



CITY OF DURHAM
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To: All Development Community Members, Consultants and Development Design Professionals

From: Shea S. Bolick, PE, PLS, CFM
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Subject: Letter to Industry 10-5-16 – On-Site Stream Determinations within the City of Durham

Background

The City of Durham utilizes the following to identify surface waters subject to the riparian buffer protection standards:

- Section 8.5.6, Maps and On-Site Determinations, of the Durham City-County Unified Development Ordinance lays out the requirements to identify surface waters subject to the riparian buffer protection standards in the City of Durham. This section can be viewed or downloaded from the City of Durham’s website at the following address: <https://durham.municipal.codes/UDO/8.5.6> .
- The City of Durham’s Letter to Industry with subject “Letter to Industry [08-25-2011] (Amendment to LTI 07-03-08): New Stream Buffer Requirements” includes stream identification procedures and can be found under the Stormwater Development Review webpage at: <https://durhamnc.gov/DocumentCenter/View/8640/LTI-25August2011---New-Stream-Buffer-Requirements> .

The prior mentioned LTI includes a section under label of Stream Identification Procedures. This section is deleted and replaced as noted in Procedures below.

Procedures

Stream Identification Procedures

The following stream identification procedures shall be followed in the City of Durham for all stream determinations provided in the Cape Fear River Basin:

1. Stream identification reports or the City’s stream determination letter shall be

included with the site plan submittal. If a report is not included, Planning and/or Stormwater Development Review will review the buffer requirements based on the information included on the aforementioned acceptable stream mapping. **It should be noted that the review turn-around time for all stream identifications shall be 30 days for reports received November 1st through May 31st. Stream identifications received June 1st through October 31st shall have a turn-around time of 45 days for sites with five or less features and 60 days for sites that contain greater than five features.** Given this, applicants are urged to submit their stream identification reports as soon as practicable (e.g., well in advance of the site plan submittal).

2. Upon receipt of a stream identification report, Public Works Stormwater staff will review the report and issue an official Stream Determination Letter.
3. If one is in disagreement with the City's Stream Determination Letter they can appeal the City's determination to NC DEQ in accordance with standards set forth in Section 8.5.6.B.5. of the Durham City-County Unified Development Ordinance and in accordance with NC DEQ policy.
4. If Public Works agrees with the report and issues a stream determination accordingly, Planning and/or Stormwater Development Review will review the buffers proposed on the site plan in accordance with the information provided in the City's Stream Determination Letter.

Timing

The implementation of these revised procedures will take place immediately.

Future

Please note that the City's procedures and policies concerning on-site stream determinations are being further evaluated and will consider the effects of the extended turn-around times. Additional revisions, if any, are not expected to occur prior to July 1, 2017.