

Existing Regulation(s)	Proposed Amendment & Description
<p>Stream buffers do not vary depending on the surrounding property development pattern (i.e. if the surrounding property is developed or undeveloped).</p> <p>Stream buffers are established based upon the edge of the stream (ordinary high water mark) and extend a specified distance (between 50 and 150 feet). The stream buffer is based upon type of the stream, and may encumber land that is already improved in some fashion (e.g. house, driveway, landscaping, etc).</p> <p>Current code recognizes previously established buffers recorded as a notice on title or in a tract if the buffer is at least 50% of the current buffer width.</p>	<p>Stream buffers on developed property would be distinguished from stream buffers in an undeveloped condition. Stream buffer protection standards would be substantially different for developed properties when compared with undeveloped properties.</p> <p>Amendment would result in one set of stream protection standards for stream corridors in a developed area of the city, and a different set of stream protections standards in an undeveloped area of the city.</p>
<p>Desired Result of Amendment: Provide stream protections based upon expected impacts in urban / suburban (i.e. developed) or undeveloped settings based upon expected development activity impacts. Nature of development in a developed area will have a different impact to a stream than development in a relatively undeveloped setting.</p>	

Amendment Source:

Public comment

Best Available Science Support: Not supported

- Best Available Science Report “Streams and Fish and Wildlife Habitat Conservation Areas” by AMEC Environment & Infrastructure, Inc.
- AMEC Report Issues 3-5, Issue 3 & 4

Affected Code Section(s) (includes duplicative and overlapping sections):

- 21A.50.330 - Streams – Development standards
- 21A.50.340 - Streams – Permitted alterations
- 21A.50.350 - Streams – Mitigation requirements

Public Comment Reference(s):

5, 22, 73, 122

Notes:

Ratings are either: large positive (P), small positive (p), neutral, large negative (N), small negative (n)			
Environmental	N	Implementation	N
<ul style="list-style-type: none"> Decreased on-site protection of streams Neutral protection of public assets and resources (e.g. streets, water quality) Increased cumulative impacts to streams Negative potential to restore damaged stream channels or buffers Increased chance of damage to streams Increased potential to damage high quality, unique streams Net loss of stream functions and values <p>The proposed amendment will result in the reduction or elimination of buffer areas in developed sites, decreasing the protection of on-site streams and increasing the cumulative impacts to streams or buffers. In the case of areas that have low value buffer functions in a developed condition, BAS would suggest increasing buffers rather than elimination or reduction. The proposed amendment creates increase in unpermitted alterations, which increases the risk of damage to streams, including unique streams corridors, and results in a net loss to stream functions and values. The amendment also reduces opportunities for future buffer restoration.</p>		<ul style="list-style-type: none"> Less clear regulations, increased chance for unintended consequences Decreased ability for consistent, efficient implementation by the staff Decreased likelihood of support/approval by other agencies Less effective mitigation, harder to monitor <p>The amendment effectively creates two sets of stream standards for the city to administer and for applicants to use in the application process, which reduces overall efficiency and consistency in application. Determining which set of standards to apply to a particular site will likely prove to be a source of controversy between applicants and the city. Two sets of standards increases the chances for unintended consequences. Further, as this amendment does not appear to be supported by Best Available Science, there is a decreased likelihood of support or approval by other agencies.</p>	
Property	p	Overall Effect	
<ul style="list-style-type: none"> Increased flexibility and options for property owner's use of property Decreased predictability for permit applicants and neighbors Increased recognition of site improvements and existing uses in standards Neutral effect on expense / time <p>The proposed amendment will generally increase the flexibility and options for property owners in the use of their property by basing the stream buffer on the developed condition of the lot. Some buffer widths will be increased or decreased based upon the developed condition of the site, which decreases the predictability and equity in permitting for property owners and neighboring properties. The permit review requirements will be increased to determine the sites existing development condition status (i.e. developed or undeveloped).</p>		<h2>Negative</h2>	