



Date: April 2, 2018

To: Wendell Davis, County Manager
Through: Jay Gibson, General Manager
From: Patrick O. Young, AICP, City-County Planning Director
Subject: Overview of Watershed Overlay Boundary Interpretations

Executive Summary

The Planning Director is authorized to make interpretations of watershed protection overlay boundaries by the Unified Development Ordinance (UDO), paragraph 4.1.4, Rules for Interpretation of District Boundaries and paragraph 4.11.3, Rules for Interpretation of Overlay Boundaries. Land owners may request a change a watershed protection overlay boundary at any time. Requests for changes to watershed protection overlay boundaries must be accompanied by documentary evidence that the change is warranted, in the form of a signed/sealed survey prepared by a registered surveyor, demonstrating that the established watershed boundary is incorrect. Should the Planning director find that the requested change has merit, a report is made to the appropriate elected body, seeking permission to forward the requested change to the North Carolina Environmental Management Commission (EMC), through the NC Division of Energy, Mineral, and Land Resources, Stormwater Permitting Program. If the EMC grants the request, the Planning Director informs the elected body of the decision and permission is granted by the elected body to change the overlay boundary.

Recommendation

Staff recommends that the Board of Commissioners receive the report. No action is required.

Background

Durham has six watershed protection overlay districts. These are:

Overlay	Designation	General Location
M/LR-A	Lake Michie/Little River District A	One mile from the 341 foot MSL normal pool of Lake Michie and from the 355 foot MSL normal pool of the Little River Reservoir, or to the ridge lines defining their drainage basins, whichever is less.
M/LR-B	Lake Michie/Little River District B	The portion of the drainage basins of Lake Michie and the Little River Reservoir not covered by M/LR-A.
F/J-A	Falls/Jordan District A	One mile from the 251.5 foot MSL normal pool of Falls Reservoir and from the 216 foot MSL normal pool of the Jordan Reservoir, or to the ridge lines defining their drainage basins, whichever is less.
F/J-B	Falls/Jordan District B	From the edge of F/J-A Overlay to five miles from the normal pool of the Falls Reservoir and the Jordan Reservoir, or to the ridge lines that define their drainage basins, whichever is less.
E-A	Eno River District A	One mile from and draining to the Eno River water intake.

Overlay	Designation	General Location
E-B	Eno River District B	From the edge of E-A to 10 miles from the Eno River water intake, or to the ridge lines that define the drainage area of the intake, whichever is less.

As noted in the table above, the boundaries of the A districts, the so-called “critical areas,” are established as one mile from the normal pools of the reservoirs, excepting the Eno River overlay, defined as one mile from the Eno River intake. The boundaries of the B districts, also referred to as the “protected areas,” are five miles from the normal pools or Eno River intake, or the ridge lines that define the drainage basins.

The Planning Director is authorized to make interpretations regarding watershed protection overlay boundaries via paragraph 4.1.4, Rules for Interpretation of District Boundaries, of the Unified Development Ordinance (UDO). Paragraph 4.11.3, Rules for Interpretation of Overlay Boundaries, of the UDO establishes the general rules to be followed by the Planning Director in making watershed interpretations and for recommending boundary changes to the appropriate elected body. The North Carolina Administrative Code, in Rule 15A NCAC 02B.0104(o), requires that the North Carolina Environmental Management Commission (EMC) approve all expansions and deletions to protected and critical area boundaries prior to adoption by the local government.

If the Planning Director judges a request for a boundary change to be valid, a report is forwarded to the appropriate elected body for consideration. The elected body is asked to grant the director permission to forward the request and documentary evidence to the North Carolina Environmental Management Commission (EMC) for approval. Should the EMC approve the request for a boundary change, the Planning Director will inform the elected body, which will then grant the director permission to make the change the overlay boundary. Although not required by ordinance, the Planning Department has adopted the practice of presenting the final overlay change to the governing body for a public hearing, since it is technically a zoning map change.

Staff Contact

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