

RESOLUTION NO. (2026) 753

CITY OF RALEIGH – STREAM STABILIZATION POLICY

WHEREAS, the City Council of the City of Raleigh has adopted a Stream Stabilization Policy by Resolution No. 2022-429, which policy is called the “City of Raleigh Stream Stabilization Policy”; and

WHEREAS, pursuant to the terms of the Stream Stabilization Policy, a City Stream Stabilization Program has been established to repair and revitalize streams located within the corporate limits of the City by creating streamside riparian buffers and stabilizing eroding streambanks; and

WHEREAS, the intent of the Stream Stabilization Program is to repair stream erosion to enhance water quality; 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for construction of stream stabilization projects, to clarify the process by which stream stabilization projects are withdrawn from the Stream Stabilization Program, and to further clarify that properties with structures that have been constructed in either Zone 1 or Zone 2 of Neuse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 Stream Stabilization 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That the former City of Raleigh Stream Stabilization Policy is hereby repealed in its entirety and in lieu thereof the following resolution is enacted, and that this resolution shall be referred to as the “City of Raleigh Stream Stabilization Policy.”

Section 1. Overview and Purpose.

The City of Raleigh’s Stormwater Management Program is responsible for managing stormwater to preserve and protect life, support healthy natural resources, and complement sustainable growth within Raleigh. Through the steps outlined herein for a Stream Stabilization Program administered by Raleigh Stormwater within the City’s Engineering Services Department, the City will prioritize stream improvements for qualifying drainage projects to assist in preserving, restoring, and creating streamside riparian buffers, and stabilizing and vegetating eroding stream banks, thereby enhancing water quality throughout the City.

Section 2. Stream Stabilization Definitions.

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.

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 stream stabilization 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 drain pipes or other drainage facilities; and similar purposes. Areas that are disturbed are restored in accordance with generally accepted landscaping and engineering practices.

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.

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”.)

Integrated Stormwater Prioritization Model – Also referred to as “The model,” is the criteria used for ranking stream stabilization 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.

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

Streambank Erosion – a natural process of actively losing soil from banks along waterways due to persistent or high velocity stormwater runoff flows. Common types of streambank erosion include active material loss on steep, vertical, or undercut stream banks and/ or sloughing of stream banks.

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

Section 3. Stream Stabilization Program Eligibility Criteria and Prioritization.

Requests for stream repair assistance 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 stream stabilization 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 stream stabilization 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. The stream stabilization project must be related to, or carry, an intermittent or perennial stream and must be for the repair or restoration of a riparian buffer; and
4. The stream stabilization project must provide minimum 20-ft streamside riparian buffer area(s) as established by Conservation Easement(s) to be dedicated to the City, with such streamside riparian buffer(s) to be measured starting at the top of bank of the stream or creek; and
5. All property owners from whom easement(s) are needed to complete the stream stabilization project must complete fully the drainage assistance request form.

Stream erosion issues will be evaluated and prioritized based upon criteria that represent the severity of stream erosion and the width of streamside riparian buffer(s) being restored. Stream

stabilization 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 stream erosion problems and needs. Projects will be regularly ranked based upon predetermined, objective, and weighted criteria, including but not limited to: public health and safety, severity of stream erosion, restoration of streamside riparian buffer(s), water quality benefits, watershed management benefits (such as being in an impaired, or draining to an impaired, watershed), community support, and implementation complexity.

Stream stabilization projects also 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 and to achieve conservation goals. These may include, but not be limited to, Temporary Construction Easements (TCE), Conservation Easements (CE), Permanent Drainage Easements (PDE), 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 stream stabilization improvements will commence on private property.
3. Design and construction of stream stabilization 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 streams).
5. This Stream Stabilization 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 Stream Stabilization 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 stream stabilization assistance through the City's Stream Stabilization Program. If other lots in a subdivision that are not part of a request for stream stabilization 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 stream stabilization assistance from participating in the City's Stream Stabilization Program so long as the requesting lots have met all of the requirements for participation that are set forth in this Stream Stabilization Policy. Highest priority will be given to stream

- erosion issues that most greatly impact overall sediment loss, water quality benefits, and streamside riparian buffer restoration. The City reserves the right to reevaluate and review stream stabilization 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 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 stream stabilization 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 costeffective 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 stream stabilization project out of the sequential order arising from Integrated Stormwater Prioritization Model scoring requires City Council approval.

Section 4 Small Scale Stream Repair Workshops

1. Stormwater staff will conduct stream repair workshops. These may include partnerships with educational institutions, but each stream repair workshop must include an educational component that teaches other City staff and citizens the environmental benefits of stream repairs. Properties eligible for small-scale stream repairs as part of stream repair workshops must be located within the City's corporate limits and either have at least 50 linear feet of stream located on the parcels or drainageway(s) located on the parcels that outlet directly into a stream. Furthermore, in order to be eligible for stream repair workshops, these properties also 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 cityowned properties), all in accordance with Section 3 of this policy.

If Stormwater staff determines that a property is eligible for a stream repair workshop, then the property owner(s) must complete a standard, City Right-of-Entry ("ROE") form to participate in the program. This form must be signed by all the property owner(s) and notarized. Following a stream repair workshop, the property owner(s) must agree to take care of maintenance of the plantings described in the applicable ROE.

Section 5. Application of the Stream Stabilization Policy

- Stormwater staff will evaluate all stream erosion requests to determine whether the site and location receive public or private stormwater runoff, proximity from structures, linear feet of stream erosion, and width of streamside riparian buffer that can be restored.

- Participation in stream stabilization 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 Stream Stabilization Policy is to support healthy and natural resources by addressing and correcting stream erosion, re-establishing streamside riparian buffers, and reducing sediment loss. It is not the intent or the practice of this 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 stream stabilization projects under the City's Stream Stabilization Policy.
- With the exception of stream repair workshops, no work under this policy shall be performed until stream stabilization 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.
- Per the terms of Conservation Easements to be dedicated to the City, the maintenance of Conservation Easement areas, including litter removal and other routine maintenance, where allowed, shall be the responsibility of the property owner, except for those maintenance activities that are specifically identified as the City's responsibility in the deeds of easement that grant the Conservation Easements to the City with some of these City maintenance activities within Conservation Easement areas further described in Section 6, below.
- 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.
- Stream stabilization projects must be reasonably permissible for purposes of all 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 stream stabilization projects or repairs if the issue is caused by unlawful action or willful misconduct by a property owner or petitioner.
- If there exists a common interest in a stream stabilization 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 6. Easements

Stream stabilization projects will be located within either Permanent Drainage Easements or Conservation Easements dedicated to the City for such purposes or within public street right(s)-of-way. Temporary Construction Easements may be required for construction of stream stabilization 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 or Conservation Easements when the Permanent Drainage Easements or Conservation Easements do not abut public street right-of-way. This Section will not apply to small-scale stream repair workshops as easements are not required for that program.

For stream stabilization projects located within Zone 1 or Zone 2 of Neuse River Buffers, then Conservation Easements will be dedicated to the City. Otherwise, stream stabilization projects located outside of public street right(s)-of-way will require the dedication to the City of Permanent Drainage Easements.

Easements necessary for work on stream stabilization 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 stream stabilization 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 Stream Stabilization Program for a period of five years after such withdrawal as is set forth in greater detail in Section 7, below.

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

Existing private drainage easements shall remain as such until Conservation Easements or Permanent Drainage Easements dedicated to the City are executed and recorded. Until a Conservation Easement or 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 or Permanent Drainage Easements and Conservation 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 stream stabilization 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 stream stabilization project.

Upon the dedication of a Permanent Drainage Easement and/or Conservation Easement to the City associated with a particular stream stabilization project, certain restrictions will apply to the Permanent Drainage Easement area and/or Conservation Easement area so that the applicable area(s) can function to meet the design objectives of the project. It also should be noted that the dedication of Permanent Drainage Easements and/or Conservation Easements to the City for stream stabilization projects and/or the construction or repair by the City of the drainage facilities located within such Permanent Drainage Easements and/or Conservation 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 City of Raleigh Stormwater Design Manual (“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 the 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.

Permitted encroachments within a Conservation Easement include only the following:

- Natural vegetation provided they are consistent with Neuse River Buffer rules as adopted in the North Carolina Administrative Code, 15A NCAC 02B .0233, Table of Uses (Section 6 of code 15A NCAC 02B .0233).

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 or Conservation Easement**, as the case may be, 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 or Conservation Easements, as the case may be:

- 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 prohibit or impact the functionality of the public drainage system.

Conditions set forth in Permanent Drainage Easements and Conservation 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 stream stabilization project. All claims for liability shall be made against the contractors doing the work on the stream stabilization projects.

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

Section 7 Withdrawal from the Program

The property owners may withdraw from the Stormwater Stream Stabilization 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 stream stabilization 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 Stream Stabilization Program for a period of ten (10) years from the date of withdrawal.

Should a property that is part of a stream stabilization 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 stream stabilization project. In the event the new owner(s) choose not to participate in the project, then the project will be withdrawn from the Stormwater Stream Stabilization Program and the funds for that project will be allocated to other stream stabilization projects. If there are other properties that are involved in this stream stabilization project, then the provisions elsewhere in this Section 7 regarding the withdrawal of some, but not all, properties from a stream stabilization project shall apply. Notwithstanding the foregoing, the new owner(s) of the withdrawn property will have the option to reapply for the Stormwater Stream Stabilization Program for this particular property at any time and not face a period of ineligibility. However, this new, proposed stream stabilization project will be subject to City Council review and approval as per Section 5 of this Policy.

If multiple properties are involved in a stream stabilization project and the owner(s) of any one or more of such properties choose to withdraw from the project, then the stream stabilization project will have been deemed to be withdrawn from the Stormwater Stream Stabilization Program and the funds for that project will be allocated to other stream stabilization projects. In the event of such a withdrawal of a stream stabilization project from the Stormwater Stream Stabilization Program, the other properties involved in the project where their owners wanted the project to proceed within the Stormwater Stream Stabilization Program will remain eligible for stream stabilization 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 Stream Stabilization 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 stream repair projects already approved or completed under the previous City of Raleigh Stream Stabilization 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