

## **DETAIL DISCUSSION FOR RESOLUTION OF ISSUES FOR: BUFFER ZONES, IMPERVIOUS COVER LIMITS AND MITIGATION**

### **BUFFER ZONES**

#### **Consensus Agreement**

- Riparian Zones Need Protection
- Centerline is the best measure for determining buffer zones
- Some enhancement can be achieved through the buffer zone

#### **Areas of Disagreement**

- Specific width recommendations
- Practical minimum drainage area and corresponding width

#### **Stakeholder Concerns for Resolution by Consultant**

- Clarify activities allowed and disallowed in the buffer zone
- Respect the floodplain
- Establish criteria for minimum drainage areas
- Address the water quality impacts of adjacent development
- The buffer zone provides an additional safety factor beyond site controls
- “Quality” of buffer zones are important (slopes, vegetation and soils)
- Based on specific risk levels
- Existing regulatory definitions of streams are not sufficient, especially in the Recharge Zone (RZ).
- Consider some removal credit for buffer zones with appropriate vegetation, if improved by non-invasive means
- Credit for achieving some minimum criteria
- Potentially identify sub-zones within the buffer zones

#### **Approach for Resolution by Consultant**

- Establish minimum widths for single zone buffers for first order (no tributaries) streams/headwaters
- Establish dual zone buffers for second and higher order streams
- Activities allowed in single zone buffers: authorized utility/roadway crossings only; limited in frequency, with controls
- Activities allowed dual zones: low impact activities (e.g. parks, “greenspace”, hike/bike trails), utilities with proper restoration, and vegetative supplementation for extra credit

### **IMPERVIOUS COVER**

#### **Consensus Agreement**

- Some overall impervious cover (IC) limit is appropriate

### **Majority Agreement, without Consensus**

- Some additional IC may be allowed, if appropriate buffer zones, setbacks and limiting site features are respected, and structural controls are properly installed and operated, respecting their inherent limitations
- There are differences between the RZ and the contributing zone (CZ).
- Gross site area is acceptable for determining IC limits, if it properly respects site features, such as steep slopes, irrigation areas, critical environmental features, etc.

### **Areas of Disagreement**

- The magnitude of the IC limit(s)
- Whether to use Net Site Area vs. Gross Site Area to determine IC
- The specific capabilities of structural controls/BMPs

### **Stakeholder Concerns for Resolution by Consultant**

- Consider allowing greater density in “growth areas” (without consensus on how to define growth areas: e.g. city limits, preferred areas, etc.)
- Equity is important: trading development rights and retrofitting should be tied to utility requests and rehabilitation
- Address localized impacts
- A combination of measures may be needed to achieve the water quality goals
- De-facto IC limits will be determined by the practical limitations of the documented effectiveness of the BMPs that are utilized.
- Need to address the realistic capabilities of BMPs
- Risk basis: designated zones based on risk (high, medium and low, to be defined by jurisdictions) with “tradable” credits for IC

### **Approach for Resolution by Consultant**

- Establish overall IC limits to be applied to all future development
- Revise the IC recommendations in the plan to allow use of higher IC limits in localized areas, with the requirement to mitigate to the established overall IC limits, and to apply appropriate structural controls designed respecting their realistic capabilities, with reasonable safety factors applied.
- Outline a strategy for local jurisdictions to identify high, medium and low risk areas, and allow the use of differing safety factors, commensurate with the established risk level.
- Recommend procedures for determining appropriate safety factors
- Incorporate requirements to use reliable data in design for structural BMPs
- Address the level of technical expertise required on behalf of local jurisdictions to be able to properly implement the identified strategy

## **MITIGATION**

### **Consensus Agreement**

- The concept is appropriate for incorporation into the Plan.
- Mitigation needs to include mechanisms to lock-up development rights.

### **Majority Agreement, without Consensus**

- There should be differences in value (undefined) assigned to the RZ and the CZ.

### **Stakeholder Concerns for Resolution by Consultant**

- Mitigation can't just be a "math problem"
- The IC "allocations" need to be truly "tradable"
- All areas, including those which may not be "developable", should be eligible for mitigation/IC credit trading.
- Legal mechanisms for locking up development rights in the future
- Long-term caretaking

### **Approach for Resolution by Consultant**

- Tie the overall IC limit to the ability/requirement to perform mitigation for sites where the localized IC exceeds the overall limit
- Establish criteria for ownership/operation of mitigation areas
- Establish criteria for "locking up" development rights for mitigation areas.