



ENGINEERING AND ENVIRONMENTAL SERVICES

Stormwater and Erosion Control Division

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To: All Development Community Members, Consultants and Development Design Professionals Practicing in Durham County, NC

From: Ryan D. Eaves, PE, CFM, CPESC
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Engineering and Environmental Services
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Subject: Letter to Industry 12/4/2019: Changes to Erosion Control Requirements

Purpose

The purpose of this memo is to inform Durham County and the Development Community of recent amendments to the Unified Development Ordinance with regards to Sedimentation and Erosion Control as well as policy changes to the plans submittal process.

Applicability

On December 1, 2019, UDO amendment TC190001 – Omnibus Changes 13 became effective. There were several amendments to the Sedimentation and Erosion Control requirements in the UDO. Full text of the amendments can be found at <https://durhamnc.gov/DocumentCenter/View/28687/Attachment-B-CC-Ordinance-TC1900001-final-10-29-19>. The most significant changes include:

- Issuance of a land disturbance permit requires **verification of an approved site plan** or written approval from the Durham City-County Planning Department.
- The Agricultural Exemption is **no longer to be assumed** and those seeking the exemption must **submit an application** demonstrating that the land on which the disturbance is taking place is intended for continuous agricultural use. The ordinance also outlines the process for application review, approval, and appeal. Additionally, the County may require an erosion control plan on agricultural properties where **off-site damages due to sediment** are documented by County staff.
- Land disturbing activities greater than or equal to one acre must comply with the requirements of the most recent NCG01. More information can be found at www.deq.nc.gov/NCG01.

- New requirements were added for soil stockpiles including a **maximum height of 30 feet or half the height of adjacent existing mature tree cover**.
- New design requirements for permanent stormwater control measures that will be used as temporary sediment basins mandate that the **larger volume of the two** be used, unless approved in writing by Durham County.
- **Uncovered areas will be limited to 20 acres in all Durham County Watershed Overlays as well as the Third Fork Creek watershed.**
- At all permitted sites, the **name and location** of any borrow and/or waste areas shall be provided to the Durham County Erosion Control Office upon request.
- The **Enforcement** section of the ordinance was revised to match the state model ordinance.

Effective Date

This Letter to Industry will become effective for all erosion control plans submitted to the Durham County Stormwater and Erosion Control Division with a submission date on or after December 1, 2019.

Staff Contact

Please contact Ryan Eaves, reaves@dconc.gov, 919-560-7992, with any questions or comments related to this Letter to Industry.