



TOWN OF CHAPEL HILL
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Office of the Town Manager
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January 10, 2023

Mr. Sean Clark
Mr. Philip Beach
Sage Ecological Services, Inc.
PBeach@SAGEECOLOGICAL.COM

Re: **Stream Determination Appeal Decision for Mt. Moriah Properties at 5217, 5227 & 5305 Mt. Moriah Road, Chapel Hill, Orange County, NC**
PINs 9890-84-9934, 9890-94-5812, 9890-95-8043, 9890-83-5996 & 9890-74-0792

Dear Mr. Clark and Mr. Beach:

I am writing in response to your stream determination appeal request dated April 1, 2022, for the multiple properties referenced above. Three (3) stream features on the above properties were included in the appeal request (**Features E, G & K**), but only two (2) features are the subject of the stream determination appeal and therefore my decision (**Features G & K**), as I relayed to you in a letter dated June 7, 2022.

Per Town policy, the Town contracted with a qualified professional who is trained in and has experience with the North Carolina of Water Resources (NCDWR) classification method to conduct a third-party second opinion. Larry Eaton, Eaton Scientific LS, Inc., conducted a second opinion stream determination on September 2, 2022, and submitted a report to Town staff dated September 8, 2022. The stream determination appeal report by Mr. Eaton concludes that **Features G & K** are intermittent, which is consistent with the determination conducted by Town staff on January 28, 2022, and February 2, 2022. Mr. Eaton also agreed with the Town's origin/breakpoint for each feature.

I have reviewed the materials you provided in your appeal request, the documentation of the original stream determination performed by Town staff, and the report provided by Mr. Eaton. I have also met with Town staff about the previous stream determinations by Town staff and Sage Environmental, and the outcome of the second opinion by Mr. Eaton.

Based on my review of all this information,

- I agree with the stream determination appeal results from Eaton Scientific LS, Inc., and the conclusion by Town staff that **Features G & K are intermittent, and the origin/breakpoint for each feature is as documented and flagged by Town staff**. Attached is a memo dated September 29, 2022, by Town staff that includes the report by Eaton Scientific LS, Inc. and provides a review, analysis and conclusion that supports the reasons for my decision.

If you would like to appeal this decision, you may submit an appeal request to the Town's Board of

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Adjustment per the Land Use Management Ordinance (LUMO) Section 4.10. Other options include proceeding with submittal of a development application for this property based on the Town's stream determination; and applying for a variance if the proposed development cannot proceed in strict compliance with the applicable regulations.

Sincerely,



Christopher C. Blue
Interim Town Manager

Copy: Ernest Odei-Larbi, Senior Engineer
Chris Roberts, Manager of Engineering and Infrastructure
Lance Norris, Public Works Director
Allison Weakley, Stormwater Analyst
Ann Anderson, Town Attorney

Attachment:
Stream Determination Appeal Results Memo from Town Stormwater Staff, dated September 29, 2022