

STREAMS AND BUFFERS AND EASEMENTS...

Oh My!

Many folks living in Duluth have a stream or drainage way running through their property. Some of these are courtesy of Mother Nature, while others are courtesy of your developer/builder or the City of Duluth's drainage infrastructure system.

Q What exactly does it mean to have a stream running through my property?

A If your property has a stream running through it, it also has a stream buffer. A buffer is an undisturbed natural strip of land along the waterway that serves three main functions.

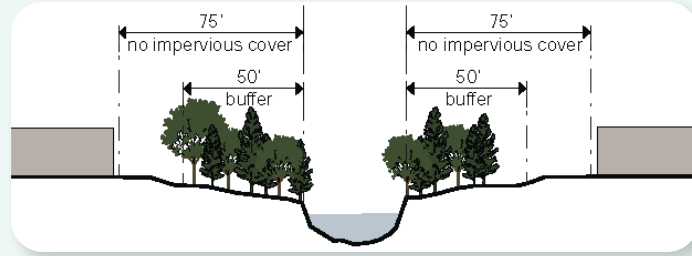
First, the buffer protects the stream from adjacent land uses so that they do not encroach into the waterway.

Second, it improves water quality by cleaning pollutants from stormwater runoff before it reaches the stream. It also slows stormwater runoff before it reaches the stream, allowing it to infiltrate into the soil, reducing the speed and volume of water, and thereby reducing the potential for erosion and flooding.

Third, the buffer protects delicate habitats and ecology that thrive in and around the stream environment.

Q How do I know where my buffer is?

A Duluth's buffers are measured from the top of the stream bank. In Duluth, our undisturbed stream buffers are 50' from the top of the stream bank, with an additional 25' setback where all impervious surfaces are prohibited.



Q What can I do (or not do) to my buffer?

A Buffers are only effective if they remain undisturbed. That means you cannot remove trees from or place permanent structures (such as decks, sheds, walls, or fences) within the buffer limits. Doing so will compromise the buffer. If enough people do so, the problem compounds and could lead to flooding, severe erosion, loss of stream habitat, and degradation of the stream and its water quality. It also leads to fines and requests for corrective action from the City as buffer impacts (without an approved variance from the City) are illegal. The first 50' of the buffer cannot be disturbed or trimmed of vegetation, nor can it be home to permanent structures. The next 25' cannot have permanent structures erected within it.

Q What if my buffer is disturbed?

A Many property owners unknowingly disturb their stream buffers. Once the City is aware of a buffer encroachment, it is our obligation to make sure the situation is rectified. There are ways to reestablish your buffer after a disturbance.

First, you must remove any permanent structures such as walls, fences, decks, and sheds. Then, you will need to stabilize the ground and replant the buffer. The new growth will take years to function fully, but some improvements will be immediate. If enough property owners work to reestablish their buffers, they can repair stream damage, such as downstream flooding and erosion, over time. Your downstream neighbors will thank you.

The GA Department of Community Affairs has an excellent resource to help property owners reestablish their backyard buffers. We encourage you to check it out by scanning the QR code here!



Q What if the waterway in my yard is not a buffered stream?

A Not all waterways are streams. Some are ditches or swales put in place to drain the land and/or allow an outfall for the City's drainage systems. Ditches and swales are open channels that typically convey water from one stormwater system to another. They do not have buffers. They can be public, private, or a combination of both. They can lead from closed (underground) systems to natural streams and waterways or from one natural or open system to another.

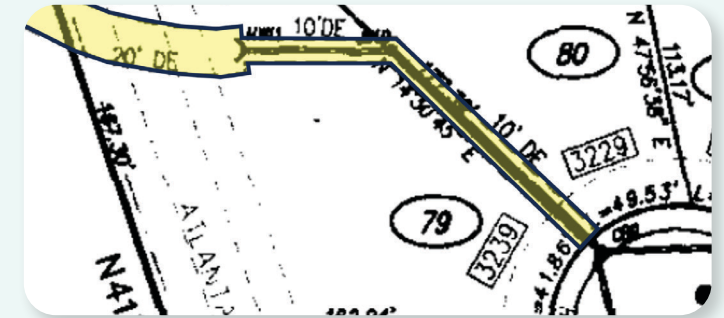
Q What do I need to know about having a drainage ditch in my yard?

A If you have a ditch on your property, it is your responsibility to maintain it and keep it well-graded, stabilized, and clean, whether it is private (yours or your HOA's) or public (the City's). If the ditch has an easement around it, you may not plant trees or erect permanent structures in that easement. The easement is there to allow for access and possible maintenance (if underground structures are also present). The easement may be public (dedicated to and accepted by the City) or private (maintained by your HOA).

Q Do I have to maintain all of the drainage easement in my yard, even if I do not see a ditch?

A The drainage easement is still your property. It just comes with some restrictions. If you do not see a ditch, your plat will likely indicate there is a drainage pipe under the ground along that easement. In this case, you still need to maintain the property and keep from erecting permanent structures or trees within the easement. If a pipe needs maintenance, the City will inspect and repair it, provided it is a public structure. Some neighborhoods have private drainage infrastructure that the City does not have access to and does not maintain. In that case, your HOA will maintain and repair underground pipes. The pipe will usually end at a headwall or flared end section and may outfall/daylight into a ditch or a stream. This is the point where the closed system becomes an open channel (or open system) and where the property owner takes over the maintenance.

If you see trash and debris in the channel, as the property owner, it is up to you to remove and clean up those potential obstructions before they become problematic and block the channel, creating a flood.



Q How do I know if I have a drainage easement?

A When you purchased your property, you likely received a plat. All recorded easements should be shown on that plat. Generally, drainage easements are shown on your plat as "DE", and they are typically 10' or 20' wide. Of course, there are exceptions to this. Sometimes, a drainage easement (DE) will share space with a sanitary sewer easement (SSE). Sometimes, an easement (DE or SSE) will be split between multiple properties, with a portion on your land and a portion on your neighbor's land. And sometimes, an easement (DE or SSE) will change direction or width depending on its use and the location of any infrastructure leading to/from it or under the ground. Check out an example of a plat with a drainage easement above.

Q What if I have more questions?

A If you have a question specific to your drainage easement or stream buffer, please reach out to the Stormwater Department at 770.497.5311 or sw@duluthga.net. We are happy to assist and educate in whatever way we are able. Clean and healthy waterways are the most important natural resources we have.

