

CITY OF TUCSON
DEVELOPMENT STANDARD NO. 9-06.0
FLOODPLAIN, WASH AND ENVIRONMENTAL RESOURCE ZONE (ERZ) STANDARD

**FLOODPLAIN, WASH AND ENVIRONMENTAL
RESOURCE ZONE (ERZ) STANDARD**

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9-06.0.0 FLOODPLAIN, WASH AND ENVIRONMENTAL RESOURCE ZONE (ERZ) STANDARD.

9-06.1.0 GENERAL.

- 1.1 Purpose. This Standard has been established for the purpose of informing applicants of the preparation, submittal, and review procedures for development within areas that have environmentally valuable habitat in conformance with Article 1, Division 1, Floodplain and Erosion Hazard Area Regulations, Chapter 26, Tucson Code; Article VIII, Watercourse Amenities, Safety and Habitat (WASH), Chapter 29, Tucson Code; and Section 2.8.6, Environmental Resource Zone (ERZ), Land Use Code (LUC), Chapter 23, all of the Tucson Code; so that proper and adequate information is presented in a consistent manner, thereby providing the basis for an efficient and timely review.

This standard is further to insure that the adopted policies of the Mayor and Council and adopted recommendations of the City's Stormwater Advisory Committee are accurately reflected in the implementation of existing regulations.

The areas subject to regulation under this development standard include the floodplain and floodway fringe areas as defined in Sec. 26-2, and the adjacent banks and associated riparian habitat as provided in Sec. 26-5.2 (3) and (4), which are established as the "**Regulated Areas**". If there is no encroachment within these Regulated Areas, the documentation requirements, development restrictions and mitigation requirements do not apply.

Where the Regulated Areas are based upon maps prepared for the TSMS Phase II Stormwater Master Plan, the Critical and Sensitive Wildlife Habitat Map, or similar maps prepared by Pima County, there is a presumption that riparian habitat that should be preserved has been documented on the property. Any development must therefore comply with this standard to establish the precise location of riparian habitat. It is, however, the actual documentation of the location of the habitat pursuant to this standard that will determine where the development may occur, not the maps.

If there is encroachment into the Regulated Areas, the standard requires that the riparian habitat be identified and delineated as the "**Protected Riparian Area**". This will include the submittal of an Environmental Resource Report that will document (1) the areas that contain riparian and wildlife habitat that is to be preserved and (2) those areas without such habitat. Development is permitted within the Regulated Areas that are outside the Protected Riparian Areas. Development within the Protected Riparian Area is limited as set forth in this standard.

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It is the intent of this standard that the Protected Riparian Area incorporate the Critical Riparian Habitat in ERZ watercourses, the Resource Areas in WASH watercourses, and riparian habitat within the undesignated regulatory floodplains so that there is a single process for review with consistent criteria for application.

This Standard does not waive any applicable City regulations or codes.

- 1.2 Application and Exemptions. This development standard applies in conformance with LUC Sec. 5.3.8 to all applications submitted after November 7, 2006, and accepted by DSD. Exceptions to this applicability include:
- A. This Development Standard shall not be applied to single family residential lots with dwellings constructed pursuant to building permits issued before November 7, 2006.
 - B. This Development Standard shall not be applied in a manner that conflicts with a rezoning or special exception approved by ordinance by the Mayor and Council after November 7, 2001.
 - C. This Development Standard may be applied to an exempt application at the request of the applicant.

9-06.2.0 DEVELOPMENT REGULATIONS.

- 2.1 Plan Requirements. The information required as part of a submittal under this development standard will be shown graphically or provided as notes on a plan, as appropriate. The required information is in addition to the plan or plat requirements of the applicable process, such as, but not limited to, a plat, a development plan, a site plan, or a plot plan.

2.2 Regulated Areas Subject to Review

The Regulated Areas are listed below.

- A. ERZ Watercourses. The Regulated Area for ERZ watercourses includes the one hundred (100) year floodplain for all watercourses. ERZ watercourses include:
 - 1. Watercourses zoned as ERZ.
 - 2. Watercourses that have been designated for preservation in the Tucson Stormwater Management Study and are delineated as proposed for ERZ designation or as under review for ERZ designation shall be considered as ERZ watercourses.
 - 3. The designated, proposed and under review watercourses are shown on the Hydrologic Data and Wash Information maps on the Tucson Department of Transportation internet web site.
- B. WASH Watercourses. The Regulated Area for WASH watercourses includes channel and banks of a watercourse and the area within fifty (50) feet of the top of the bank, or where there is no defined bank, fifty (50) feet from the 10-year flood boundary. WASH watercourses include:

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1. Watercourses designated by name in the Watercourse Amenities, Safety and Habitat regulations in Article VIII of Chapter 29.
 2. Watercourses that have been designated for preservation in the Tucson Stormwater Management Study and delineated as proposed for WASH designation or as under review for WASH designation shall be considered as WASH designated watercourses.
 3. The designated, proposed and under review watercourses are shown on the Hydrologic Data and Wash Information maps on the Tucson Department of Transportation internet web site.
 4. The Regulated Area for watercourses under this Development Standard 9-06.2.2.B.2 and 3 above shall not extend beyond the one hundred year floodplain.
- C. Regulatory Floodplain Watercourses. Within floodplains that are not designated as ERZ or WASH watercourses Development Standard 9-06.2.2.A and B above, the Regulated Area is the area within the one hundred (100) year floodplain for watercourses with flows of one hundred (100) cfs or more including, by not limited to, those areas which contain any of the following:
1. Hydroriparian, Mesoriparian, or Xeroriparian Types A, B or C habitats as delineated by Pima County as part of Article X of the Pima County floodplain and Erosion Hazard Ordinance.
 2. Hydroriparian, Mesoriparian, or Xeroriparian High or Xeroriparian Intermediate Habitats as delineated in the TSMS Phase II Stormwater Master Plan.
 3. Xeroriparian Low Habitats as delineated in the TSMS Phase II Stormwater Master Plan or Type D habitat as delineated by Pima County for connectivity between higher habitat classes, if low-volume, high-value habitats are present, including tabosa swales or similar habitats.
 4. Unclassified or undocumented riparian habitat of equivalent value to the above criteria.
- 2.3 Protected Riparian Area (PRA). The Protected Riparian Area is the area that has riparian habitat that is to be preserved. Except for watercourses designated by ordinance as subject to ERZ and WASH regulations, the Protected Riparian Area shall not exceed the one hundred year floodplain. Protected Riparian Areas include areas that provide habitat structure, wildlife food and shelter, and that also aid in supporting wildlife connectivity, erosion control and help to improve stormwater quality. Riparian habitat may include the vegetative resources, mapped areas and wildlife habitat and corridors listed below where such habitat is riparian in nature and function.
- A. Vegetative Resources. Vegetative Resources are groups of three or more individual plants in close proximity to each other representing any of the plant species (and any combination of associated vegetative structure) listed below,

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1. Mesoriparian plant species, including Arizona walnut, Fremont cottonwood, Goodding (black) willow, Arizona sycamore, Arizona ash.
 2. Over-story vegetation consisting of closely spaced, perennial, woody (e.g., mesquite, foothill palo verde, Mexican palo verde, ironwood, netleaf hackberry), that are generally six feet or more in total height, and where the distance between canopy margins of individuals of the predominant over-story plant species is less than two times the height of the tallest individuals.
 3. Understory vegetation consisting of closely spaced, perennial woody plants (e.g., catclaw and whitethorn acacia) that are generally six feet in total height, or less, and where the distance between canopy margins of individuals of the predominant understory plant species is generally less than two times the height of the tallest individuals, excluding nearly pure stands of understory vegetation consisting of the following perennial woody plants: burrow bush, creosote bush, desert broom, or triangle-leaf bursage.
 4. Combinations of overstory and understory vegetation that together constitute valuable habitat, and tobasa swales.
- B. Mapped Areas shown on the Critical and Sensitive Wildlife Habitat Maps which contain:
1. Major segments of desert riparian habitat extending from public preserves.
 2. Major segments of desert riparian habitat not extending directly from a public preserve but containing a high density and diversity of plant and animal species.
 3. Deciduous riparian woodlands.
 4. Mesquite bosques.
 5. Lakes, ponds, or wetlands.
- C. Wildlife includes, but is not limited to, the wildlife and areas identified in the public draft or final City of Tucson Habitat Conservation Plan applicable to the Regulated Area.
- 2.4. Identification of Regulated Areas and Protected Riparian Areas. All tentative plats, development plans, site plans, plot plans or other plans providing for approval of development within property that includes any Regulated Area as defined in Development Standard 9-06.2.2.A shall identify and delineate the Regulated Areas and the Protected Riparian Area on the property and shall comply with this Development Standard. The boundary of the Regulated Area and the Protected Riparian Area should be clearly depicted on applicable submittal documents.
- 2.5. Development Restrictions. The intent of this Development Standard is to preserve natural and existing drainage and one hundred (100) percent of the habitat areas within the Protected Riparian Areas. To accomplish this, the regulations provide for two (2) options: (1) no encroachment into the Regulated Area or (2) if encroachment is proposed into the Regulated Area, submittal of an Environmental Resource Report in conformance with this

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section, and, if encroachment is proposed into the Protected Riparian Areas, development in conformance with development restrictions and mitigation requirements in this section.

- A. No Encroachment in Regulated Areas. For projects where there will be no encroachment within the Regulated Areas, development is not restricted by this section except as provided herein and except that the Regulated Areas shall be identified on the site plan, plat or development plan in a surveyable manner. This plan, or a separate plan, shall also indicate the proposed location of the temporary fencing which is required to protect the Protected Riparian Areas during construction. The conditions for development with no encroachment are as follows.
1. ERZ watercourses. Applications within the ERZ watercourses described in Development Standard 9-06.2.2.A above that propose a project with no encroachment into the Regulated Area are required to indicate the one hundred (100) year floodplain on the plans submitted through the applicable process, accompanied by a floodplain report verifying the floodplain limits.
 2. WASH watercourses. Applications for WASH watercourses as described in Development Standard 9-06.2.2.B above that propose a project with no encroachment into the Regulated Area, are required to indicate the top of bank or 10-year flood boundary and the fifty foot study area beyond those lines on the plans submitted through the applicable process, accompanied by a floodplain report verifying the floodplain limits.
 3. Regulatory Floodplain watercourses. Applications within the Regulatory Floodplain watercourses described in Development Standard 9-06.2.2.C above that propose a project with no encroachment into the Regulated Area are required to indicate the one hundred (100) year floodplain on the plans submitted through the applicable process, accompanied by a floodplain report verifying the floodplain limits.
 4. Floodplain Restoration. Revegetation, restoration or enhancement under this subsection shall not constitute “encroachment” under applicable codes. A Floodplain Restoration Plan must be prepared and approved in conformance with this subsection in order to undertake floodplain revegetation, restoration or enhancement. For areas within the Regulated Areas that are to remain as open space after development, revegetation and restoration of the open spaces areas is encouraged, but not required, to enhance the riparian resources within the Regulated Area as follows.
 - a. Voluntary revegetation, restoration or enhancement should create or restore the riparian habitat through the planting of native trees, shrubs, and understory species and the distribution of seed mix native to the site or a comparable reference site to the extent possible. Additional native species may be used in the restoration effort if they are typical of intact riparian habitat in areas similar to the site.
 - b. Revegetation, restoration or enhancement efforts should include native plant material salvaged from the site or preserved in place.
 - c. Development and revegetation, restoration or enhancement efforts shall conform to the City’s policies regarding water harvesting.

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- B. Encroachment in Regulated Areas. If the project proposes encroachment within the Regulated Areas, it shall conform to the following.
1. *Environmental Resource Report*. Applicants are required to submit an Environmental Resource Report as defined in Sec. 6.2.5 of the *LUC*. The supporting material for preparation of the Environmental Resource Report is based on information from the Hydrologic Data and Wash Information maps on the Tucson Department of Transportation internet web site: The Critical and Sensitive Wildlife Habitat Map and Report, the Mayor and Council Interim Watercourse Improvement Policy and subsequent adopted policies, the Tucson Stormwater Management Study, the following Basin Management Plans: 1) West Branch, Santa Cruz; 2) Houghton East; 3) Este Wash; and 4) Arroyo Chico. the Tucson Stormwater Management Study, Phase II and field observation. An application may request that an element listed below be waived or that the report address only a specified area where a full report is not applicable to the proposed encroachment. DSD may grant such waivers where the elements or full report are not required by code. The Environmental Resource Report must include:
 - a. A table of contents, indicating all information by page or map number.
 - b. The location of the 100-year floodplain on, adjacent to, and a minimum of two hundred (200) feet upstream and downstream of the proposed development.
 - c. Soil conditions in and adjacent to the watercourse, and the erosion potential.
 - d. Existing rights-of-way or easement dedication along the wash for a distance of five hundred (500) feet upstream and downstream of the proposed development.
 - e. The existing and proposed ownership of any drainageway facilities on or adjacent to the site and identification of the persons responsible for the maintenance of such facilities.
 - f. Previous hydraulic/hydrology studies or maps prepared for the watershed and relevant floodplain studies, delineations, LOMR applications and approvals affecting the project site.
 - g. Groundwater recharge potential at this location.
 - h. Sediment transport characteristics along the watercourse centered on this location.
 - i. Existing and proposed utilities to and across the site.
 - j. Any other elements that may be characteristic of the watercourses on or adjacent to the site.
 - k. A map indicating the boundaries of the proposed development and its relationship to any watercourses designated on the Hydrologic Data and Wash

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Information maps on the Tucson Department of Transportation internet web site.

- l. An aerial photograph no more than two (2) years old, with flight date, north arrow, project site boundaries, floodplain delineation, Protected Riparian Area and a scale no smaller than one (1) inch equals two hundred (200) feet. DSD staff may request an aerial photograph with topographic information.
- m. Ground level photographs from points identified on submitted plans that document the Protected Riparian Area and any areas within the Protected Riparian Area to be disturbed.
- n. Any applicable Basin Management Plan, which recommends that watercourses remain in a natural state, shall be referenced in the Report.
- o. A map identifying the type, location and extent of all riparian resources and plant associations, including but not limited to, hydriparian habitat, mesoriparian habitat, xeroriparian habitat, tobosa grass habitat, mesquite bosques, individual cacti and trees with a caliper of four (4) inches or greater, and all saguaros, regardless of size. The identification of riparian habitat shall cover the entire site and is not limited to the Regulated Areas.
- p. Delineation of the proposed Protected Riparian Area and a statement of the total area of the site, the total area of the Protected Riparian Area, the area within the Regulated Area, and the total of any areas proposed to be disturbed within the Protected Riparian Areas.
- q. Delineation of the riparian resources and any proposed open space linkages or facilities recommended by parks, recreation, open space, and trails plan, for a distance of five hundred (500) feet or 0.5 times the length of the watercourses on the property, whichever is greater, both upstream and downstream from the property. This shall be based on information that is available from aerial photographs, the Hydrologic Data and Wash Information maps on the Tucson Department of Transportation internet web site and other public sources.
- r. A Plant Inventory and aerial photographs of individual woody plants and cacti rooted within the encroachment area. Both living and dead plants and cacti should be inventoried. The Plant Inventory List shall include an identification number, genus and species, and size of all plants having basal trunk diameters greater than 2 inches. All plants inventoried are to be shown on an aerial photograph at a minimum scale of 1" = 60'.
- s. A delineation, map and assessment on an aerial photograph of habitat types noted on the Critical and Sensitive Wildlife Habitat Map.
- t. A written or mapped assessment of significant densities of wildlife by species.
- u. A description of the impact of the encroachment on riparian resources within the property and on the adjacent property as identified in subsection q above.

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- v. A written statement from the regional office of the Arizona Game and Fish Department regarding any impacts to fish and wildlife.
 - w. A draft Mitigation Plan in conformance with subsection 3 below if development is proposed within the Protected Riparian Areas.
 - x. Other landscaping requirements established in Chapter 23 of the Tucson Code.
2. *Development Restrictions.* All development within the Protected Riparian Area shall be reviewed to insure that there is no unnecessary disturbance of the riparian resources. Development that is outside of the Protected Riparian Area but within the Regulated Area is not subject to this subsection. Necessary development shall include only the crossing of riparian habitats with roadways, bikeways, paved walkways and utilities as listed below where there is no viable alternate crossing available and the crossing is necessary for the reasonable development of the property. A written explanation as to why the development is necessary shall be submitted with the appropriate plans. Development that is permitted as necessary is subject to the following conditions:
- a. Roadway, bike path, and paved walkway improvements and utility encroachments will cross the riparian habitat areas, not to run parallel to the Protected Riparian Areas;
 - b. Encroachments that cross the Protected Riparian Area shall be located and constructed to minimize disturbance of the habitat and wildlife movement;
 - c. All utilities in Protected Riparian Area areas will be located underground; utilities will be placed either in proposed or existing public right of way along roadway, bike path, or paved walkway improvements or within approved easements.
 - d. Any roadway, bike path, or paved walkway improvement must be constructed in such a manner as to provide means for safe and accessible passage for wildlife.
 - e. Concrete, rock veneer and soil cement bank treatment for the culvert and associated drainage may be permitted within the public right of way upon approval of the City Manager.
 - f. For WASH watercourses, concrete, rock veneer and soil cement bank treatment for the culvert that is outside of the proposed or existing public right of way shall be permitted only with the approval of the Mayor and Council. For all other watercourses, concrete, rock veneer and soil cement should not be used where there is any practicable alternative.
 - g. Where a roadway, paved walkway, or bike path improvement or utility encroachment occurs within the Protected Riparian Area, mitigation in conformance with subsection section 3 below shall be provided.

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1. A development plan/site plan, including landscape plans, indicating proposed development; floodplain encroachment locations; location of mitigation areas; techniques used for mitigating impacts to, or preservation of, natural areas; specifications for restoration and revegetation of disturbed areas; and general compliance with the applicable standards.
 2. Landscape plans that document compliance with the mitigation plan requirements. A summary of mitigation and preservation requirements shall be included on the plans.
 3. A description of the maintenance program that provides for revegetated/restored or enhanced areas. The program shall include irrigation to establish native plants, provide for regular inspection, removal of invasive species, and native plant replacement as necessary to successfully establish the mitigation habitat. All mitigation plantings and related improvements shall be maintained for at least three years following installation.
- 2.6 Ownership of PRA. Ownership of the Protected Riparian Area shall be provided in one or more of the methods set forth below to insure continued preservation of the area. Forms of ownership of Protected Riparian Areas include:
- A. Protected Riparian Area Areas for proposed subdivisions may be either publicly owned, owned by a common association, or owned by a non-profit association which provides for conservation management.
 - B. Privately owned individual residential lots of 24,000 square feet or less may include Protected Riparian Area where (i) there is a conservation easement prohibiting private development within the Protected Riparian Areas, (ii) no more than ten percent (10%) of the total area of the Protected Riparian Area is included within individual private lots and (iii) no walls or fences are constructed within the Protected Riparian Areas. The common ownership and the location of any portion of the Protected Riparian Area within individual lots and applicable legal restrictions shall be included in a note on the final plat or development plan.
 - C. Privately owned individual residential lots that are greater than 24,000 square feet may include Protected Riparian Area where (i) the Protected Riparian Area is delineated on the plat providing a surveyed description of the location within each lot, and (ii) there is a note on the plat requiring that each purchaser of a lot shall sign a disclosure form acknowledging the prohibition upon development in the Protected Riparian Area and (iii) no walls or fences are constructed within the Protected Riparian Areas.
 - D. Where the Protected Riparian Area is on property that remains under the ownership of a single person or entity following the development, the Protected Riparian Area shall be protected through a conservation or public easement or other legal restriction upon further development.
- 2.7 Compliance with other Code Provisions. All development within Regulated Areas must comply with all other applicable code provisions, including obtaining floodplain use permits where necessary. Washes zoned as ERZ washes or named in the WASH regulations

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must also be reviewed in conformance with the DSD Full Notice Procedure, Sections 23A-50 and 51.

- 9-06.3.0 REVIEW.** Review of submitted material will be by the Community Design Review Committee (CDRC) and the appropriate review sections within Development Services Department (DSD).
- 3.1 Staff review. Approval of plans in compliance with these requirements is the responsibility of the DSD Director. Approval of the floodplain report is the responsibility of the Engineering Section at DSD. Applications for property that is subject to adopted ERZ or WASH designations is required to be reviewed through the DSD Full Notice Procedure, Chapter 23A-50 and 51. Projects not subject to the DSD Full Notice Procedure, Chapter 23A-50 and 51 will be reviewed in concert with the timetable of the applicable process, such as, but not limited to, a plat, a development plan, a site plan, or a plot plan.
- 3.2 Stormwater Advisory Committee (SAC) Review. Development which encroaches within the Protected Riparian Areas, except for development limited to revegetation or restoration in accordance with an approved Floodplain Restoration Plan, shall be reviewed by the Stormwater Advisory Committee (SAC) as follows:
- A. All watercourses subject to adopted ERZ or WASH regulations shall be reviewed by SAC as part of the DSD Full Notice Procedure, Section 23A-51.
 - B. All watercourses designated to be treated consistent with the ERZ or WASH regulations under this development standard and Regulatory Floodplain watercourses may be reviewed by SAC upon either the request of the applicant or upon the determination by the DSD Director that such review is appropriate.
 - C. Review by SAC shall focus upon whether the application correctly defines, delineates and describes the Protected Riparian Area and complies with Development Standard 9-06.2.5.B.2 and 3.
- 9-06.4.0 PRA PLAN SUBMITTAL REQUIREMENTS.**
- 4.1 Application. Applications for review of projects affected by this Development Standard shall be submitted to the CDRC Section at DSD. Review staff will evaluate submitted information for completeness and shall accept or reject the application within five (5) days of the date of submittal. The applicant will be notified if the application is found to be incomplete.

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- 4.2 Submittal Requirements. Copies of all required plans, documents, and reports are to be submitted to the CDRC staff at DSD, who will coordinate the hydrologic and resource reviews with the appropriate staff. Plans are to be folded to an 8½" x 11" size.

9-06.5.0 MODIFICATIONS.

- 5.1 A minor encroachment modification may be requested for necessary development in addition to the roadway, bike path, paved trail and utility improvements as provided in Development Standard 9-06.2.5.B.2 above. A minor encroachment under this subsection shall be approved if the loss of riparian resources does not impair the function of the habitat and the mitigation provides riparian resources of greater value if the request is granted. A modification under this subsection shall not exceed five percent (5%) of the total area of the Protected Riparian Area on the site. The mitigation shall be provided on a three to one ratio of new habitat for disturbed habitat. The mitigation shall be within the Protected Riparian Area or an area that directly connects with the Protected Riparian Areas. The mitigation shall be integrated with, and function as a part of, the Protected Riparian Areas. The requirements for the Environmental Resource Report may be modified by DSD staff as may be appropriate to document a minor encroachment under this subsection.
- 5.2 Requests for modifications to this Development Standard 9-06 shall be in accordance with Development Standard 1-01.4.7. The applicant for any such request shall provide notice of the request in accordance with Sec. 23A-50(4) at least fifteen (15) days before submitting the request. The notice required by this subsection may be concurrent with the notice required by Chapter 23A.
- 5.3 Either the applicant or the DSD Director can refer a request for a DSMR to this standard to the Stormwater Advisory Committee or the Stormwater Technical Advisory Committee for recommendation on ambiguous or disputed issues to the DSD Director.
- 5.4 The Mayor and Council shall be notified of the final, non-appealable approval of any such request prior to or at the next regularly scheduled Mayor and Council meeting following the approval.