

Existing Regulation(s)	Proposed Amendment & Description
<p>Wetlands and streams have a specific buffer width, based upon an evaluation of the quality of the stream or wetland. The buffer width is unaffected by the presence of surrounding development, except for roads. Existing development is addressed through exceptions and partial exceptions.</p>	<p>Allowed uses and activities associated with existing development and site improvements within wetland and stream buffers would be further identified (e.g. roads, railroads, additional features) to recognize when wetland and stream buffers no longer serve a measurable benefit to the ECA feature they are intended to protect. A new code section for existing development would more specifically identify activities allowed in existing developed areas and add flexibility in location of additions/revisions.</p> <p>See Information Memorandum included with October 18, 2012 Planning Commission packet.</p>
<p>Desired Result of Amendment: Property constrained by wetland or stream buffers, where a legally created feature acts as a barrier to buffer function such that the buffer does not actually provide a benefit to a wetland or stream, would be allowed the same uses / activities as properties unconstrained by buffers. Existing uses and allowed activities in developed areas would be more specifically identified in the code and additional flexibility would be provided.</p>	

Amendment Source:

Public comment

Best Available Science Support:

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

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

- New code section

Public Comment Reference(s):

5, 22, 73, 122, 163

Notes:

Ratings are either: large positive (P), small positive (p), neutral, large negative (N), small negative (n)			
Environmental	Neutral	Implementation	p
<ul style="list-style-type: none"> • Neutral effect for on-site protection of streams • Neutral protection of public assets and resources (e.g. streets, water quality) • Neutral effect on cumulative impacts to streams • Neutral effect on potential to restore damaged stream channels • Neutral effect on chance of damage to streams • Neutral potential to damage high quality, unique streams • Neutral effect on loss of stream functions and values <p>The proposed amendment will recognize where wetland and stream buffers have been altered and allow for continuance of existing uses, including changes between similar uses that have no effect on the ECA features – such as landscaping to orchard. Additional locational flexibility for additions/revisions would be added, subject to criteria.</p>		<ul style="list-style-type: none"> • Improved clarity of regulations, small increase in chance for unintended consequences • Improved ability for consistent, efficient implementation by the staff • Neutral effect on likelihood of support/approval by other agencies • Neutral effect on effective mitigation, harder to monitor <p>The regulations associated with existing development within ECA features and associated buffers is unclear and requires improvement. The proposed amendment will improve clarity, thereby improving consistency and efficient staff review. A small chance for unintended consequences may be created by recognizing previously unauthorized work in buffers.</p>	
Property	P	Overall Effect	
<ul style="list-style-type: none"> • Increased flexibility and options for property owner’s use of property • Increased predictability for permit applicants and neighbors • Improved effect on recognition of site improvements and existing uses in standards • Neutral of expense / time <p>The proposed amendments will further clarify and improve existing flexibility and options for property owners within an area constrained by critical areas/buffer. Improved clarity in regulations will also improve predictability and recognition of existing site improvements as they may or may not affect buffer protections.</p>		<p>Positive</p>	

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