

12.2.6. Land Disturbance Permit Issuance

No application for a Land Disturbance Permit may be approved and no permit may be issued for any land-disturbing activity inconsistent with these requirements.

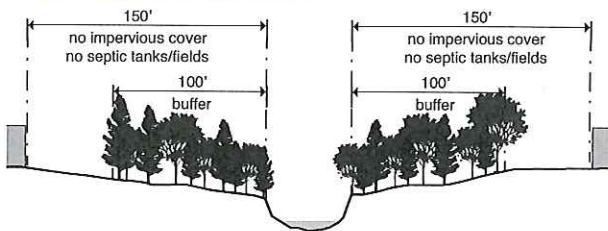
12.2.7. State Requirements for All Streams

All perennial and flowing streams must provide a minimum 25-foot stream buffer on each side of the stream bank. This buffer lies within the required distances for perennial and flowing streams, but does not allow for local variance to reduce the buffer.

12.2.8. Requirements for Perennial Streams

No application for a Land Disturbance Permit may be approved or permit issued for any land-disturbing activity within the corridor of any perennial stream unless:

- A. A buffer is maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks;
- B. No impervious surface is constructed within a 150-foot setback area on both sides of the stream as measured from the stream banks; and



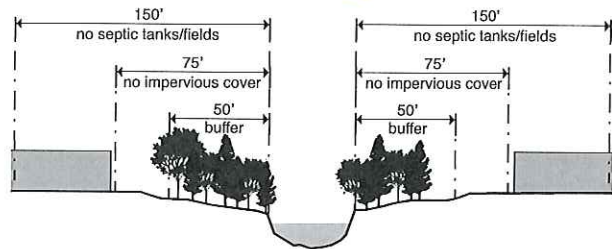
- C. Septic tanks and septic tank drainfields are not in the setback area of paragraph B. above.

12.2.9. Requirements for Flowing Streams

No application for a Land Disturbance Permit may be approved or permit issued for any land-disturbing activity within the corridor of any flowing stream unless:

- A. A buffer is maintained for a distance of 50 feet on each side of the stream bank as measured horizontally from the stream bank;
- B. No impervious surface is constructed within a 75-foot setback along each side of the stream bank as measured horizontally from the stream bank; and

- C. Septic tanks or septic tank drain fields are not located within 150 feet of the stream bank.



12.2.10. Land Disturbance Permit Requirements

An application for a Land Disturbance Permit inconsistent with these requirements may only be approved and a permit issued for any land-disturbing activity in one of the following instances.

- A. The Engineering Director after consulting with the Zoning Director, authorizes land disturbance for the construction of:
 - 1. A stream crossing by a drive-way, transportation route, or public utility, a dam or impoundment; or
 - 2. A transportation route or utility line parallel to a stream but not closer than 25 feet to a stream bank unless due to natural conditions in an area, the construction would be less harmful to the environment than if it were located outside the protection area.
- B. The City Council authorizes redevelopment of a tract or parcel where an equivalent amount of clearance and improvement can be located; or, where the opinion of the Engineering Director after consulting with the Public Works Director, the proposed work will not impair the quality, vitality and stability of the protection area.
- C. A structure is being repaired or rebuilt after being damaged by fire or other disaster and the Engineering Director determines that reasonable efforts to protect the adjacent stream have been taken.
- D. The City Council grants a variance from the stream buffer requirements because exceptional circumstances exist that strict adherence to the provisions would result in unnecessary hardship or would not further the intent of the requirements.