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ATTACHMENT 18
ENGINEERING DEPARTMENT
STORMWATER MANAGEMENT
405 Martin Luther King, Jr. Blvd.
Chapel Hill, NC 27514-5705
Telephone (919) 969-7246
Fax (919) 969-7276
www.townofchapelhill.org

December 20, 2006

Harry Bowles
Woodmont Properties, LLC
1414 Raleigh Road
Chapel Hill, NC 27517

RE: Stream determination
PIN: (see list below)
TMBL: (see list below)

Dear Mr. Bowles,

As requested, the Town Engineering Department has performed a stream determination on the properties identified below. This determination provides important information regarding different types of streams (perennial, intermittent, and/or ephemeral) and whether or not any such streams are present on or adjacent to the properties in question. Based on this stream determination, and characteristics such as elevation and location, these properties may include a Resource Conservation District (RCD) area. Specific land use regulations and restrictions apply within the boundary of the RCD.

We performed a site inspection of the following properties on December 7, 2006:

Tax Map #	PIN	Location
491-05-029	9798-04-92-0930	146 Stancell Drive
491-04-029A	9798-04-92-0436	138 Stancell Drive
491-05-024	9798-04-71-8729	5119 Barbee Chapel Road
491-05-022A	9798-04-82-0071	5109 Barbee Chapel Road
491-05-023	9798-04-81-1815	5111 Barbee Chapel Road
491-05-C11	9798-04-93-2035	156 Stancell Drive
491-05-002	9798-04-92-4361	120 Little John Road
491-05-028	9798-04-92-0076	0 Old Chapel Hill Road
491-05-001	9798-04-92-4174	122 Little John Road
491-05-012	9798-04-82-6431	134 Stancell Drive

This incorporates a previous determination done for 491-04-029 and 491-05-029A on November 24, 2003. We found an ephemeral stream that becomes intermittent flowing along the southernmost boundaries of the Barbee Chapel properties. We found a forked ephemeral stream that crosses the properties facing Stancell Road (see attached map), which becomes intermittent. We have not identified any other streams on adjacent properties that may affect the location of the Resource Conservation District boundary on your property. Comments and findings regarding our site inspection can be found on the attached stream determination form and map.

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NOTE: THIS IS A STREAM DETERMINATION ONLY. It is intended to assist the requestor in identifying whether or not the properties in question include a Resource Conservation District and, if so, where it is located, depending on which ordinance(s) are applicable.

Please provide a copy of this information to a registered Land Surveyor for use in the preparation of your parcel plan or plat, which must be submitted with the permit application documents for review and approval by the Town. It is the responsibility of the Surveyor to review the stream determination information in association with information available in Article 3.6.3 of the Land Use Management Ordinance (LUMO) to identify the applicable RCD criteria. The Surveyor must certify whether or not a Resource Conservation District exists on the properties in question and, if so, where the RCD boundary is located. The following language must be provided verbatim on the application plan or plat and must be certified by a registered Land Surveyor. No additional or alternative wording or caveats are acceptable.

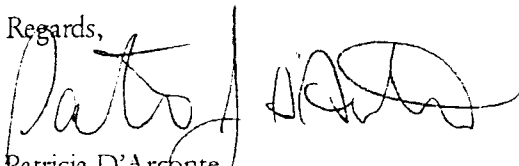
1. "This parcel is not located within the Resource Conservation District as defined in the Chapel Hill Development Ordinance/Land Use Management Ordinance."

Or

2. "All or a portion of this parcel is located within the Resource Conservation District as defined in the Chapel Hill Development Ordinance/Land Use Management Ordinance and as shown hereon."

If you have questions regarding stream determinations, please contact me at (919) 969-7202. If you have questions regarding the Town's Land Use Management Ordinance or Resource Conservation Districts, please contact the Planning Department at (919) 968-2728, or view a copy online at <http://www.townofchapelhill.org/index.asp?NID=149>.

Regards,



Patricia D'Arconte
Stormwater Engineering Technician

cc: Planning Department

Stream Determination Area Map

Legend

- Perennial Stream
- Intermittent Stream
- Ephemeral Stream
- Stream - Unknown Flow
- 2-foot contours
- 10-foot contours
- Buildings
- Parcels
- Site visited

Address: properties on Stancell and Barbee Chapel

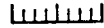
TMBL: see attached

Parcel ID: see attached

Approximate location of origin or breakpoint:

- * staked and flagged
- * flagged only

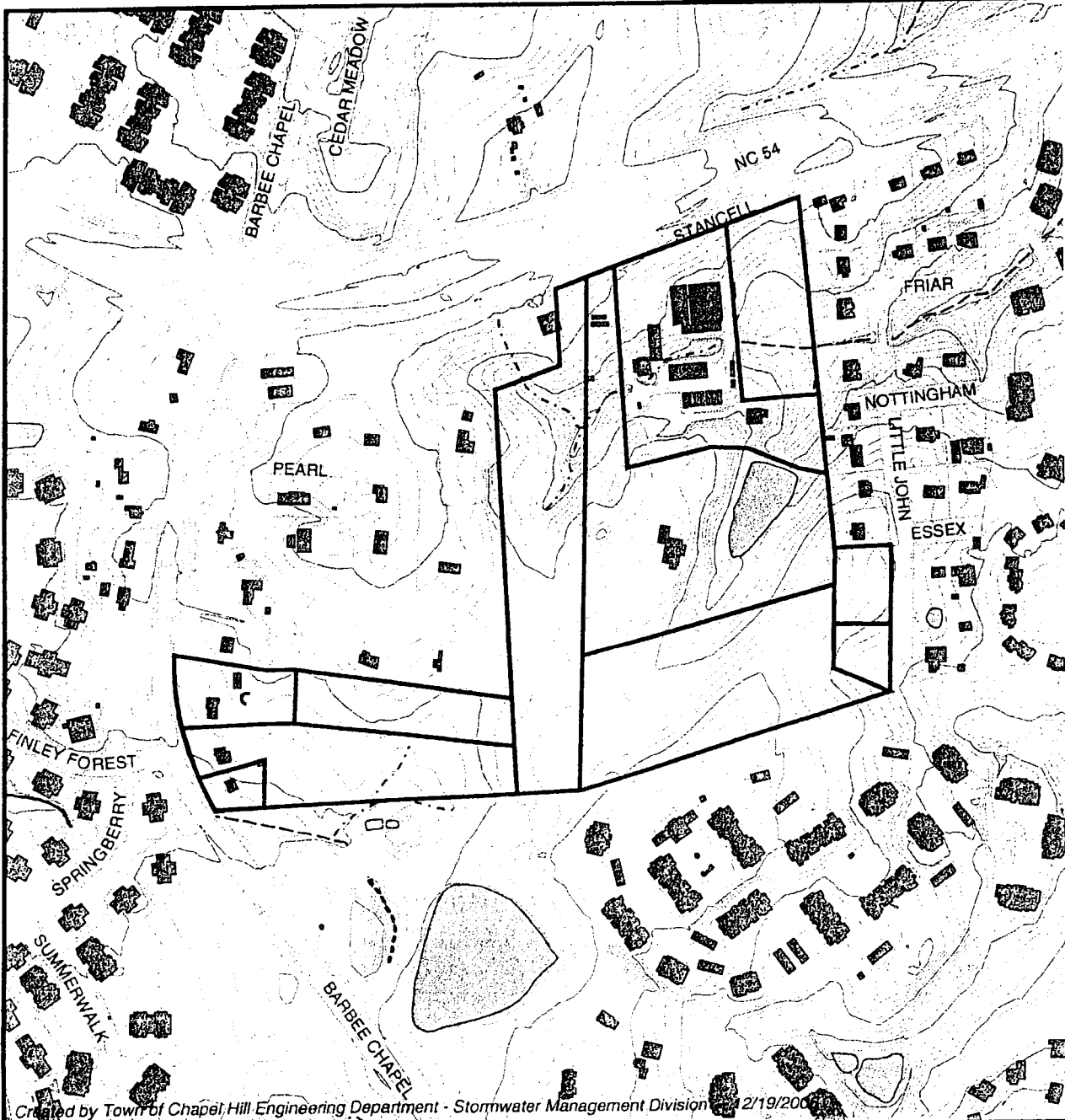
05000 200 Feet



1 inch equals 400 feet



Stream locations are approximate and must be verified by survey.



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North Carolina Division of Water Quality – Stream Identification Form; Version 3.1

Date: 12/7/06	Project:	Latitude:
Evaluator: TRISALL	Site: Stonicell (A)	Longitude:
Total Points: Stream is at least intermittent if ≥ 19 or perennial if ≥ 30 25	County:	Other e.g. Quad Name:

A. Geomorphology (Subtotal = 8.5)

	Absent	Weak	Moderate	Strong
1 ^a . Continuous bed and bank	0	1	2	3
2. Sinuosity	0	1	2	3
3. In-channel structure: riffle-pool sequence	0	1	2	3
4. Soil texture or stream substrate sorting	0	1	2	3
5. Active/relic floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Braided channel	0	1	2	3
8. Recent alluvial deposits	0	1	2	3
9 ^a . Natural levees	0	1	2	3
10. Headcuts	0	1	2	3
11. Grade controls	0	0.5	1	1.5
12. Natural valley or drainageway	0	0.5	1	1.5
13. Second or greater order channel on existing USGS or NRCS map or other documented evidence.	No = 0		Yes = 3	

^a Man-made ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 8)

14. Groundwater flow/discharge	0	1	2	3
15. Water in channel and > 48 hrs since rain, or Water in channel -- dry or growing season	0	1	2	3
16. Leaf litter	1.5	1	0.5	0
17. Sediment on plants or debris	0	0.5	1	1.5
18. Organic debris lines or piles (Wrack lines)	0	0.5	1	1.5
19. Hydric soils (redoximorphic features) present?	No = 0		Yes = 1.5	

C. Biology (Subtotal = 8.5)

20 ^b . Fibrous roots in channel	3	2	1	0
21 ^b . Rooted plants in channel	3	2	1	0
22. Crayfish	0	0.5	1	1.5
23. Bivalves	0	1	2	3
24. Fish	0	0.5	1	1.5
25. Amphibians	0	0.5	1	1.5
26. Macroinvertebrates (note diversity and abundance)	0	0.5	1	1.5
27. Filamentous algae; periphyton	0	1	2	3
28. Iron oxidizing bacteria/fungus	0	0.5	1	1.5
29 ^c . Wetland plants in streambed	FAC = 0.5; FACW = 0.75; OBL = 1.5 SAV = 2.0; Other = 0			

^b Items 20 and 21 focus on the presence of upland plants, Item 29-focuses on the presence of aquatic or wetland plants.

Notes: (use back side of this form for additional notes.)

Sketch:

... and lots of rocks
... and lots of rocks ...

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North Carolina Division of Water Quality – Stream Identification Form; Version 3.1

Date: 12/6/06	Project:	Latitude:
Evaluator: TRISH	Site: Stanceli (B)	Longitude:
Total Points: Stream is at least intermittent if ≥ 19 or perennial if ≥ 30 (8.25)	County:	Other e.g. Quad Name:

A. Geomorphology (Subtotal = 6.5)

	Absent	Weak	Moderate	Strong
1 ^a . Continuous bed and bank	0	1	2	3
2. Sinuosity	0	1	2	3
3. In-channel structure: riffle-pool sequence	0	1	2	3
4. Soil texture or stream substrate sorting	0	1	2	3
5. Active/relic floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Braided channel	0	1	2	3
8. Recent alluvial deposits	0	1	2	3
9 ^a . Natural levees	0	1	2	3
10. Headcuts	0	1	2	3
11. Grade controls	0	0.5	1	1.5
12. Natural valley or drainageway	0	0.5	1	1.5
13. Second or greater order channel on existing USGS or NRCS map or other documented evidence.	No = 0		Yes = 3	

^a Man-made ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 7.5)

14. Groundwater flow/discharge	0	1	2	3
15. Water in channel and > 48 hrs since rain, or Water in channel -- dry or growing season	0	1	2	3
16. Leaf litter	1.5	1	0.5	0
17. Sediment on plants or debris	0	0.5	1	1.5
18. Organic debris lines or piles (Wrack lines)	0	0.5	1	1.5
19. Hydric soils (redoximorphic features) present?	No = 0		Yes = 1.5	

C. Biology (Subtotal = 4.25)

20 ^b . Fibrous roots in channel	3	2	1	0
21 ^b . Rooted plants in channel	3	2	1	0
22. Crayfish	0	0.5	1	1.5
23. Bivalves	0	1	2	3
24. Fish	0	0.5	1	1.5
25. Amphibians	0	0.5	1	1.5
26. Macroinvertebrates (note diversity and abundance)	0	0.5	1	1.5
27. Filamentous algae; periphyton	0	1	2	3
28. Iron oxidizing bacteria/fungus.	0	0.5	1	1.5
29 ^b . Wetland plants in streambed	FAC = 0.5; FACW = 0.75; OBL = 1.5; SAV = 2.0; Other = 0			

^b Items 20 and 21 focus on the presence of upland plants, Item 29 focuses on the presence of aquatic or wetland plants.

Notes: (use back side of this form for additional notes.)

Sketch:

... body water table ... channel

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North Carolina Division of Water Quality – Stream Identification Form; Version 3.1

Date: 1/17/06 Project: Latitude:
 Evaluator: M. Z. H. Site: Carbee ch. (11) Longitude:
 Total Points: 25 Stream is at least intermittent if ≥ 19 or perennial if ≥ 30 County: Other e.g. Quad Name:

A. Geomorphology (Subtotal = 10.5)

	Absent	Weak	Moderate	Strong
1 ^a . Continuous bed and bank	0	1	2	3
2. Sinuosity	0	1	2	3
3. In-channel structure: riffle-pool sequence	0	1	2	3
4. Soil texture or stream substrate sorting	0	1	2	3
5. Active/relic floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Braided channel	0	1	2	3
8. Recent alluvial deposits	0	1	2	3
9 ^a Natural levees	0	1	2	3
10. Headcuts	0	1	2	3
11. Grade controls	0	0.5	1	1.5
12. Natural valley or drainageway	0	0.5	1	1.5
13. Second or greater order channel on existing USGS or NRCS map or other documented evidence.	No = 0		Yes = 3	

^a Man-made ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 8.5)

14. Groundwater flow/discharge	0	1	2	3
15. Water in channel and > 48 hrs since rain, or Water in channel – dry or growing season	0	1	2	3
16. Leaf litter	1.5	1	0.5	0
17. Sediment on plants or debris	0	0.5	1	1.5
18. Organic debris lines or piles (Wrack lines)	0	0.5	1	1.5
19. Hydric soils (redoximorphic features) present?	No = 0		Yes = 1.5	

C. Biology (Subtotal = 6)

20 ^b . Fibrous roots in channel	3	2	1	0
21 ^b . Rooted plants in channel	3	2	1	0
22. Crayfish	0	0.5	1	1.5
23. Bivalves	0	1	2	3
24. Fish	0	0.5	1	1.5
25. Amphibians	0	0.5	1	1.5
26. Macroinvertebrates (note diversity and abundance)	0	0.5	1	1.5
27. Filamentous algae; periphyton	0	1	2	3
28. Iron oxidizing bacteria/fungus.	0	0.5	1	1.5
29 ^b . Wetland plants in streambed	FAC = 0.5; FACW = 0.75; OBL = 1.5; SAV = 2.0; Other = 0			

^b Items 20 and 21 focus on the presence of upland plants, Item 29 focuses on the presence of aquatic or wetland plants.

Notes: (use back side of this form for additional notes)

Sketch:

Notes include following items other than...
 lots of sediment - poor bug habitat

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North Carolina Division of Water Quality – Stream Identification Form; Version 3.1

Date: 12/7/06	Project:	Latitude:
Evaluator: TRISH	Site: Barbee ch (B)	Longitude:
Total Points: Stream is at least intermittent if ≥ 19 or perennial if ≥ 30	County:	Other e.g. Quad Name:

A. Geomorphology (Subtotal = 5)

	Absent	Weak	Moderate	Strong
1 ^a . Continuous bed and bank	0	1	2	3
2. Sinuosity	0	1	2	3
3. In-channel structure: riffle-pool sequence	0	1	2	3
4. Soil texture or stream substrate sorting	0	1	2	3
5. Active/relic floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Braided channel	0	1	2	3
8. Recent alluvial deposits	0	1	2	3
9 ^a . Natural levees	0	1	2	3
10. Headcuts	0	1	2	3
11. Grade controls	0	0.5	1	1.5
12. Natural valley or drainageway	0	0.5	1	1.5
13. Second or greater order channel on existing USGS or NRCS map or other documented evidence.	No = 0		Yes = 3	

^a Man-made ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 5.5)

14. Groundwater flow/discharge	0	1	2	3
15. Water in channel and > 48 hrs since rain, or Water in channel – dry or growing season	0	1	2	3
16. Leaflitter	1.5	1	0.5	0
17. Sediment on plants or debris	0	0.5	1	1.5
18. Organic debris lines or piles (Wrack lines)	0	0.5	1	1.5
19. Hydric soils (redoximorphic features) present?	No = 0		Yes = 1.5	

C. Biology (Subtotal = 8)

20 ^b . Fibrous roots in channel	3	2	1	0
21 ^b . Rooted plants in channel	3	2	1	0
22. Crayfish	0	0.5	1	1.5
23. Bivalves	0	1	2	3
24. Fish	0	0.5	1	1.5
25. Amphibians	0	0.5	1	1.5
26. Macroinvertebrates (note diversity and abundance)	0	0.5	1	1.5
27. Filamentous algae; periphyton	0	1	2	3
28. Iron oxidizing bacterial/fungus.	0	0.5	1	1.5
29 ^b . Wetland plants in streambed	FAC = 0.5; FACW = 0.75; OBL = 1.5 SAV = 2.0; Other = 0			

^b Items 20 and 21 focus on the presence of upland plants, Item 29 focuses on the presence of aquatic or wetland plants.

Notes: (use back side of this form for additional notes)

Sketch:

potholes interrupted by debris dams
heavy clayey bed, lots of periphyton

Amphipods

low chroma w/ oxidized root channels

(101)

**TOWN OF CHAPEL HILL
REQUEST FOR STREAM DETERMINATION**

Requestor's Name: Woodmont Properties, LLC (Contact: Harry Bowles) **Date:** November 14, 2006

Requestor's Mailing Address: 1414 Raleigh Road, Chapel Hill, NC 27517 **City, State, ZIP:**

Requestor's Phone Number and Email Address (optional):
(919) 865-2216 hbowles@casso.com

Address of Property to Visit:
146 Stancell Drive, Chapel Hill, NC

Property Owner's Name: Woodmont Properties, LLC

NOTE: Requestor must be the property owner OR written permission must be obtained from the property owner and attached to this request.

Parcel Tax Map # - Block - Lot (TMBL):
See Attachment

Parcel ID Number (PIN):
See Attachment

ADDITIONAL INFORMATION REQUIRED:
Property area 3 acres or less – a Plat or Tax Map
Property area 3 acres or more – a Plat and Topographic Map

*Please submit this request, with maps, to: Stormwater Management Technician,
c/o Chapel Hill Stormwater Management, 209 N. Columbia Street, Chapel Hill, NC 27514
PHONE 919-969-7246 FAX 919-969-7276*

COMMENTS

Proposed Size of Development: 33.23 acres

ENGINEERING DEPARTMENT USE

Date of Inspection(s) 12/7/2006 Inspected by D'ARCONTE

Date of Last Precipitation _____ Amount _____ inches/24hours

OCT. 2. 2007 3:06PM

CAPITAL ASSOCIATES

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NO. 0576 P. 8

copy



TOWN OF CHAPEL HILL

May 7, 2004

Jean Stancell
138 Stancell Drive
Chapel Hill, NC 27514

Dear Ms. Stancell,

In response to your inquiry about the farm pond on your property, Tax Map # 491-05-029A, PIN # 9798-04-92-0436, at 138 Stancell Drive, the Engineering Department has reviewed the stream determination done on November 24, 2003. We have determined that the pond would not be considered a perennial waterbody as defined in the Land Use Management Ordinance because it has no intermittent or perennial streams feeding the pond or draining it. Please call me if you have any other questions about stream or pond classifications at (919) 968-2833.

Regards,

Patricia D'Arconte
Engineering Technician

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

COPY

Action Id. 200421394County: DurhamU.S.G.S. Quad: Chapel Hill

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner/Agent: Douglas Guthe, Woodmont Properties, LLCAddress: 1450 Raleigh Road, 3rd FloorChapel Hill, NC 27517Telephone No.: 919-403-3032Size and location of property (waterbody, road name/number, town, etc.) The site is located on the south side of NC 54, approximately 1.5 miles east of US 501, in Chapel Hill, North Carolina.

Indicate Which of the Following Apply:

- Based on preliminary information, there may be wetlands on the above described property. We strongly suggest you have this property inspected to determine the extent of Department of the Army (DA) jurisdiction. To be considered final, a jurisdictional determination must be verified by the Corps.
- There are wetlands on the above described property subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- We strongly suggest you have the wetlands on your property delineated. Due to the size of your property and/or our present workload, the Corps may not be able to accomplish this wetland delineation in a timely manner. For a more timely delineation, you may wish to obtain a consultant. To be considered final, any delineation must be verified by the Corps.
- The wetland on your property have been delineated and the delineation has been verified by the Corps. We strongly suggest you have this delineation surveyed. Upon completion, this survey should be reviewed and verified by the Corps. Once verified, this survey will provide an accurate depiction of all areas subject to CWA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.
- The wetlands have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on _____. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- There are no waters of the U.S., to include wetlands, present on the above described property which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in Washington, NC, at (252) 946-6481 to determine their requirements.

Remarks: _____

Corps Regulatory Official: _____

Date 09/09/2004Expiration Date 09/09/2009

Copy Furnished: Aaron Cooper, S&EC, Inc., 11010 Raven Ridge Road, Durham, 27614

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Id: 200421394

Placement of dredged or fill material within waters of the US and/or wetlands without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). If you have any questions regarding this determination and/or the Corps regulatory program, please contact Todd Tugwell at 919-876-8441 ext 26.

Basis For Determination: The site contains a pond which was constructed in high ground. No streams or wetlands are located within the evaluated portion of the site.

Corps Regulatory Official (Initial): JS

FOR OFFICE USE ONLY:

- A plat or sketch of the property and the wetland data form must be attached to the file copy of this form.
- A copy of the "Notification Of Administrative Appeal Options And Process And Request For Appeal" form must be transmitted with the property owner/agent copy of this form.
- If the property contains isolated wetlands/waters, please indicate in "Remarks" section and attach the "Isolated Determination Information Sheet" to the file copy of this form.

Harold Bowles

From: Ren Ivins [rivins@co.orange.nc.us]
Sent: Friday, December 17, 2004 11:56 AM
To: lsmith@withersravenel.com
Cc: Harold Bowles; Wesley Poole
Subject: WOODMONT PROPERTIES LLC Pond removal



Ren Ivins.vcf

1) This is to confirm our site visit of 12/16/2004: I can not approve an erosion control plan with out the ZCP by Chapel Hill. The problem is the possible removal of trees to access the pond. You may however drain the pond and shorten the Riser to ensure that it remains dry so as to allow the sediment to dry in anticipation of removal and replacement with clean structural fill, perhaps as early as next summer. Note: Draining the pond and shorting of the riser does not require an erosion control plan or land-disturbing permit.
2) The plan review fee of \$156.10 is non refundable but I can, upon written request (e-mail is fine) refund the Land-disturbing fee of \$306.90. Please advise as to your intention.

Reynolds J. (Ren) Ivins
Orange County
Erosion Control Supervisor
(919) 245-2586
Cell 215-0758
rivins@co.orange.nc.us



