

PROPOSED AMENDMENT TO BILL NO. 1162
AMENDMENT TO PLANNING COMMISSION RECOMMENDATIONS 7 & 11

Recommended by: Planning Commission
 Date: February 10, 2009

Purpose of Amendment: Amendment # 7. To clarify how and when a *non-critical area* buffer is expanded for steep slopes, highly erodible soils, or hydric soils. Amendment No. 11: To clarify how and when a *critical area* buffer is expanded for steep slopes, highly erodible soils, or hydric soils.

KEY	
Boldface	Heading or defined term.
<u>Underlining</u>	Planning Commission recommendation
Strikethrough	Deleted from existing law by original bill.
<u>Double underlining</u>	Added to bill by amendment.
Double strikethrough	Deleted from bill/PC recommendation by amendment.
* * *	Existing law unaffected.

Planning Commission Proposed Amendment No. 7.

§190-123. Buffers – streams and non-tidal wetlands - Non-Critical Area

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B. A buffer expansion shall be required, beyond the minimum 100-foot or 50-foot stream buffer, to include and extend beyond contiguous, sensitive areas, such as soils with slopes 15 percent or greater, hydric soils, or highly erodible soils, whose development or disturbance may impact streams, wetlands, or other aquatic environments.

(1) In the case of contiguous slopes of 15 percent or greater, the ~~Shoreline Development~~ buffer shall be expanded four feet for every one percent of slope beyond the required buffer, or 50 feet from top of slope, whichever is greater in extent.

(2) Where highly * * *

(a) Where it is demonstrated that no ~~wetlands or other streams~~ highly erodible soils or hydric soils with a slope of 5 percent or greater exist within 200 feet of the stream buffer, expansion is not required.

(b) Where it is demonstrated that ~~wetlands or other streams~~ highly erodible soils or hydric soils exist within 200 feet of the stream buffer, and where the existing slope of the buffer is between 5-10%, the buffer shall be expanded 50 feet beyond the edge of the standard stream buffer.

(c) Where it is demonstrated that ~~wetlands or other streams~~ highly erodible soils or hydric soils exist within 200 feet of the stream buffer, and where the existing slope of the buffer is between 10-15%, the buffer shall be expanded 100 feet beyond the edge of the standard stream buffer.

(3) The approving authority * * *

Planning Commission Proposed Amendment No. 11;

§190-139. Shoreline Development Buffer

A. Establishment, Measurement

* * *

(3) A buffer expansion as defined in Article XI shall be required, beyond the minimum 100 foot or 200-foot Shoreline Development Buffer, to include and extend beyond contiguous, sensitive areas, such as soils with slopes 15 percent or greater, hydric soils, or highly erodible soils, whose development or disturbance may impact streams, wetlands, or other aquatic environments.

(a) In the case of contiguous slopes of 15 percent or greater, the Shoreline Development Buffer shall be expanded four feet for every one percent of slope beyond the required buffer, or 50 feet from top of slope, whichever is greater in extent.

(b) Where highly * * *

(i) Where it is demonstrated that no ~~tidal wetlands, nontidal wetlands or tributary streams~~ highly erodible soils or hydric soils with a slope of 5 percent or greater exist within 200 feet of the stream buffer, expansion is not required.

(ii) Where it is demonstrated that ~~tidal wetlands, nontidal wetlands or tributary streams~~ highly erodible soils or hydric soils exist within 200 feet of the stream buffer, and where the existing slope of the buffer is between 5-10%, the buffer shall be expanded 50 feet beyond the edge of the standard stream buffer.

- (iii) Where it is demonstrated that ~~tidal wetlands, nontidal wetlands or tributary streams~~ highly erodible soils or hydric soils exist within 200 feet of the stream buffer, and where the existing slope of the buffer is between 10-15%, the buffer shall be expanded 100 feet beyond the edge of the standard stream buffer.

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