO in the desired timeframe.

F. On April 15, 2024, the Board of Commissioners considered the proposed revisions, in addition to a \$60,000 contingency set aside, should services beyond those in Appendix 1 or beyond the revised 39-month project, in the opinion of the Planning Director, be required. This "Fourth Amendment to the Agreement" reflects these additional services and contingency fee, together totaling \$155,695 (\$94,995 in additional services, plus \$60,000 available in contingency) and, therefore, a total revised budget of \$1,230,911.50.

G. The Parties have agreed the amend the Agreement as provided for above.

NOW, THEREFORE, in consideration of the mutual covenants and the conditions contained herein, the County and Contractor agree as follows:

1. The Scope of Service is amended to include the services shown in Appendix 1.
2. The Compensation is amended to include an additional sum of \$155,695.00.

AGREEMENT TO REMAIN IN FULL FORCE AND EFFECT. Except for the Amendment set forth above, the original Agreement made effective September 10, 2021, and subsequent amendments shall remain in full force and effect.

CHATHAM COUNTY

BY: 

Dan LaMontagne, County Manager

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.



Roy Lynch, Finance Director

CONTRACTOR

BY: 

PRINT NAME: _Tyson Smith

Appendix 1

SCOPE OF WORK

Revised Project Schedule

INTRODUCTION

White & Smith, in partnership with Green Heron, Clarion, and Tetra Tech, will continue to prepare revisions to the County's zoning, subdivision, and other regulations described below. Following the detailed Scope, are "Additional Services," which may be added by agreement of the County and White & Smith as the project progresses.

The County and White & Smith updated this scope of work in April 2024 which included, among other things, an extension to the project schedule that anticipates adoption by the Board of Commissioners of the full UDO by December 31, 2024 (with a March 31, 2025 contingency). In order to achieve that schedule, White & Smith worked with staff to develop "review protocols and procedures" and a "tentative schedule for completion," which are also included below.

Our revised timeframe is based on direction from staff indicating the County's project manager, with consultation from staff as needed, will provide timely direction to the consultant Team, including regarding approaches to include in draft documents provided for public and County review. In addition, other than as provided below, the County project manager will be the point of contact with County boards, commissions, staff, advisory boards, subcommittees, and stakeholders, as needed to inform staff's direction to White & Smith.

In addition, the Scope of Services has been developed after discussion with County staff and reflects a schedule and process the County and the Team believe will effectuate the intent of the County in completing the UDO revisions in an ordered and efficient manner. If, during the course of the project, the County wishes to reprioritize or revisit planned code revisions, the Scope of Work may be revised pursuant to the "Additional Services" provisions below and the terms of the prime contract.

The White & Smith team has set up a freestanding website for managing the public outreach effort for the project. In addition, the website may include a comments feature, a document repository for draft project materials, and notice of important project milestones and public meetings.

Finally, in addition to the nine (9) in-person meetings and four (4) virtual meetings included in the original Estimated UDO Timeline, the scope includes attendance at three (3) additional in-person or virtual meetings as identified as necessary by the County project manager at times to be determined. As used here, a "meeting" refers to an onsite person-trip.

STAGE 1: PROJECT ORIENTATION COMPLETED

Task 1: Document Review

As soon as the County issues our notice to proceed, we will gather and review background data and policy documents.

Deliverables:

- ☐ Review documents

Task 2: Kickoff

First, during this Task, we will participate in orientation meetings with the County's project manager, Planning Department staff, and related development review staff to discuss:

- » The project scope, including the role of the selected Planning Services team;
- » Schedule of public outreach and deliverables; and
- » Phasing of key project milestones.

Second, we will meet with the County Commission, Planning Board, Environmental Review Advisory Committee (ERAC), Ag. Advisory Board, and other appointed bodies.

Third, we will also organize, plan for, and conduct introductory an initial public workshop and a series of stakeholder focus group meetings.

Deliverables:

- ☐ Staff meetings and focus groups (a2-3 day series of meetings)

STAGE 2: ASSESSMENT COMPLETED

Task 3: Issues Identification

After the Kickoff, we will provide an Issues Identification memorandum to the Project Manager that summarizes the issues presented by County officials and stakeholders during Task 2. The County's project manager will provide comments on the Issues Identification Summary, and we will finalize the memorandum for dissemination and posting on the project website, if desired.

Deliverable:

- ☐ Issues Identification Summary (draft and final)

Task 4: Audit Report

After the Issues Identification Summary is complete, we will provide an Audit Report that describes in more detail the issues identified in the Issues Identification Summary and how they may be addressed during the drafting of the UDO.

In addition, our land use attorneys will identify any preliminary legal issues, including applicable federal, state, and local laws, that should be considered by staff and the County Attorney.

Based on comments from the County’s project manager, we will finalize the Audit Report. We will then present the report to the Planning Board, ERAC, and Board of Commissioners.

Deliverables:

☐ Audit Report (draft and final) | ☐ Presentation to County Boards, Commissions, and Public

Task 5: Annotated Outline (the “Drafting Blueprint”)

After receiving staff comments on the Audit Report, we will prepare an Annotated Outline that will serve as the “Drafting Blueprint” of the new UDO. The UDO format will integrate all aspects of current development regulations including zoning, subdivision regulations, watershed protection, sign regulations, development standards, stormwater, soil, and erosion control, and regulations of individual uses such as junkyards and mobile homes.

The Annotated Outline will provide an overview of the proposed UDO structure and will help identify options and alternatives for staff to consider, along with a correspondence table tagged to the existing sections. This will provide a blueprint for the drafting stages of the project.

We will provide an initial draft for review by the County Project Manager and provide a final draft based on their comments and input. The Outline will be a working document that will guide and orient the development of the UDO.

Deliverables:

☐ Drafting Blueprint (draft and final) | ☐ Presentation Session in conjunction with Task 4

STAGE 3: DRAFTING Revised

Task 6: Drafting

The drafting stage involves separate modules for the basic code elements: zoning, procedures, and development standards, with revisions to the definitions section as we go along. For each module, we will organize, plan for, and conduct a public outreach session and, if requested, hold a virtual “check-in” with the Board of County Commissioners or other board it designates. The public outreach sessions will include fact sheets, presentations, and interactive dialogue. The virtual “check-in” sessions will include presentations with an opportunity for questions and answers.

Our budget includes a set aside of time for the preparation of graphics and illustrations in the UDO and the Administrative Manual. Although the UDO will not reflect a “form-based code” concept, the County does wish to augment text in certain areas to increase the organization and user-friendliness of the final UDO. We will prepare these graphics as policies and text are finalized in Stage 3.

Zoning Module (Module 1)

We will review the original draft of Module 1 to ensure consistency with Plan Moncure, which was adopted in October 2023 and summarize for staff the changes we recommend to effectuate Plan Moncure policies. Based on staff feedback and direction, we will prepare a round of revisions for staff review to achieve consistency with Plan Moncure. Based on staff review and direction related to these revisions, these changes will be incorporated into the final consolidated draft UDO in Task 7.

We anticipate that this project may result in some new districts, combined districts, and some districts removed and rezoned to a new or revised district category. Planning staff will prepare the new zoning map, as applicable, following adoption of the UDO in Task 8 and will determine the specific boundaries of any new or revised zoning districts. However, we will provide guidance, based on our revisions to the UDO and the Zoning Strategy in Plan Moncure, as to new districts and zoning.

Development Standards Module (Module 2)

This establishes the basic standards for all development in Chatham County. We anticipate revisions to the development standards to include:

- » Revised standards for site layout, neighborhood transition, building design, and impacts.
- » Subdivision standards including lot and block layout, environmental protection and sensitive areas, and park design and dedication.
- » Triggers for the analysis of water, wastewater, traffic, drainage, noise, wildlife habitat, and environmental and floodplain issues.
- » Provisions to enforce the subdivision and soil and erosion control standards.

Module 2 began in the Spring of 2023 and, as of April 2024, was ongoing. The public review draft was completed and provided to staff on April 15 and public outreach was scheduled for early May. The remaining tasks to complete Module #2 are (*see* Tentative Schedule below for deadlines):

1. Receipt of any and all of staff's consolidated comments on Module 2's Draft #1, reflecting as appropriate the input of the UDO subcommittee or advisory boards, including staff direction for completion of a revised draft for Module #2 public outreach sessions. The remaining review is final input on Stormwater Management, regarding any changes necessary to implement the new high density provisions for Watershed Protection (pending input from NCDEQ) and to incorporate final staff input.
2. White & Smith will conduct a full-day or two sequential days of in-person meetings with the Planning Board, Board of County Commissioners, and other stakeholders identified by the County project manager, to present Module 2 and to receive feedback.

3. White & Smith will consolidate any revisions to Module #2 requested by staff, based on stakeholder feedback and staff final direction, which will be incorporated into the consolidated UDO provided to the County in Task 7 for consideration of adoption.

Procedures Module (Module 3)

The procedures module will address any needed revisions to facilitate new standards for the UDO developed in other modules or to reflect the desire to revise current procedures, pursuant to the North Carolina general statutes. We anticipate this module to include:

- » The overall process for subdivision and zoning approval.
- » A common workflow for each entitlement.
- » Division of processes into individual sections by permit type.
- » Mechanisms for flexibility and relief such as appeals and variances.
- » The authority for each review and decision-making body.
- » Addressing the nonconforming status of existing and new structures and uses.

The remaining tasks to complete Module 3 are (*see* Tentative Schedule below for deadlines):

1. Receipt of any and all of staff's and, if appropriate, input from the UDO subcommittee or advisory boards, consolidated comments regarding Module 3, reflecting as appropriate the input of the subcommittee or advisory boards, including staff direction for completion of a revised draft for Module #3 public outreach sessions (Draft #2); and
2. Following receipt of staff direction regarding any and all changes to Draft #1, completion of a revised Module #3 for the public outreach sessions (Draft #2).
3. White & Smith will conduct a full-day or two sequential days of in-person meetings with the Planning Board, Board of County Commissioners, and other stakeholders identified by the County project manager, to present Module 3 and to receive feedback.
4. White & Smith will consolidate any revisions to Module 3 requested by staff, based on stakeholder feedback and staff final direction, which will be incorporated into the consolidated UDO provided to the County in Task 7 for consideration of adoption.

Definitions Module 4

We will build a unified definitions section as we proceed through the drafting process. This module includes the final list of definitions. As noted in the tentative schedule for completion, a revised definition section will be provided for review during the presentation of each of the three modules described above, as applicable.

Drafting Process

We will prepare initial staff review draft for each module for review by the County Project manager (Draft #1). If full staff review occurs or input from the UDO Subcommittee or an advisory board is provided to staff during this phase, the County project manager will provide a consolidated list of comments for revision, including direction to the White & Smith team where more than one approach is proposed by draft reviewers. We will then provide a second draft that reflects County staff direction, including any input provided to staff from the UDO subcommittee or County advisory boards, for the public outreach process (Draft #2). Following public outreach, we'll make internal changes to the module for incorporation of each module into a final draft UDO in Task 7. Revisions following public comment are for internal tracking purposes only.

We will track staff, UDO Subcommittee, and advisory board comments in the Microsoft Word version of each draft and use these comments as a basis to revise successive drafts of the UDO. In addition, we will continually revise the Annotated Outline, prepared at the beginning of the project, to reflect the organization and content of the latest UDO drafts.

Each draft will have legal review by a team attorney and any identified legal issues will be brought to the attention of the County project manager for consideration and, if desired, further discussions with the County Attorney or Board of County Commissioners, as directed by the County project manager.

Testing

After the draft zoning and development standards modules are completed, we will test the draft provisions of the UDO against 10 hypothetical sites provided by the County project manager. This could involve actual undeveloped sites, recent applications, or hypothetical site plans that are similar to anticipated development in the County.

During completion of the procedures module, we will work with staff to test the proposed procedures or revised procedures against a hypothetical project for each category of procedure.

Deliverables:

☐ Draft Code Modules (Module 3, one draft, Definition section, as applicable to each module and one consolidated draft for inclusion in the UDO) | ☐ Public Outreach Meetings (Module 2 outreach sessions, Module 3 outreach sessions) + Virtual Check-in Sessions, as needed (2)

Task 7: Final Drafts

Following public outreach for each module completed in Task 6, we will prepare a revised iteration of the module based on the direction of the County project manager, which will be consolidated into the UDO for consideration for adoption in Task 8.

When the drafts are distributed to the public, we anticipate providing a deadline for responses to keep project momentum and to meet the desired timeframes.

Deliverable:

☐ Code Modules consolidated, per staff direction, for Adoption phase

STAGE 4: ADOPTION

Task 8: Adoption—Final Products

Based on the input received during the formal adoption process, we will prepare a final version of the UDO for codification.

Deliverables:

- ☐ Final Code | ☐ Attend adoption hearings (4 (four) meetings)

STAGE 5: POST-ADOPTION

Task 9: Administrative Manual

We will prepare an easy to understand Administrative Manual for the new UDO. A text document and brochure or booklet form will include an introduction and executive summary of the regulations, a series of frequently asked questions (FAQs), and an explanation of how the zoning districts and development regulations work together.

Deliverable:

- ☐ Written Administrative Manual and brochure or booklet (two drafts)

Task 10: Training

We will conduct a training session that provides a how-to guide for zoning administrators, applicants, and public decision makers. This will include a presentation, training manual, and exercises. We will conduct one session, and County staff will retain the presentation and manual for future sessions.

Deliverables:

- ☐ Training Manual | ☐ Present training session

REVIEW PROTOCOLS AND PROCEDURES

Based on discussions with the County project manager and staff, all remaining tasks are anticipated to be complete, including final adoption of the UDO, by March 31, 2025, with the goal of completing it by December 31, 2024, as discussed with the Board of Commissioners on April 15, 2024. In order to achieve this timeline, we have arrived at the following protocols to ensure timely completion of the remaining tasks:

1. Staff will work with the UDO subcommittee, advisory boards, and other County officials or boards to inform its direction to White & Smith in its preparation of each draft iteration of a module, chapter, or the UDO.
2. Following that review, the staff will provide to White & Smith:
 - a. Final direction and changes if any to be made to the reviewed materials; or
 - b. Identify unresolved matters for which staff wants White & Smith input to resolve.
3. Once this is received, White & Smith will prepare the revised or final iteration of the materials.
4. In cases where input from the Board of Commissioners will be helpful, staff will request White & Smith to prepare for and attend a virtual meeting with the Board, as provided in the Scope of Work.
5. Outstanding drafts needing staff direction (as of April 15, 2024):
 - a. Module 2: See section noted above under Development Standards Module 2, and tentative schedule for completion
 - b. Module 3:
 - c. Definitions: Module 2 and Module 3 under review (see above), , final consolidated version (not submitted yet) in Task 7
 - d. Consolidated UDO draft (Task 7) (not submitted yet)
6. Remaining Drafts to be completed by White & Smith (as of April 15, 2024) are as follows:
 - a. Module 3, Draft #2
 - b. Definitions, Draft #2 as to Module 3, final consolidated draft for inclusion in the UDO.
7. Remaining meetings for White & Smith to attend (as of April 15, 2024):

- a. Module 2 public outreach
- b. Module 3 public outreach
- c. Staff Training Session
- d. Up to 4 Adoption meetings
- e. Up to 2 additional virtual Board of Commissioner input sessions

Tentative Schedule for Completion of Recode Chatham

April 17, 2024

Module 2
Module 3
Module 4 (Definitions)
Final Consolidated UDO

<u>UDO Subcmte Meeting Date</u>	<u>Draft Delivery Date for Dec Adoption</u>	<u>Items for Review</u>	<u>Draft Delivery Date for Nov Adoption</u>	<u>Items for Review</u>
Mar 28, 2024	Mar 13	14: <i>Nonconformities</i> Review Draft #1 15: <i>Enforcement</i> Review Draft #1	Mar 13	14: <i>Nonconformities</i> Review Draft #1 15: <i>Enforcement</i> Review Draft #1 16: <i>Rules of Interpretation & Measurement</i> Review Draft #1
Apr 25, 2024	Apr 10	13: <i>Reviewing & Decision- Making Bodies</i> Review Draft #1 16: <i>Rules of Interpretation & Measurement</i> Review Draft #1	Apr 10	12: <i>Procedures</i> Review Draft #1 13: <i>Reviewing & Decision- Making Bodies</i> Review Draft #1 18: <i>Submittal Requirements</i> Review Draft #1
May 23, 2024	Apr 30	12: <i>Procedures</i> Review Draft #1 18: <i>Submittal Requirements</i> Review Draft #1	--	--
--	--	17: <i>Definitions & Acronyms</i> Review Draft (Reviewed with Modules)	--	--

<u>Tentative Date</u> <u>(Dec 2024 Adoption)</u>	<u>Tentative Date</u> <u>(Nov 2024 Adoption)</u>	<u>Deliverable</u>
Mar 1, 2024	Mar 1, 2024	Deadline for Module 2 comments from staff and advisory boards
Apr 15, 2024	Apr 15, 2024	Draft #2 of Module 2 (Chapters 4 through 11)
May 6, 2024	May 6, 2024	Board of Commissioners Meeting (Module 2)
May 7, 2024	May 7, 2024	Planning Board Meeting (Module 2)
May 2024	Apr 2024	Scenario Testing Begins (10 sites)
Jun 1, 2024	May 1, 2024	Deadline for Module 3 comments from staff and advisory boards
May 28, 2024	May 28, 2024	Deadline for Public Comments on Module 2
Jul 15, 2024	Jun 10, 2024	Draft #2 of Module 3 (Chapters 12 through 18)
Jun 14, 2024	Jun 14, 2024	Deadline for staff to vet & provide direction on Module 2 Public Comments
Aug 5, 2024	Jul 15, 2024	Board of Commissioners Meeting (Module 3)
Aug 6, 2024	Jul 16, 2024	Planning Board Meeting (Module 3)
Aug 2024	Jul 2024	Scenario Testing Complete & Prepare Consolidated UDO
Sep 30, 2024	Aug 31, 2024	Consolidated Draft of UDO Completed/Transmitted to Staff
Oct 2024	Sep 2024	BOC and PB UDO Review / Planning Board Meeting(s)
Nov 2024	Oct 2024	BOC and Planning Board Meetings
Dec 2024	Nov 2024	BOC and Planning Board Meetings
Jan 2025	Dec 2024	Administrative Manual Draft #1

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Feb 2025	Jan/Feb 2025	Administrative Manual Draft #2
Feb 2025	Jan/Feb 2025	Training Session

ADDITIONAL SERVICES

In the event that services, meetings, or deliverables in addition to those in the Scope of Work above are requested by the County during the course of the project, White & Smith will work with the County project manager to revise its agreement with the County to add those services, based on the same hourly rates shown in the UDO Estimated Budget.

The following are examples of additional services:

- (1) Additional rounds of code or module drafts;
- (2) Additional in-person or virtual meetings;
- (3) The development of renderings or other drawing or scenarios other than those described in the Scope of Work;
- (4) Form-based regulations;
- (5) GIS services;
- (6) Costs of meeting space;
- (7) Services required to respond to changes in state law requiring revisions to workproduct already prepared or that significantly increase local government code requirements;
- (8) Participation in rezonings or other planning or zoning matters during the UDO rewrite;
- (9) Costs and tasks related to notice and advertising;
- (10) Build-out analyses; non-conformity studies; or other studies necessary to support revisions to the UDO, other than as provided in the Scope of Work;
- (11) Revisions to the Comprehensive Plan;
- (12) Revisions to the County zoning map.

Updated UDO Budget

Chatham County UDO Budget Status as of May 31, 2024

<i>ReCode Chatham</i> Original Estimated Budget Allocation v. Estimated Adjusted					
	ORIGINAL	ADJUSTED	COMPLETED	REMAINING	% Complete by Task
1 Project Orientation					
1 Document Review	\$9,600	\$9,600	\$9,600	\$0	100.00%
2 Kickoff	\$25,320	\$25,320	\$25,320	\$0	100.00%
2 Assessment					
3 Issues Identification	\$12,930	\$12,930	\$12,930	\$0	100.00%
4 Audit Report	\$23,100	\$23,100	\$23,100	\$0	100.00%
5 Annotated Outline	\$7,620	\$7,620	\$7,620	\$0	100.00%
3 Drafting					
6 <i>Drafting Modules</i>					
Zoning Module	\$57,710	\$82,710	\$72,000	\$10,710	87.05%
Development Standards Module	\$64,370	\$107,370	\$86,000	\$21,370	80.10%
Procedures Module	\$23,330	\$34,662	\$17,820	\$16,842	51.41%
Definitions Module	\$23,860	\$33,278	\$24,640	\$8,638	74.04%
Graphics	\$16,080	\$26,080	\$16,000	\$10,080	61.35%
Testing	\$19,480	\$27,272	\$0	\$27,272	0.00%
7 Final Drafts	\$11,240	\$15,736	\$0	\$15,736	0.00%
4 Adoption					
8 Adoption	\$20,680	\$28,952	\$0	\$28,952	0.00%
5 Post-Adoption					
9 Administrative Manual	\$12,250	\$22,150	\$0	\$22,150	0.00%
10 Training	\$8,800	\$12,320	\$0	\$12,320	0.00%
Project Administration					
Management/Coordination	\$19,410	\$27,174	\$20,000	\$7,174	73.60%
Project Website	\$15,120	\$21,168	\$16,000	\$5,168	75.59%
Total Hours/Subtotal Fees	\$370,974	\$517,442	\$331,030	\$186,412	
Travel	\$20,000	\$32,500	\$20,000	\$12,500	61.54%
Copies (final UDO)	\$7,200	\$7,200	\$7,200	\$0	100.00%
Totals	\$398,174	\$557,142	\$358,230	\$198,912	

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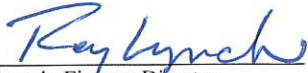
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CHATHAM COUNTY

BY: 

Dan LaMontagne, County Manager

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CONTRACTOR

BY: 

PRINT NAME: _Tyson Smith

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Finally, in addition to the nine (9) in-person meetings and four (4) virtual meetings included in the original Estimated UDO Timeline, the scope includes attendance at three (3) additional in-person or virtual meetings as identified as necessary by the County project manager at times to be determined. As used here, a "meeting" refers to an onsite person-trip.

STAGE 1: PROJECT ORIENTATION COMPLETED

Task 1: Document Review

As soon as the County issues our notice to proceed, we will gather and review background data and policy documents.

Deliverables:

- ☐ Review documents

Task 2: Kickoff

First, during this Task, we will participate in orientation meetings with the County's project manager, Planning Department staff, and related development review staff to discuss:

- » The project scope, including the role of the selected Planning Services team;
- » Schedule of public outreach and deliverables; and
- » Phasing of key project milestones.

Second, we will meet with the County Commission, Planning Board, Environmental Review Advisory Committee (ERAC), Ag. Advisory Board, and other appointed bodies.

Third, we will also organize, plan for, and conduct introductory an initial public workshop and a series of stakeholder focus group meetings.

Deliverables:

- ☐ Staff meetings and focus groups (a2-3 day series of meetings)

STAGE 2: ASSESSMENT COMPLETED

Task 3: Issues Identification

After the Kickoff, we will provide an Issues Identification memorandum to the Project Manager that summarizes the issues presented by County officials and stakeholders during Task 2. The County's project manager will provide comments on the Issues Identification Summary, and we will finalize the memorandum for dissemination and posting on the project website, if desired.

Deliverable:

- ☐ Issues Identification Summary (draft and final)

Task 4: Audit Report

After the Issues Identification Summary is complete, we will provide an Audit Report that describes in more detail the issues identified in the Issues Identification Summary and how they may be addressed during the drafting of the UDO.

In addition, our land use attorneys will identify any preliminary legal issues, including applicable federal, state, and local laws, that should be considered by staff and the County Attorney.

Based on comments from the County's project manager, we will finalize the Audit Report. We will then present the report to the Planning Board, ERAC, and Board of Commissioners.

Deliverables:

☐ Audit Report (draft and final) | ☐ Presentation to County Boards, Commissions, and Public

Task 5: Annotated Outline (the "Drafting Blueprint")

After receiving staff comments on the Audit Report, we will prepare an Annotated Outline that will serve as the "Drafting Blueprint" of the new UDO. The UDO format will integrate all aspects of current development regulations including zoning, subdivision regulations, watershed protection, sign regulations, development standards, stormwater, soil, and erosion control, and regulations of individual uses such as junkyards and mobile homes.

The Annotated Outline will provide an overview of the proposed UDO structure and will help identify options and alternatives for staff to consider, along with a correspondence table tagged to the existing sections. This will provide a blueprint for the drafting stages of the project.

We will provide an initial draft for review by the County Project Manager and provide a final draft based on their comments and input. The Outline will be a working document that will guide and orient the development of the UDO.

Deliverables:

☐ Drafting Blueprint (draft and final) | ☐ Presentation Session in conjunction with Task 4

STAGE 3: DRAFTING Revised

Task 6: Drafting

The drafting stage involves separate modules for the basic code elements: zoning, procedures, and development standards, with revisions to the definitions section as we go along. For each module, we will organize, plan for, and conduct a public outreach session and, if requested, hold a virtual "check-in" with the Board of County Commissioners or other board it designates. The public outreach sessions will include fact sheets, presentations, and interactive dialogue. The virtual "check-in" sessions will include presentations with an opportunity for questions and answers.

Our budget includes a set aside of time for the preparation of graphics and illustrations in the UDO and the Administrative Manual. Although the UDO will not reflect a "form-based code" concept, the County does wish to augment text in certain areas to increase the organization and user-friendliness of the final UDO. We will prepare these graphics as policies and text are finalized in Stage 3.

Zoning Module (Module 1)

We will review the original draft of Module 1 to ensure consistency with Plan Moncure, which was adopted in October 2023 and summarize for staff the changes we recommend to effectuate Plan Moncure policies. Based on staff feedback and direction, we will prepare a round of revisions for staff review to achieve consistency with Plan Moncure. Based on staff review and direction related to these revisions, these changes will be incorporated into the final consolidated draft UDO in Task 7.

We anticipate that this project may result in some new districts, combined districts, and some districts removed and rezoned to a new or revised district category. Planning staff will prepare the new zoning map, as applicable, following adoption of the UDO in Task 8 and will determine the specific boundaries of any new or revised zoning districts. However, we will provide guidance, based on our revisions to the UDO and the Zoning Strategy in Plan Moncure, as to new districts and zoning.

Development Standards Module (Module 2)

This establishes the basic standards for all development in Chatham County. We anticipate revisions to the development standards to include:

- » Revised standards for site layout, neighborhood transition, building design, and impacts.
- » Subdivision standards including lot and block layout, environmental protection and sensitive areas, and park design and dedication.
- » Triggers for the analysis of water, wastewater, traffic, drainage, noise, wildlife habitat, and environmental and floodplain issues.
- » Provisions to enforce the subdivision and soil and erosion control standards.

Module 2 began in the Spring of 2023 and, as of April 2024, was ongoing. The public review draft was completed and provided to staff on April 15 and public outreach was scheduled for early May. The remaining tasks to complete Module #2 are (*see* Tentative Schedule below for deadlines):

1. Receipt of any and all of staff's consolidated comments on Module 2's Draft #1, reflecting as appropriate the input of the UDO subcommittee or advisory boards, including staff direction for completion of a revised draft for Module #2 public outreach sessions. The remaining review is final input on Stormwater Management, regarding any changes necessary to implement the new high density provisions for Watershed Protection (pending input from NCDEQ) and to incorporate final staff input.
2. White & Smith will conduct a full-day or two sequential days of in-person meetings with the Planning Board, Board of County Commissioners, and other stakeholders identified by the County project manager, to present Module 2 and to receive feedback.

3. White & Smith will consolidate any revisions to Module #2 requested by staff, based on stakeholder feedback and staff final direction, which will be incorporated into the consolidated UDO provided to the County in Task 7 for consideration of adoption.

Procedures Module (Module 3)

The procedures module will address any needed revisions to facilitate new standards for the UDO developed in other modules or to reflect the desire to revise current procedures, pursuant to the North Carolina general statutes. We anticipate this module to include:

- » The overall process for subdivision and zoning approval.
- » A common workflow for each entitlement.
- » Division of processes into individual sections by permit type.
- » Mechanisms for flexibility and relief such as appeals and variances.
- » The authority for each review and decision-making body.
- » Addressing the nonconforming status of existing and new structures and uses.

The remaining tasks to complete Module 3 are (*see* Tentative Schedule below for deadlines):

1. Receipt of any and all of staff's and, if appropriate, input from the UDO subcommittee or advisory boards, consolidated comments regarding Module 3, reflecting as appropriate the input of the subcommittee or advisory boards, including staff direction for completion of a revised draft for Module #3 public outreach sessions (Draft #2); and
2. Following receipt of staff direction regarding any and all changes to Draft #1, completion of a revised Module #3 for the public outreach sessions (Draft #2).
3. White & Smith will conduct a full-day or two sequential days of in-person meetings with the Planning Board, Board of County Commissioners, and other stakeholders identified by the County project manager, to present Module 3 and to receive feedback.
4. White & Smith will consolidate any revisions to Module 3 requested by staff, based on stakeholder feedback and staff final direction, which will be incorporated into the consolidated UDO provided to the County in Task 7 for consideration of adoption.

Definitions Module 4

We will build a unified definitions section as we proceed through the drafting process. This module includes the final list of definitions. As noted in the tentative schedule for completion, a revised definition section will be provided for review during the presentation of each of the three modules described above, as applicable.

Drafting Process

We will prepare initial staff review draft for each module for review by the County Project manager (Draft #1). If full staff review occurs or input from the UDO Subcommittee or an advisory board is provided to staff during this phase, the County project manager will provide a consolidated list of comments for revision, including direction to the White & Smith team where more than one approach is proposed by draft reviewers. We will then provide a second draft that reflects County staff direction, including any input provided to staff from the UDO subcommittee or County advisory boards, for the public outreach process (Draft #2). Following public outreach, we'll make internal changes to the module for incorporation of each module into a final draft UDO in Task 7. Revisions following public comment are for internal tracking purposes only.

We will track staff, UDO Subcommittee, and advisory board comments in the Microsoft Word version of each draft and use these comments as a basis to revise successive drafts of the UDO. In addition, we will continually revise the Annotated Outline, prepared at the beginning of the project, to reflect the organization and content of the latest UDO drafts.

Each draft will have legal review by a team attorney and any identified legal issues will be brought to the attention of the County project manager for consideration and, if desired, further discussions with the County Attorney or Board of County Commissioners, as directed by the County project manager.

Testing

After the draft zoning and development standards modules are completed, we will test the draft provisions of the UDO against 10 hypothetical sites provided by the County project manager. This could involve actual undeveloped sites, recent applications, or hypothetical site plans that are similar to anticipated development in the County.

During completion of the procedures module, we will work with staff to test the proposed procedures or revised procedures against a hypothetical project for each category of procedure.

Deliverables:

☐ Draft Code Modules (Module 3, one draft, Definition section, as applicable to each module and one consolidated draft for inclusion in the UDO) | ☐ Public Outreach Meetings (Module 2 outreach sessions, Module 3 outreach sessions) + Virtual Check-in Sessions, as needed (2)

Task 7: Final Drafts

Following public outreach for each module completed in Task 6, we will prepare a revised iteration of the module based on the direction of the County project manager, which will be consolidated into the UDO for consideration for adoption in Task 8.

When the drafts are distributed to the public, we anticipate providing a deadline for responses to keep project momentum and to meet the desired timeframes.

Deliverable:

☐ Code Modules consolidated, per staff direction, for Adoption phase

STAGE 4: ADOPTION

Task 8: Adoption—Final Products

Based on the input received during the formal adoption process, we will prepare a final version of the UDO for codification.

Deliverables:

- ☐ Final Code | ☐ Attend adoption hearings (4 (four) meetings)

STAGE 5: POST-ADOPTION

Task 9: Administrative Manual

We will prepare an easy to understand Administrative Manual for the new UDO. A text document and brochure or booklet form will include an introduction and executive summary of the regulations, a series of frequently asked questions (FAQs), and an explanation of how the zoning districts and development regulations work together.

Deliverable:

- ☐ Written Administrative Manual and brochure or booklet (two drafts)

Task 10: Training

We will conduct a training session that provides a how-to guide for zoning administrators, applicants, and public decision makers. This will include a presentation, training manual, and exercises. We will conduct one session, and County staff will retain the presentation and manual for future sessions.

Deliverables:

- ☐ Training Manual | ☐ Present training session

REVIEW PROTOCOLS AND PROCEDURES

Based on discussions with the County project manager and staff, all remaining tasks are anticipated to be complete, including final adoption of the UDO, by March 31, 2025, with the goal of completing it by December 31, 2024, as discussed with the Board of Commissioners on April 15, 2024. In order to achieve this timeline, we have arrived at the following protocols to ensure timely completion of the remaining tasks:

1. Staff will work with the UDO subcommittee, advisory boards, and other County officials or boards to inform its direction to White & Smith in its preparation of each draft iteration of a module, chapter, or the UDO.
2. Following that review, the staff will provide to White & Smith:
 - a. Final direction and changes if any to be made to the reviewed materials; or
 - b. Identify unresolved matters for which staff wants White & Smith input to resolve.
3. Once this is received, White & Smith will prepare the revised or final iteration of the materials.
4. In cases where input from the Board of Commissioners will be helpful, staff will request White & Smith to prepare for and attend a virtual meeting with the Board, as provided in the Scope of Work.
5. Outstanding drafts needing staff direction (as of April 15, 2024):
 - a. Module 2: See section noted above under Development Standards Module 2, and tentative schedule for completion
 - b. Module 3:
 - c. Definitions: Module 2 and Module 3 under review (see above), , final consolidated version (not submitted yet) in Task 7
 - d. Consolidated UDO draft (Task 7) (not submitted yet)
6. Remaining Drafts to be completed by White & Smith (as of April 15, 2024) are as follows:
 - a. Module 3, Draft #2
 - b. Definitions, Draft #2 as to Module 3, final consolidated draft for inclusion in the UDO.
7. Remaining meetings for White & Smith to attend (as of April 15, 2024):

- a. Module 2 public outreach
- b. Module 3 public outreach
- c. Staff Training Session
- d. Up to 4 Adoption meetings
- e. Up to 2 additional virtual Board of Commissioner input sessions

Tentative Schedule for Completion of Recode Chatham

April 17, 2024

Module 2
Module 3
Module 4 (Definitions)
Final Consolidated UDO

<u>UDO Subcmte Meeting Date</u>	<u>Draft Delivery Date for Dec Adoption</u>	<u>Items for Review</u>	<u>Draft Delivery Date for Nov Adoption</u>	<u>Items for Review</u>
Mar 28, 2024	Mar 13	14: <i>Nonconformities</i> Review Draft #1 15: <i>Enforcement</i> Review Draft #1	Mar 13	14: <i>Nonconformities</i> Review Draft #1 15: <i>Enforcement</i> Review Draft #1 16: <i>Rules of Interpretation & Measurement</i> Review Draft #1
Apr 25, 2024	Apr 10	13: <i>Reviewing & Decision- Making Bodies</i> Review Draft #1 16: <i>Rules of Interpretation & Measurement</i> Review Draft #1	Apr 10	12: <i>Procedures</i> Review Draft #1 13: <i>Reviewing & Decision- Making Bodies</i> Review Draft #1 18: <i>Submittal Requirements</i> Review Draft #1
May 23, 2024	Apr 30	12: <i>Procedures</i> Review Draft #1 18: <i>Submittal Requirements</i> Review Draft #1	--	--
--	--	17: <i>Definitions & Acronyms</i> Review Draft (Reviewed with Modules)	--	--

<u>Tentative Date</u> <u>(Dec 2024 Adoption)</u>	<u>Tentative Date</u> <u>(Nov 2024 Adoption)</u>	<u>Deliverable</u>
Mar 1, 2024	Mar 1, 2024	Deadline for Module 2 comments from staff and advisory boards
Apr 15, 2024	Apr 15, 2024	Draft #2 of Module 2 (Chapters 4 through 11)
May 6, 2024	May 6, 2024	Board of Commissioners Meeting (Module 2)
May 7, 2024	May 7, 2024	Planning Board Meeting (Module 2)
May 2024	Apr 2024	Scenario Testing Begins (10 sites)
Jun 1, 2024	May 1, 2024	Deadline for Module 3 comments from staff and advisory boards
May 28, 2024	May 28, 2024	Deadline for Public Comments on Module 2
Jul 15, 2024	Jun 10, 2024	Draft #2 of Module 3 (Chapters 12 through 18)
Jun 14, 2024	Jun 14, 2024	Deadline for staff to vet & provide direction on Module 2 Public Comments
Aug 5, 2024	Jul 15, 2024	Board of Commissioners Meeting (Module 3)
Aug 6, 2024	Jul 16, 2024	Planning Board Meeting (Module 3)
Aug 2024	Jul 2024	Scenario Testing Complete & Prepare Consolidated UDO
Sep 30, 2024	Aug 31, 2024	Consolidated Draft of UDO Completed/Transmitted to Staff
Oct 2024	Sep 2024	BOC and PB UDO Review / Planning Board Meeting(s)
Nov 2024	Oct 2024	BOC and Planning Board Meetings
Dec 2024	Nov 2024	BOC and Planning Board Meetings
Jan 2025	Dec 2024	Administrative Manual Draft #1

<u>Tentative Date</u> <u>(Dec 2024 Adoption)</u>	<u>Tentative Date</u> <u>(Nov 2024 Adoption)</u>	<u>Deliverable</u>
Feb 2025	Jan/Feb 2025	Administrative Manual Draft #2
Feb 2025	Jan/Feb 2025	Training Session

ADDITIONAL SERVICES

In the event that services, meetings, or deliverables in addition to those in the Scope of Work above are requested by the County during the course of the project, White & Smith will work with the County project manager to revise its agreement with the County to add those services, based on the same hourly rates shown in the UDO Estimated Budget.

The following are examples of additional services:

- (1) Additional rounds of code or module drafts;
- (2) Additional in-person or virtual meetings;
- (3) The development of renderings or other drawing or scenarios other than those described in the Scope of Work;
- (4) Form-based regulations;
- (5) GIS services;
- (6) Costs of meeting space;
- (7) Services required to respond to changes in state law requiring revisions to workproduct already prepared or that significantly increase local government code requirements;
- (8) Participation in rezonings or other planning or zoning matters during the UDO rewrite;
- (9) Costs and tasks related to notice and advertising;
- (10) Build-out analyses; non-conformity studies; or other studies necessary to support revisions to the UDO, other than as provided in the Scope of Work;
- (11) Revisions to the Comprehensive Plan;
- (12) Revisions to the County zoning map.

Updated UDO Budget

Chatham County UDO Budget Status as of May 31, 2024

<i>ReCode Chatham</i> Original Estimated Budget Allocation v. Estimated Adjusted					
	ORIGINAL	ADJUSTED	COMPLETED	REMAINING	% Complete by Task
1 Project Orientation					
1 Document Review	\$9,600	\$9,600	\$9,600	\$0	100.00%
2 Kickoff	\$25,320	\$25,320	\$25,320	\$0	100.00%
2 Assessment					
3 Issues Identification	\$12,930	\$12,930	\$12,930	\$0	100.00%
4 Audit Report	\$23,100	\$23,100	\$23,100	\$0	100.00%
5 Annotated Outline	\$7,620	\$7,620	\$7,620	\$0	100.00%
3 Drafting					
6 <i>Drafting Modules</i>					
Zoning Module	\$57,710	\$82,710	\$72,000	\$10,710	87.05%
Development Standards Module	\$64,370	\$107,370	\$86,000	\$21,370	80.10%
Procedures Module	\$23,330	\$34,662	\$17,820	\$16,842	51.41%
Definitions Module	\$23,860	\$33,278	\$24,640	\$8,638	74.04%
Graphics	\$16,080	\$26,080	\$16,000	\$10,080	61.35%
Testing	\$19,480	\$27,272	\$0	\$27,272	0.00%
7 Final Drafts	\$11,240	\$15,736	\$0	\$15,736	0.00%
4 Adoption					
8 Adoption	\$20,680	\$28,952	\$0	\$28,952	0.00%
5 Post-Adoption					
9 Administrative Manual	\$12,250	\$22,150	\$0	\$22,150	0.00%
10 Training	\$8,800	\$12,320	\$0	\$12,320	0.00%
Project Administration					
Management/Coordination	\$19,410	\$27,174	\$20,000	\$7,174	73.60%
Project Website	\$15,120	\$21,168	\$16,000	\$5,168	75.59%
Total Hours/Subtotal Fees	\$370,974	\$517,442	\$331,030	\$186,412	
Travel	\$20,000	\$32,500	\$20,000	\$12,500	61.54%
Copies (final UDO)	\$7,200	\$7,200	\$7,200	\$0	100.00%
Totals	\$398,174	\$557,142	\$358,230	\$198,912	

NORTH CAROLINA

CHATHAM COUNTY

FOURTH AMENDMENT TO AGREEMENT

This Fourth Amendment to the Agreement (this "Fourth Amendment") is made and entered into this 12th day of July, 2024, by and between Chatham County, North Carolina, a body politic and corporate of the State of North Carolina (the "County") and White & Smith, LLC (the "Contractor"). Either the County or the Contractor may be referred to herein as a "Party" or collectively as the "Parties."

RECITALS

A. The County and the Contractor entered into an agreement for the Contractor to complete the development of a Unified Development Ordinance, on September 10, 2021 (the Original Agreement). The amount of that contract was \$398,174.00.

B. In April June 2022, the original agreement was revised to reflect the County's addition to the Consultant's scope of work the preparation of a health and equity assessment for an additional amount of \$25,000, which additional work has been completed and remittance made (the "First Amendment to the Agreement"). The revised total budget following the First Amendment to the Agreement was \$423,174.

C. In June 2022, a "Second Amendment to the Agreement" was executed to reflect the County's addition to the scope of work the preparation of the first phase of the "TIP East: Countywide Assessment and Moncure Area Plan," the "Project Assessment and Action Plan," for an additional amount of \$79,420, which additional work has been completed and remittance made. The total revised budget following the Second Amendment to the Agreement was \$502,594.

D. In January 2023, a "Third Amendment to the Agreement" was executed to reflect the County's addition to the scope of work the preparation of the second phase of the "TIP East: Countywide Assessment and Moncure Area Plan," the "Countywide Assessment and Moncure Area Plan" for an additional amount of \$572,622.50, which additional work has been completed and remittance made. The total revised budget following the Third Amendment to the Agreement was \$1,075,216.50.

E. In February 2024, the Contractor and County staff entered into discussions regarding the need for additional services related to the UDO, as well as a 15-month extension to the original 24-month project schedule necessary to meet the County's desired completion date of the UDO. This revision was estimated to require an additional budget of \$159,000 approximately, in addition to the \$398,174 budget in the Original Agreement to complete the UDO in the desired timeframe.

F. On April 15, 2024, the Board of Commissioners considered the proposed revisions, in addition to a \$60,000 contingency set aside, should services beyond those in Appendix 1 or beyond the revised 39-month project, in the opinion of the Planning Director, be required. This "Fourth Amendment to the Agreement" reflects these additional services and contingency fee, together totaling \$155,695 (\$94,995 in additional services, plus \$60,000 available in contingency) and, therefore, a total revised budget of \$1,230,911.50.

G. The Parties have agreed the amend the Agreement as provided for above.

NOW, THEREFORE, in consideration of the mutual covenants and the conditions contained herein, the County and Contractor agree as follows:

1. The Scope of Service is amended to include the services shown in Appendix 1.
2. The Compensation is amended to include an additional sum of \$155,695.00.

AGREEMENT TO REMAIN IN FULL FORCE AND EFFECT. Except for the Amendment set forth above, the original Agreement made effective September 10, 2021, and subsequent amendments shall remain in full force and effect.

CHATHAM COUNTY

BY: 

Dan LaMontagne, County Manager

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.


Roy Lynch, Finance Director

CONTRACTOR

BY: 

PRINT NAME: _Tyson Smith

Appendix 1

SCOPE OF WORK

Revised Project Schedule

INTRODUCTION

White & Smith, in partnership with Green Heron, Clarion, and Tetra Tech, will continue to prepare revisions to the County's zoning, subdivision, and other regulations described below. Following the detailed Scope, are "Additional Services," which may be added by agreement of the County and White & Smith as the project progresses.

The County and White & Smith updated this scope of work in April 2024 which included, among other things, an extension to the project schedule that anticipates adoption by the Board of Commissioners of the full UDO by December 31, 2024 (with a March 31, 2025 contingency). In order to achieve that schedule, White & Smith worked with staff to develop "review protocols and procedures" and a "tentative schedule for completion," which are also included below.

Our revised timeframe is based on direction from staff indicating the County's project manager, with consultation from staff as needed, will provide timely direction to the consultant Team, including regarding approaches to include in draft documents provided for public and County review. In addition, other than as provided below, the County project manager will be the point of contact with County boards, commissions, staff, advisory boards, subcommittees, and stakeholders, as needed to inform staff's direction to White & Smith.

In addition, the Scope of Services has been developed after discussion with County staff and reflects a schedule and process the County and the Team believe will effectuate the intent of the County in completing the UDO revisions in an ordered and efficient manner. If, during the course of the project, the County wishes to reprioritize or revisit planned code revisions, the Scope of Work may be revised pursuant to the "Additional Services" provisions below and the terms of the prime contract.

The White & Smith team has set up a freestanding website for managing the public outreach effort for the project. In addition, the website may include a comments feature, a document repository for draft project materials, and notice of important project milestones and public meetings.

Finally, in addition to the nine (9) in-person meetings and four (4) virtual meetings included in the original Estimated UDO Timeline, the scope includes attendance at three (3) additional in-person or virtual meetings as identified as necessary by the County project manager at times to be determined. As used here, a "meeting" refers to an onsite person-trip.

STAGE 1: PROJECT ORIENTATION COMPLETED

Task 1: Document Review

As soon as the County issues our notice to proceed, we will gather and review background data and policy documents.

Deliverables:

- ☐ Review documents

Task 2: Kickoff

First, during this Task, we will participate in orientation meetings with the County's project manager, Planning Department staff, and related development review staff to discuss:

- » The project scope, including the role of the selected Planning Services team;
- » Schedule of public outreach and deliverables; and
- » Phasing of key project milestones.

Second, we will meet with the County Commission, Planning Board, Environmental Review Advisory Committee (ERAC), Ag. Advisory Board, and other appointed bodies.

Third, we will also organize, plan for, and conduct introductory an initial public workshop and a series of stakeholder focus group meetings.

Deliverables:

- ☐ Staff meetings and focus groups (a2-3 day series of meetings)

STAGE 2: ASSESSMENT COMPLETED

Task 3: Issues Identification

After the Kickoff, we will provide an Issues Identification memorandum to the Project Manager that summarizes the issues presented by County officials and stakeholders during Task 2. The County's project manager will provide comments on the Issues Identification Summary, and we will finalize the memorandum for dissemination and posting on the project website, if desired.

Deliverable:

- ☐ Issues Identification Summary (draft and final)

Task 4: Audit Report

After the Issues Identification Summary is complete, we will provide an Audit Report that describes in more detail the issues identified in the Issues Identification Summary and how they may be addressed during the drafting of the UDO.

In addition, our land use attorneys will identify any preliminary legal issues, including applicable federal, state, and local laws, that should be considered by staff and the County Attorney.

Based on comments from the County's project manager, we will finalize the Audit Report. We will then present the report to the Planning Board, ERAC, and Board of Commissioners.

Deliverables:

☐ Audit Report (draft and final) | ☐ Presentation to County Boards, Commissions, and Public

Task 5: Annotated Outline (the "Drafting Blueprint")

After receiving staff comments on the Audit Report, we will prepare an Annotated Outline that will serve as the "Drafting Blueprint" of the new UDO. The UDO format will integrate all aspects of current development regulations including zoning, subdivision regulations, watershed protection, sign regulations, development standards, stormwater, soil, and erosion control, and regulations of individual uses such as junkyards and mobile homes.

The Annotated Outline will provide an overview of the proposed UDO structure and will help identify options and alternatives for staff to consider, along with a correspondence table tagged to the existing sections. This will provide a blueprint for the drafting stages of the project.

We will provide an initial draft for review by the County Project Manager and provide a final draft based on their comments and input. The Outline will be a working document that will guide and orient the development of the UDO.

Deliverables:

☐ Drafting Blueprint (draft and final) | ☐ Presentation Session in conjunction with Task 4

STAGE 3: DRAFTING Revised

Task 6: Drafting

The drafting stage involves separate modules for the basic code elements: zoning, procedures, and development standards, with revisions to the definitions section as we go along. For each module, we will organize, plan for, and conduct a public outreach session and, if requested, hold a virtual "check-in" with the Board of County Commissioners or other board it designates. The public outreach sessions will include fact sheets, presentations, and interactive dialogue. The virtual "check-in" sessions will include presentations with an opportunity for questions and answers.

Our budget includes a set aside of time for the preparation of graphics and illustrations in the UDO and the Administrative Manual. Although the UDO will not reflect a "form-based code" concept, the County does wish to augment text in certain areas to increase the organization and user-friendliness of the final UDO. We will prepare these graphics as policies and text are finalized in Stage 3.

Zoning Module (Module 1)

We will review the original draft of Module 1 to ensure consistency with Plan Moncure, which was adopted in October 2023 and summarize for staff the changes we recommend to effectuate Plan Moncure policies. Based on staff feedback and direction, we will prepare a round of revisions for staff review to achieve consistency with Plan Moncure. Based on staff review and direction related to these revisions, these changes will be incorporated into the final consolidated draft UDO in Task 7.

We anticipate that this project may result in some new districts, combined districts, and some districts removed and rezoned to a new or revised district category. Planning staff will prepare the new zoning map, as applicable, following adoption of the UDO in Task 8 and will determine the specific boundaries of any new or revised zoning districts. However, we will provide guidance, based on our revisions to the UDO and the Zoning Strategy in Plan Moncure, as to new districts and zoning.

Development Standards Module (Module 2)

This establishes the basic standards for all development in Chatham County. We anticipate revisions to the development standards to include:

- » Revised standards for site layout, neighborhood transition, building design, and impacts.
- » Subdivision standards including lot and block layout, environmental protection and sensitive areas, and park design and dedication.
- » Triggers for the analysis of water, wastewater, traffic, drainage, noise, wildlife habitat, and environmental and floodplain issues.
- » Provisions to enforce the subdivision and soil and erosion control standards.

Module 2 began in the Spring of 2023 and, as of April 2024, was ongoing. The public review draft was completed and provided to staff on April 15 and public outreach was scheduled for early May. The remaining tasks to complete Module #2 are (*see* Tentative Schedule below for deadlines):

1. Receipt of any and all of staff's consolidated comments on Module 2's Draft #1, reflecting as appropriate the input of the UDO subcommittee or advisory boards, including staff direction for completion of a revised draft for Module #2 public outreach sessions. The remaining review is final input on Stormwater Management, regarding any changes necessary to implement the new high density provisions for Watershed Protection (pending input from NCDEQ) and to incorporate final staff input.
2. White & Smith will conduct a full-day or two sequential days of in-person meetings with the Planning Board, Board of County Commissioners, and other stakeholders identified by the County project manager, to present Module 2 and to receive feedback.

3. White & Smith will consolidate any revisions to Module #2 requested by staff, based on stakeholder feedback and staff final direction, which will be incorporated into the consolidated UDO provided to the County in Task 7 for consideration of adoption.

Procedures Module (Module 3)

The procedures module will address any needed revisions to facilitate new standards for the UDO developed in other modules or to reflect the desire to revise current procedures, pursuant to the North Carolina general statutes. We anticipate this module to include:

- » The overall process for subdivision and zoning approval.
- » A common workflow for each entitlement.
- » Division of processes into individual sections by permit type.
- » Mechanisms for flexibility and relief such as appeals and variances.
- » The authority for each review and decision-making body.
- » Addressing the nonconforming status of existing and new structures and uses.

The remaining tasks to complete Module 3 are (*see* Tentative Schedule below for deadlines):

1. Receipt of any and all of staff's and, if appropriate, input from the UDO subcommittee or advisory boards, consolidated comments regarding Module 3, reflecting as appropriate the input of the subcommittee or advisory boards, including staff direction for completion of a revised draft for Module #3 public outreach sessions (Draft #2); and
2. Following receipt of staff direction regarding any and all changes to Draft #1, completion of a revised Module #3 for the public outreach sessions (Draft #2).
3. White & Smith will conduct a full-day or two sequential days of in-person meetings with the Planning Board, Board of County Commissioners, and other stakeholders identified by the County project manager, to present Module 3 and to receive feedback.
4. White & Smith will consolidate any revisions to Module 3 requested by staff, based on stakeholder feedback and staff final direction, which will be incorporated into the consolidated UDO provided to the County in Task 7 for consideration of adoption.

Definitions Module 4

We will build a unified definitions section as we proceed through the drafting process. This module includes the final list of definitions. As noted in the tentative schedule for completion, a revised definition section will be provided for review during the presentation of each of the three modules described above, as applicable.

Drafting Process

We will prepare initial staff review draft for each module for review by the County Project manager (Draft #1). If full staff review occurs or input from the UDO Subcommittee or an advisory board is provided to staff during this phase, the County project manager will provide a consolidated list of comments for revision, including direction to the White & Smith team where more than one approach is proposed by draft reviewers. We will then provide a second draft that reflects County staff direction, including any input provided to staff from the UDO subcommittee or County advisory boards, for the public outreach process (Draft #2). Following public outreach, we'll make internal changes to the module for incorporation of each module into a final draft UDO in Task 7. Revisions following public comment are for internal tracking purposes only.

We will track staff, UDO Subcommittee, and advisory board comments in the Microsoft Word version of each draft and use these comments as a basis to revise successive drafts of the UDO. In addition, we will continually revise the Annotated Outline, prepared at the beginning of the project, to reflect the organization and content of the latest UDO drafts.

Each draft will have legal review by a team attorney and any identified legal issues will be brought to the attention of the County project manager for consideration and, if desired, further discussions with the County Attorney or Board of County Commissioners, as directed by the County project manager.

Testing

After the draft zoning and development standards modules are completed, we will test the draft provisions of the UDO against 10 hypothetical sites provided by the County project manager. This could involve actual undeveloped sites, recent applications, or hypothetical site plans that are similar to anticipated development in the County.

During completion of the procedures module, we will work with staff to test the proposed procedures or revised procedures against a hypothetical project for each category of procedure.

Deliverables:

☐ Draft Code Modules (Module 3, one draft, Definition section, as applicable to each module and one consolidated draft for inclusion in the UDO) | ☐ Public Outreach Meetings (Module 2 outreach sessions, Module 3 outreach sessions) + Virtual Check-in Sessions, as needed (2)

Task 7: Final Drafts

Following public outreach for each module completed in Task 6, we will prepare a revised iteration of the module based on the direction of the County project manager, which will be consolidated into the UDO for consideration for adoption in Task 8.

When the drafts are distributed to the public, we anticipate providing a deadline for responses to keep project momentum and to meet the desired timeframes.

Deliverable:

☐ Code Modules consolidated, per staff direction, for Adoption phase

STAGE 4: ADOPTION

Task 8: Adoption—Final Products

Based on the input received during the formal adoption process, we will prepare a final version of the UDO for codification.

Deliverables:

- ☐ Final Code | ☐ Attend adoption hearings (4 (four) meetings)

STAGE 5: POST-ADOPTION

Task 9: Administrative Manual

We will prepare an easy to understand Administrative Manual for the new UDO. A text document and brochure or booklet form will include an introduction and executive summary of the regulations, a series of frequently asked questions (FAQs), and an explanation of how the zoning districts and development regulations work together.

Deliverable:

- ☐ Written Administrative Manual and brochure or booklet (two drafts)

Task 10: Training

We will conduct a training session that provides a how-to guide for zoning administrators, applicants, and public decision makers. This will include a presentation, training manual, and exercises. We will conduct one session, and County staff will retain the presentation and manual for future sessions.

Deliverables:

- ☐ Training Manual | ☐ Present training session

REVIEW PROTOCOLS AND PROCEDURES

Based on discussions with the County project manager and staff, all remaining tasks are anticipated to be complete, including final adoption of the UDO, by March 31, 2025, with the goal of completing it by December 31, 2024, as discussed with the Board of Commissioners on April 15, 2024. In order to achieve this timeline, we have arrived at the following protocols to ensure timely completion of the remaining tasks:

1. Staff will work with the UDO subcommittee, advisory boards, and other County officials or boards to inform its direction to White & Smith in its preparation of each draft iteration of a module, chapter, or the UDO.
2. Following that review, the staff will provide to White & Smith:
 - a. Final direction and changes if any to be made to the reviewed materials; or
 - b. Identify unresolved matters for which staff wants White & Smith input to resolve.
3. Once this is received, White & Smith will prepare the revised or final iteration of the materials.
4. In cases where input from the Board of Commissioners will be helpful, staff will request White & Smith to prepare for and attend a virtual meeting with the Board, as provided in the Scope of Work.
5. Outstanding drafts needing staff direction (as of April 15, 2024):
 - a. Module 2: See section noted above under Development Standards Module 2, and tentative schedule for completion
 - b. Module 3:
 - c. Definitions: Module 2 and Module 3 under review (see above), , final consolidated version (not submitted yet) in Task 7
 - d. Consolidated UDO draft (Task 7) (not submitted yet)
6. Remaining Drafts to be completed by White & Smith (as of April 15, 2024) are as follows:
 - a. Module 3, Draft #2
 - b. Definitions, Draft #2 as to Module 3, final consolidated draft for inclusion in the UDO.
7. Remaining meetings for White & Smith to attend (as of April 15, 2024):

- a. Module 2 public outreach
- b. Module 3 public outreach
- c. Staff Training Session
- d. Up to 4 Adoption meetings
- e. Up to 2 additional virtual Board of Commissioner input sessions

Tentative Schedule for Completion of Recode Chatham

April 17, 2024

Module 2
Module 3
Module 4 (Definitions)
Final Consolidated UDO

<u>UDO Subcmte Meeting Date</u>	<u>Draft Delivery Date for Dec Adoption</u>	<u>Items for Review</u>	<u>Draft Delivery Date for Nov Adoption</u>	<u>Items for Review</u>
Mar 28, 2024	Mar 13	14: <i>Nonconformities</i> Review Draft #1 15: <i>Enforcement</i> Review Draft #1	Mar 13	14: <i>Nonconformities</i> Review Draft #1 15: <i>Enforcement</i> Review Draft #1 16: <i>Rules of Interpretation & Measurement</i> Review Draft #1
Apr 25, 2024	Apr 10	13: <i>Reviewing & Decision- Making Bodies</i> Review Draft #1 16: <i>Rules of Interpretation & Measurement</i> Review Draft #1	Apr 10	12: <i>Procedures</i> Review Draft #1 13: <i>Reviewing & Decision- Making Bodies</i> Review Draft #1 18: <i>Submittal Requirements</i> Review Draft #1
May 23, 2024	Apr 30	12: <i>Procedures</i> Review Draft #1 18: <i>Submittal Requirements</i> Review Draft #1	--	--
--	--	17: <i>Definitions & Acronyms</i> Review Draft (Reviewed with Modules)	--	--

<u>Tentative Date</u> <u>(Dec 2024 Adoption)</u>	<u>Tentative Date</u> <u>(Nov 2024 Adoption)</u>	<u>Deliverable</u>
Mar 1, 2024	Mar 1, 2024	Deadline for Module 2 comments from staff and advisory boards
Apr 15, 2024	Apr 15, 2024	Draft #2 of Module 2 (Chapters 4 through 11)
May 6, 2024	May 6, 2024	Board of Commissioners Meeting (Module 2)
May 7, 2024	May 7, 2024	Planning Board Meeting (Module 2)
May 2024	Apr 2024	Scenario Testing Begins (10 sites)
Jun 1, 2024	May 1, 2024	Deadline for Module 3 comments from staff and advisory boards
May 28, 2024	May 28, 2024	Deadline for Public Comments on Module 2
Jul 15, 2024	Jun 10, 2024	Draft #2 of Module 3 (Chapters 12 through 18)
Jun 14, 2024	Jun 14, 2024	Deadline for staff to vet & provide direction on Module 2 Public Comments
Aug 5, 2024	Jul 15, 2024	Board of Commissioners Meeting (Module 3)
Aug 6, 2024	Jul 16, 2024	Planning Board Meeting (Module 3)
Aug 2024	Jul 2024	Scenario Testing Complete & Prepare Consolidated UDO
Sep 30, 2024	Aug 31, 2024	Consolidated Draft of UDO Completed/Transmitted to Staff
Oct 2024	Sep 2024	BOC and PB UDO Review / Planning Board Meeting(s)
Nov 2024	Oct 2024	BOC and Planning Board Meetings
Dec 2024	Nov 2024	BOC and Planning Board Meetings
Jan 2025	Dec 2024	Administrative Manual Draft #1

<u>Tentative Date</u> <u>(Dec 2024 Adoption)</u>	<u>Tentative Date</u> <u>(Nov 2024 Adoption)</u>	<u>Deliverable</u>
Feb 2025	Jan/Feb 2025	Administrative Manual Draft #2
Feb 2025	Jan/Feb 2025	Training Session

ADDITIONAL SERVICES

In the event that services, meetings, or deliverables in addition to those in the Scope of Work above are requested by the County during the course of the project, White & Smith will work with the County project manager to revise its agreement with the County to add those services, based on the same hourly rates shown in the UDO Estimated Budget.

The following are examples of additional services:

- (1) Additional rounds of code or module drafts;
- (2) Additional in-person or virtual meetings;
- (3) The development of renderings or other drawing or scenarios other than those described in the Scope of Work;
- (4) Form-based regulations;
- (5) GIS services;
- (6) Costs of meeting space;
- (7) Services required to respond to changes in state law requiring revisions to workproduct already prepared or that significantly increase local government code requirements;
- (8) Participation in rezonings or other planning or zoning matters during the UDO rewrite;
- (9) Costs and tasks related to notice and advertising;
- (10) Build-out analyses; non-conformity studies; or other studies necessary to support revisions to the UDO, other than as provided in the Scope of Work;
- (11) Revisions to the Comprehensive Plan;
- (12) Revisions to the County zoning map.

Updated UDO Budget

Chatham County UDO Budget Status as of May 31, 2024

<i>ReCode Chatham</i> Original Estimated Budget Allocation v. Estimated Adjusted					
	ORIGINAL	ADJUSTED	COMPLETED	REMAINING	% Complete by Task
1 Project Orientation					
1 Document Review	\$9,600	\$9,600	\$9,600	\$0	100.00%
2 Kickoff	\$25,320	\$25,320	\$25,320	\$0	100.00%
2 Assessment					
3 Issues Identification	\$12,930	\$12,930	\$12,930	\$0	100.00%
4 Audit Report	\$23,100	\$23,100	\$23,100	\$0	100.00%
5 Annotated Outline	\$7,620	\$7,620	\$7,620	\$0	100.00%
3 Drafting					
6 <i>Drafting Modules</i>					
Zoning Module	\$57,710	\$82,710	\$72,000	\$10,710	87.05%
Development Standards Module	\$64,370	\$107,370	\$86,000	\$21,370	80.10%
Procedures Module	\$23,330	\$34,662	\$17,820	\$16,842	51.41%
Definitions Module	\$23,860	\$33,278	\$24,640	\$8,638	74.04%
Graphics	\$16,080	\$26,080	\$16,000	\$10,080	61.35%
Testing	\$19,480	\$27,272	\$0	\$27,272	0.00%
7 Final Drafts	\$11,240	\$15,736	\$0	\$15,736	0.00%
4 Adoption					
8 Adoption	\$20,680	\$28,952	\$0	\$28,952	0.00%
5 Post-Adoption					
9 Administrative Manual	\$12,250	\$22,150	\$0	\$22,150	0.00%
10 Training	\$8,800	\$12,320	\$0	\$12,320	0.00%
Project Administration					
Management/Coordination	\$19,410	\$27,174	\$20,000	\$7,174	73.60%
Project Website	\$15,120	\$21,168	\$16,000	\$5,168	75.59%
Total Hours/Subtotal Fees	\$370,974	\$517,442	\$331,030	\$186,412	
Travel	\$20,000	\$32,500	\$20,000	\$12,500	61.54%
Copies (final UDO)	\$7,200	\$7,200	\$7,200	\$0	100.00%
Totals	\$398,174	\$557,142	\$358,230	\$198,912	