

Planning Commission Written Comments- June 9, 2015

10 FOOT NO-BUILD RIPARIAN BUFFER INTRUSIONS/LOT OF RECORD DEFINITION – TC1500004

BUZBY – I vote to approve.

DAVIS – Move approval.

FREEMAN – Move forward accordingly with the working rephrase.

GIBBS – I approve sending forward for approval with comments by Commissioner Miller (The Motion).

HARRIS – Voted for approval.

HOLLINGSWORTH – Approved with suggestions.

HUFF – Voted approval with Mr. Miller’s improvements in language.

MILLER - I support this change, but not with this wording. My fear is that as written, the proposed text declares that there a 10-foot, no-build setback. It then says there is no ten-foot setback when grading and construction is required as a part of a use that has received approval for placement within the riparian buffer. As written, this says that whenever the state has approved a use in the riparian buffer that may need to cross the city’s 10-foot strip, there is no 10—foot strip at all, not just where the grading and construction may be required. It’s a grammar thing. Without an express limitation, the word “except” in the proposed text runs to the whole declaration of the existence of the 10-foot setback. It might be better to write it up this way.

C. Buildings and other features that require grading and construction shall be set back at least ten feet from the edge of the riparian buffer. Provided, however, when the state has granted approval for a use to be placed within the riparian buffer, grading and construction necessary for that use shall be allowed within this 10-foot wide set back.