

NARRATIVE

REQUEST

This variance application is made to allow certain specific site improvements (alterations) within the 50-foot minimum Oak Creek drainageway setback along the northerly boundary of the applicant's property. This request is a variance to Tangent LDC Section 5.117 (1) which reads as follows —

SECTION 5.117 DRAINAGEWAY SETBACKS

- (1) Properties abutting North Lake Creek, Lake Creek and Oak Creek, which are all documented as fish-bearing streams, and all year-round flowing streams shall have a minimum setback of 50 feet from the top of each bank. Additional setbacks may be required for riparian areas, wetlands and floodplains as identified in the Tangent Local Wetlands and Riparian Area Inventory. Building permit applications and land use applications to the City shall clearly indicate the boundary limits for riparian areas, wetlands and floodplains. Vegetation removal, and alterations from within the 50-foot setback area, with the exception of invasive species, shall be prohibited. Alteration of these area, other than for continuation of agricultural use, by grading or placement of structures or impervious surfaces is prohibited unless approved by the City in accordance with the procedures of city ordinances and state law.

This requested alterations within the 50-foot setback include —

- 1) Gravel parking and related landscaping and site lighting
- 2) Covered employee break area
- 3) Vegetated earth acoustic berm
- 4) Vegetated surface water infiltration / water quality swale

All of these alterations are subject to approval under the concurrent Site Plan Review (SPR) and Conditional Use Permit (CUP) applications on the applicant's property.

REQUIRED APPLICATION MATERIALS

With the exception of the attached Site Plan which shows graphically the requested alterations, all of the "required application information" has been submitted with the SPR and CUP applications.

The attached Site Plan, Drawing P102, shows the surveyed top of the Oak Creek drainageway bank, which was field verified by the City Planner and City Engineer on Monday, April 13th, and the 50-foot setback area. The Site Plan also shows a 20-foot setback from top of bank, this setback will be discussed later in this narrative.

INTRODUCTION

The 50-foot drainageway setback area within which the requested alterations are proposed is a prior converted area which was filled with gravel base and fenced to create a vehicle staging and parking area. This filling and fencing were performed prior to the applicant's acquisition of the property and to the best of our knowledge prior to the City's adoption of the drainageway setback standard.

The gravel fill extends to the defined top of bank and the fence is generally 1-foot to 3-feet back from the top of bank. Other than some invasive blackberries, there is no riparian vegetation within the setback area.

DECISION CRITERIA

- (a) **The property has unique or peculiar physical circumstances or conditions such as, irregular shape, width or depth; or exceptional natural or physical conditions such as topography, trees, native vegetation, wetlands, riparian areas, floodplain, wildlife habitat, or drainage ways; and**

This property is not typical in that the drainageway setback area is for all practical purposes fully developed, as shown on Drawing P102, with existing gravel fill, an existing structure and existing asphalt concrete pavement.

- (b) **The requested Variance is the minimum necessary to address the peculiar or unusual conditions of the site; and**

This request must be considered in context with the concurrent SPR/CUP applications. The proposed improvements do NOT alter or disturb any undeveloped or unaltered areas within the drainageway setback. All the proposed improvements are confined to prior converted areas.

- (c) **Any impacts resulting from the Variance are mitigated to the extent practical; and**

The parking proposed to be located within the drainageway setback area will be placed on the existing gravel fill with no grading or change of elevation required. The result being no negative or additional impact in the drainageway setback area from this activity. There will be a positive impact with the addition of the parking lot trees and soil filled planters which will be constructed concurrent with the parking. This will provide new vegetation and pervious soil surfaces in the setback area.

The extension of the earth acoustic berm into the drainageway setback is similar with respect to impacts as the parking. It will be constructed over the existing gravel fill thus no additional impact in the setback, and the berm will be landscaped for erosion prevention with grass and plantings thus providing new vegetation and pervious surface within the setback.

The surface water infiltration / water quality swale is proposed within the 20-foot setback and provides a significantly positive alteration to the setback area. Its construction will include the removal of a considerable amount of the existing gravel fill, the replacement of a portion of that gravel fill with soil and the planting of the swale with water quality type plantings. All of which increases the amount of soil pervious surface and provides new vegetation within the setback area.

The covered employee break area simply provides a designated area for employees and visitors to the site to enjoy the drainageway as a visual amenity.

The drainageway setback area is also within the 100-year floodplain and subject to City of Tangent flood plain management regulations. Compliance with those regulations will be assured under the City's established Floodplain Development Review processes. A Floodplain Development Application will be submitted under separate cover subject to SPR / CUP / Variance approval.

(d) The granting of the Variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated; and

As demonstrated in the SPR / CUP application materials the improvements proposed in the variance area are visually screened by existing LDC vegetative screening from the east and west, by the existing L&M site development from the south, and by the existing Oak Creek drainageway vegetation from the north.

By allowing the extension of the earth acoustic berm into the drainageway setback the variance has positive noise reduction properties for the residential properties to the west. These positive acoustic aspects are quantified in the SPR / CUP applications.

There are no detrimental impacts to adjacent properties as a result of this request.

(e) The granting of the Variance will not conflict with the purpose and intent of the district or zone or other related ordinances of the City.

As the proposed improvements within the drainageway setback area are part of the concurrent SPR / CUP applications, their appropriateness within the HC/I Zone will be determined under those applications.

END NARRATIVE