

RESOLUTION NO. (2026) 754

CITY OF RALEIGH – STORMWATER DRAINAGE ASSISTANCE POLICY

A RESOLUTION TO AMEND THE CITY OF RALEIGH STORMWATER DRAINAGE ASSISTANCE POLICY

WHEREAS, the City Council of the City of Raleigh has adopted a Storm Drainage Policy and has amended the same on several occasions beginning with Resolution No. 1970-742 and then amended by Resolution No. 2016-327, collectively called the “City of Raleigh Drainage Assistance Policy”, and last amended by Resolution No. 2022-430, which also changed the name of the policy to the “City of Raleigh Stormwater Drainage Assistance Policy;” and

WHEREAS, the City has recently developed updated criteria for evaluating and prioritizing drainage assistance projects that seek to obtain public benefits from resources allocated by City Council for stormwater improvement projects within the corporate limits of the City; and

WHEREAS, clarification and updates are necessary to define the basis and process for providing drainage assistance; and

WHEREAS, additional clarification and updates to this policy are necessary, among other things, to better describe the types of easements that may be needed for construction of drainage assistance projects, to clarify the process by which drainage assistance projects are withdrawn from the Stormwater Drainage Assistance Program, and to further clarify that properties with structures that have been constructed in either Zone 1 or Zone 2 of Neuse River Buffers after the effective date of the Neuse River Buffer Rules are ineligible for participation in the Stormwater Drainage Assistance Program even if such structures received exceptions from the North Carolina Department of Environmental Quality (“NCDEQ”) and received permits from the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

That the former City of Raleigh Stormwater Drainage Assistance Policy is hereby repealed in its entirety and in lieu thereof the following resolution is enacted, and that this resolution shall be referred to as the “City of Raleigh Stormwater Drainage Assistance Policy.”

Section 1. Overview and Purpose.

The City of Raleigh’s Stormwater Management Program is responsible for managing stormwater to preserve and protect life, to support healthy natural resources, and to complement sustainable growth within Raleigh. Through the steps outlined herein for an enhanced Stormwater Drainage Assistance Program administered by Raleigh Stormwater within the City’s Engineering Services Department, the City will prioritize drainage improvements for qualifying drainage assistance

projects to assist in reducing flood hazards from urban stormwater runoff, to help protect and improve water quality in local streams and other receiving surface waters, and to maintain stormwater infrastructure for public purposes.

Section 2. Drainage Assistance Definitions.

City of Raleigh Permanent Drainage Easement (CORPDE, or PDE) - a permanent easement granted by a landowner to the City for the acceptance, containment, and transmittal of stormwater runoff and surface water drainage from adjacent properties, including the public streets, and specifically including the right, privilege and easement to access, construct, install, reconstruct, improve, inspect, repair, maintain, operate and use culverts, ditches, swales, impoundments, subsurface piping, and other drainage control facilities, together with the perpetual right to clear and keep clear the full width of the PDE area. Such City maintenance activities within a PDE area include, but are not limited to, removing trees from the PDE area that may endanger the proper maintenance and operation of the stormwater infrastructure located within the PDE, clearing stormwater pipes, replacing broken stormwater infrastructure, and repairing severe erosion that is threatening stormwater infrastructure.

Temporary Construction Easement (TCE) - a temporary easement granted by a landowner to the City to allow the City, its employees, and contractors to use a portion of the property to perform construction work related to a public stormwater drainage improvement project. Such uses and purposes include, but are not limited to, the removal of existing pavement as necessary; clearing; grading; the excavation of soils and other materials; use of the area for access; equipment and materials storage; construction staging; installation of stormwater pipes or other drainage facilities; and similar purposes. Areas that are disturbed are restored in accordance with generally accepted landscaping and engineering practices.

Riparian Buffer- a vegetated area bordering a body of water, such as a stream, lake or pond. The vegetated area closest to the body of water stabilizes the streambank and provides shade and habitat for aquatic life. The vegetation also acts as a filter and sponge to remove, transform, or store nutrients and other pollutants. The outer reaches of the vegetated buffer slow and spread out the flow of water over the land, trapping sediment and attached pollutants.

Intermittent Stream- a well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the conveyance of water.

Perennial Stream- a well-defined channel that contains water year-round during a year of normal rainfall with the aquatic bed located below the water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.

Conservation Easement (CE) - a permanent easement granted by a landowner to the City for the purpose of permanently protecting natural areas and water quality on and within a streamside or wetland parcel or buffer by establishing use prohibitions and restrictions as covenants that encumber the conservation easement area in order to maintain or establish natural vegetation within such parcel or buffer area.

Egress/Ingress Easement – a permanent easement granted by a landowner to the City to provide the City, its employees, and contractors with a means for egress and ingress over and upon portion(s) of such private land where either a CE or PDE does not abut public street right-of-way. The egress/ingress easement grants the City, its employees, and contractors with access to the CE or PDE to construct, install, reconstruct, improve, inspect, repair, maintain, operate, and use the CE area or PDE area, as the case may be. The City is authorized under the egress/ingress easement to remove, and keep removed, all trees, shrubs, underbrush, and parts thereof, or other obstructions within the egress/ingress easement area as is necessary to maintain, repair, or protect the egress/ingress easement. The City is further authorized to construct, install, improve, replace, inspect, repair, and maintain a gravel or paved road within the egress/ingress easement area. Provided, however, the City is required to protect and repair any damage to the pavement of the underlying fee owner due to the direct actions of the City or its agents. The City, its employees, and contractors shall not store vehicles, equipment, or materials within the egress/ingress easement without the express permission of the underlying fee owner, or its heirs, successors, or assigns. (Egress/Ingress easements may also be referred to as “Access Easements”.)

Severe Erosion –unstable land that is actively losing soil and/or other earthen material due to persistent and/or high velocity stormwater runoff flows. Sites may vary, but the most common locations include stream banks, stormwater channels, and/or stormwater drainage outfalls. Common types of severe erosion include active material loss on steep, vertical stream banks, undercut stream banks, significant sloughing of stream banks, or significant loss of soil material around and affecting a permanent drainage structure, all due to erosive stormwater flows.

Structural Flooding – crawlspace, finished floor, garage and/or basement flooding caused by concentrated stormwater flows and not groundwater infiltration. Structural flooding also occurs in sheds and outbuildings on a permanent, enclosed foundation that cannot be easily moved. Sheds and outbuildings not on permanent, enclosed foundations or that can be easily moved and where moving the structure is the least cost alternative to prevent flood damage to the structure, are not defined as having structural flooding. Structural flooding does not include those portions of residential and commercial structures located in a floodplain area and designed and constructed to flood or a commercial structure that has a City approved floodproofing plan. *This definition of Structural Flooding comes from Article 12.2 of the Unified Development Ordinance.*

Stormwater Runoff – Runoff of water resulting from precipitation of any form.

Integrated Stormwater Prioritization Model – Also referred to as “The model,” is the criteria used for ranking drainage assistance projects as part of this policy. The model as approved by the

Stormwater Management Advisory Commission focuses on public health and safety, flood hazard reduction, and environmental quality.

The City – as referred to in this policy and defined as the City of Raleigh, North Carolina.

Section 3. Drainage Assistance Eligibility Criteria and Prioritization.

Requests for drainage assistance and investigation into stormwater drainage issues first shall be reviewed by the City's Stormwater staff to ensure that basic eligibility criteria are met. These include all of the following:

1. The drainage assistance project must be located within the corporate limits of Raleigh and, to the extent the project involves properties that are stormwater rate paying customers, such stormwater rate paying properties must have no outstanding balances on their stormwater utility; and
2. The drainage assistance project must receive and/or convey stormwater runoff that includes stormwater from public street right(s)-of-way and/or publicly owned properties or facilities (including federal, state, county, and city-owned properties); and
3. All property owners from whom easement(s) are needed to complete the drainage assistance project must complete fully the drainage assistance request form.

Drainage issues will be evaluated and prioritized based upon criteria that represent the severity of the issue. Drainage assistance projects will be implemented based on the availability of both funding and other needed City resources. The City will utilize an objective, priority-based ranking method developed in partnership with the Stormwater Management Advisory Commission to rank the most urgent stormwater needs and determine a cost-effective use of the City's stormwater funds to address the identified drainage problems and needs. Projects will be regularly ranked based upon pre-determined, objective, and weighted criteria, including but not limited to: public health and safety, flood hazard reduction benefits, regulatory mandates and compliance, water quality benefits, watershed management benefits, and implementation complexity.

Drainage assistance projects will be subject to the following requirements:

1. All projects will be authorized and funded based on a project priority ranking system and available City funding.
2. Property owners shall grant to the City appropriate easement(s) across (his)(her)(their) property(ies) for the purpose of performing all necessary investigation and construction activities. These may include, but not be limited to, Temporary Construction Easements (TCEs), Permanent Drainage Easements (PDEs), and Egress/Ingress Easements. All easements necessary for project construction must be recorded in the applicable county Register of Deeds office before any construction of drainage system improvements will commence on private property.
3. Design and construction of drainage solutions will meet or exceed City design standards.

4. Any pre-existing stormwater pipe or other drainage system installed along the public drainage system without proper City approval may need to be removed and will not be maintained by the City (for example, unpermitted piping of roadside swales).
5. The Stormwater Drainage Assistance Program is not for new construction or redevelopment. Nothing herein shall be construed or applied in such a manner as to aid or assist in the subdivision or development of property in the City. The policy set out herein shall be applicable only to those properties for which no new subdivisions, preliminary development plans, or development plans are anticipated. Properties either subject to new development plans with associated Site Permitting Review (SPR) or mass grading plans shall not be eligible for the Stormwater Drainage Assistance Program until after three years from the issuance of a certificate of occupancy (C/O) for a development or redevelopment with an SPR plan or three years after a mass grading plan has been stabilized, whichever shall first occur. For properties subject to SPR plans, the three years after the issuance of a C/O requirement will only apply to those lots requesting drainage assistance through the City's Stormwater Drainage Assistance Program. If other lots in a subdivision that are not part of a request for drainage assistance are still within three years of having received a C/O or have not yet received a C/O, then the status of these other lots will not preclude the lots that have sought drainage assistance from participating in the City's Stormwater Drainage Assistance Program so long as the requesting lots have met all of the requirements for participation that are set forth in this Stormwater Drainage Assistance Policy. Highest priority will be given to drainage issues that most greatly impact public health and safety (such as flooding of a public street right-of-way, structural flooding such as the finished floor of a permanent structure, or severe erosion of a stream threatening a structure). The City reserves the right to re-evaluate and review drainage assistance projects at any time.
6. Projects where the structure is in either Zone 1 or Zone 2 of a Neuse River Buffer and that were built after the effective date of the Neuse River Buffer rules (July 22, 1997) as adopted in the North Carolina Administrative Code, 15A NCAC 02B .0233, as the same may be amended from time to time, will be ineligible for assistance. This applies to projects that were granted an exception by the North Carolina Department of Environmental Quality (NCDEQ) as well as received permits issued by the City of Raleigh.
7. Projects not scored at the top of the Integrated Stormwater Prioritization Model may be presented by Stormwater staff to City Council for review and approval as a drainage assistance project provided a public benefit arising out of the requested project has been identified. This may involve approving projects out of sequential order. Benefits may include, but not be limited to, bundling of projects to make them more cost-effective to design and construct, including projects of a similar scope of work, such as use of insertion lining as a method of pipe rehabilitation. Any proposal to move forward with a drainage assistance project out of the sequential order arising from Integrated Stormwater Prioritization Model scoring requires City Council approval.
8. Projects that can be constructed using the City's own forces through Raleigh Transportation Field Service that do not require a design by a third-party consultant nor require the issuance of a Stormwater Conveyance Permit by the City may be eligible for assistance provided a Permanent Drainage Easement is dedicated by the property owner(s) to the City

at no cost to the City as is required by Section 5 of this policy. These projects may get priority provided construction work is done by the City.

Section 4. Application of the Stormwater Drainage Assistance Policy.

- Stormwater staff will evaluate all drainage requests to determine whether the site and location receive public or private stormwater runoff.
- Investigations and evaluations will be done to the extent that City resources and funds are available.
- Participation in drainage assistance projects by the City, its agents, and contractors shall be limited to the extent to which City funds and resources are available for such purpose.
- The purpose of this Stormwater Drainage Assistance Policy is to maintain proper flow and conveyance of public stormwater runoff within the conveyance system for the purpose of protecting water quality, reducing the threat of structural flooding, and for public safety purposes. It is not the intent or the practice of the City's Stormwater Drainage Assistance Program to monetarily or aesthetically enhance public or private property.
- The City Manager or his/her designee is given administrative authority for assigning staff responsibility for the receipt, review, and evaluation of projects under the City's Stormwater Drainage Assistance Policy.
- No work shall be performed until drainage assistance projects are approved by the City Council. Recommendations for projects shall be made by Stormwater staff with periodic review and concurrence from the City's Stormwater Management Advisory Commission.
- For open conveyance systems (such as grass swales, ditches, streams, and wetland areas), priority for repairs shall be given to active channel erosion that poses a dangerous threat to structures and/or public safety.
- Within a Permanent Drainage Easement granted to the City, mowing, litter removal and other routine maintenance of above-grade stormwater facilities (such as ditches and swales), including landscaping, or the maintenance and repair of items installed by the property owner within the Permanent Drainage Easement to help with aesthetics when permitted by the terms of the Permanent Drainage Easement, is the responsibility of the property owner.
- Upgrading/relocation of existing stormwater infrastructure for the purpose of new development or redevelopment shall be at the developers'/owners' expense. The owner of property must obtain City approval before construction.
- Drainage assistance projects must be reasonably permissible for purposes of all applicable local, state and federal regulations (e.g., this program is not intended for projects where individual permits or significant mitigation efforts may be required for project approval).
- The City will not participate in drainage assistance projects or repairs if the issue is caused by unlawful action or willful misconduct by a property owner or petitioner.
- The policy of the City of Raleigh with respect to replacing inadequate storm drainage facilities causing public nuisances shall be as follows:
 - Nuisances caused by the standing of water, described more specifically in Sections 12-6002(l) and (n) of the City of Raleigh Code of Ordinances ("City Code") will be abated by the City pursuant to City Code §§ 12-6003 (a),(b), and (c) and the

costs of such abatement shall be assessed according to the provisions of City Code § 12-6003(d) relating to the same.

- If there exists a common interest in a drainage assistance project, repair, or improvement with another government agency (such as NCDOT, Wake County, etc.), the City may enter into an agreement with the other government agency for a sharing of expenses.

Section 5. Easements.

Drainage assistance projects to include installation of stormwater infrastructure will be located within Permanent Drainage Easements dedicated to the City for such purposes and/or within public street right(s)-of-way. An example of where this may not apply is an approved drainage assistance project that encroaches on City-owned property. Temporary Construction Easements may be required for construction of drainage assistance projects, including, but not limited to, construction access. Permanent Egress/Ingress easements will be required for the City, its employees, and contractors to access Permanent Drainage Easements when the Permanent Drainage Easements do not abut public street right-of-way.

Easements necessary for work on drainage assistance projects must be donated by property owners prior to disturbance of the property within the dedicated easement limits and all easements (with the exception of those deemed “temporary” as necessary for access and construction) will be permanent. The City will not purchase easements for the purpose of implementing drainage assistance projects.

If an owner fails to dedicate to the City any easement necessary for the system improvement within 90 days of when the project design is complete and ready to proceed with construction, then the City will deem the owner as having withdrawn from the program and his or her property will be ineligible for participation in the City’s Stormwater Drainage Assistance Program for a period of ten years after such withdrawal as is set forth in greater detail in Section 7 of this policy.

Temporary Construction Easements shall expire upon City acceptance of drainage assistance projects, one year from completion of construction activities.

Existing private drainage easements shall remain as such until Permanent Drainage Easements dedicated to the City are executed and recorded. Until a Permanent Drainage Easement dedicated to the City has been executed and recorded in the applicable county Register of Deeds office, maintenance of any portion of a storm drainage system on private property remains the legal responsibility of the property owner. The City shall be responsible only for the portions of the stormwater drainage system which are in City-maintained public street rights-of-way and Permanent Drainage Easements conveyed or dedicated to and accepted by the City. Repairs and improvements to the drainage system shall be in accordance with established City standards, policies, and schedules. Construction on a drainage assistance project cannot begin until all applicable, dedicated easement(s) to the City are of record in the applicable county Register of Deeds office. The City, in its sole discretion, will be the party to decide which types of easement(s)

are to be dedicated to the City as part of the implementation of each such drainage assistance project.

Upon the dedication of a Permanent Drainage Easement to the City associated with a particular drainage assistance project, certain restrictions will apply to the Permanent Drainage Easement area so that the area can function to meet the design objectives of the project. It also should be noted that the dedication of Permanent Drainage Easements to the City for drainage assistance projects and/or the construction or repair by the City of the drainage facilities located within such Permanent Drainage Easements does not constitute a warranty against stormwater hazards, including, but not limited to, flooding, erosion, or standing water.

Encroachments within a Permanent Drainage Easement must be in accordance with the Stormwater Design Manual and include the following (this is not an exhaustive list; refer to Section 7.9 and Table 7.4 of the Stormwater Design Manual for the list of all permitted encroachments within Permanent Drainage Easements):

- Trees whose root systems are not a threat to the performance or maintenance of the drainage system;
- Shrubs and flowers;
- Standard paved asphalt or concrete driveways and parking lots for underground storm drainage facilities, provided such driveways and parking lots meet the requirements of the City's Unified Development Ordinance; and
- Fences that meet the requirements of the Stormwater Design Manual, Section 7.9 and Table 7.4.

In accordance with the Stormwater Design Manual, items not allowed within a Permanent Drainage Easement include, but not are limited to (refer to Section 7.9 and Table 7.4 of the Stormwater Design Manual for other encroachments not permitted within a Permanent Drainage Easement):

- Trees planted over stormwater pipes;
- Tennis courts, swimming pools, dams, or anything else that may block the flow of water;
- Permanent structures (such as structures made of brick, block, or concrete);
- Sheds or other buildings; and
- Fences that do not meet the requirements of the Stormwater Design Manual, Section 7.9 and Table 7.4.

Reference: City of Raleigh Unified Development Ordinance § 7.2.8 and the Stormwater Design Manual, Chapter 7, for more details on drainage easements.

In general, **within a dedicated Permanent Drainage Easement**, the City will only perform the necessary maintenance activities and repairs to ensure the proper functionality of the public drainage system located therein. This includes:

- Removing fallen trees and large debris from creeks when those obstructions create a qualifying drainage problem. However, the City will not be responsible for removal of trees with a Diameter Breast Height (DBH) of 12” or more. DBH is defined at 4.5 feet above the soil line of the tree.
- Clearing storm drainpipes, catch basins, and culverts.
- Repairing or replacing broken storm drainage infrastructure or systems.
- Controlling severe creek bank erosion whenever necessary to protect structures on adjacent properties.

Activities that the City will not perform within these Permanent Drainage Easements:

- Cleaning up sticks, leaves, or debris on private property after heavy rain or flooding.
- Repairing or replacing private property damaged by stormwater runoff or flooding, including, but not limited to, indoor damages, air conditioners, heating units, fences, gardens, lawns, shrubs, mailboxes, and dog houses.
- Clearing out incidental debris from creeks and drainage ditches such as trash, leaves, grass clippings, or small tree branches.
- Removing trees or limbs from creeks that do not create a qualifying drainage problem.
- Clearing out/cutting vegetation from creek banks as part of routine maintenance.
- Mowing a ditch or Permanent Drainage Easement area located on private property.
- Re-grading or re-seeding Permanent Drainage Easement area after project warranty period.
 - Other actions that do not prohibit or impact the functionality of the public drainage system.

Conditions set forth in Permanent Drainage Easements shall be binding on the heirs, successors, assigns, and grantees of the properties impacted. The owner and his or her successors, tenants, assigns, and heirs agree to hold the City, its officers and employees, harmless from any damage or claim whatsoever arising from the work associated with a drainage assistance project. All claims for liability shall be made against the contractors doing the work on the drainage assistance projects.

The City, its employees, and contractors may at any time access Permanent Drainage Easements for the purpose of maintenance and inspections of the drainage infrastructure systems located therein. Drainage assistance projects will be inspected on a regular basis to ensure proper function.

Section 6 Asset Management

The City through its stormwater asset management program may request permission of a private property owner to perform an inspection of privately-owned stormwater assets that carry public stormwater runoff. If permission is granted and the inspection is performed, the City shall provide the results of this inspection to the private property owner. Based on the results of this inspection, the City may suggest repairs of these assets to the private property owner. If the repairs qualify for the City’s Stormwater Drainage Assistance Program and the property owner agrees to meet all

other requirements of the program (such as the dedication of necessary easements to the City to permit the drainage assistance project to be constructed and maintained), then the Stormwater Drainage Assistance Program will be offered as a possible option to the private property owner, subject to the priority ranking of projects and other terms of the program.

Section 7 Withdrawal from the Program

The property owners may withdraw from the Stormwater Drainage Assistance Program at any point up until easements are recorded with the applicable county Register of Deeds office. In the event property owners withdraw from an approved drainage assistance project and should City funds have already been spent on concept drawings generated by an engineer hired, or otherwise employed by, the City for such a project where the concept drawings depict drainage infrastructure or stream locations as well as proposed City easements on the applicable properties, then such properties that have been withdrawn from the project will be ineligible to participate in the Stormwater Drainage Assistance Program for a period of ten (10) years from the date of withdrawal.

Should a property that is part of a drainage assistance project be sold or otherwise assigned or transferred to new owner(s) prior to the recordation in the applicable county Register of Deeds office the required City easements for the project and should concept drawings for such project have already been generated depicting at a minimum drainage infrastructure or stream locations as well as proposed City easements on the applicable property then Stormwater staff shall provide copies of such concept drawings to the new property owner(s). The new owner(s) will have sixty (60) days from receiving the concept drawings to decide if they would like to continue with the drainage assistance project. In the event the new owner(s) choose not to participate in the project, then the project will be withdrawn from the Stormwater Drainage Assistance Program and the funds for that project will be allocated to other drainage assistance projects. If there are other properties that are involved in this drainage assistance project, then the provisions elsewhere in this Section 7 regarding the withdrawal of some, but not all, properties from a drainage assistance project shall apply. Notwithstanding the foregoing, the new owner(s) of the withdrawn property will have the option to reapply for the Stormwater Drainage Assistance Program for this particular property at any time and not face a period of ineligibility. However, this new, proposed drainage assistance project will be subject to City Council review and approval as per Section 4 of this Policy.

If multiple properties are involved in a drainage assistance project and the owner(s) of any one or more of such properties choose to withdraw from the project, then the drainage assistance project will have been deemed to be withdrawn from the Stormwater Drainage Assistance Program and the funds for that project will be allocated to other drainage assistance projects. In the event of such a withdrawal of a drainage assistance project from the Stormwater Drainage Assistance Program, the other properties involved in the project where their owners wanted the project to proceed within the Stormwater Drainage Assistance Program will remain eligible for drainage assistance notwithstanding the ten-year waiting period referenced in this Section 7, above. However, the property owner(s) of such properties will need to reapply for the Stormwater

Drainage Assistance Program for these particular properties in accord with the requirements of this policy.

Section 8. That all resolutions, orders, actions, and other policies in conflict herewith, are repealed to the extent of such conflict. This resolution shall not apply to drainage projects already approved or completed under the old policy.

Section 9. That this resolution shall become effective immediately upon its adoption.

Section 10. That this resolution may be altered, amended, or repealed in the complete and utter discretion of the City Council; provided, no such action shall, in any way, abrogate, repeal, or waive the conditions attached to any improvement already made hereunder.

Adopted: March 17, 2026

Effective: March 17, 2026

Distribution: Department Heads