



AGENDA ITEM _____

STREAM BUFFER TEXT AMENDMENT

**REPORT TO THE
CITY OF DE SOTO PLANNING COMMISSION**

SEPTEMBER 20, 2006

Agenda Item:	Discuss potential text amendment relating to Stream Buffers
Meeting Date:	September 20 th , 2006
Report Prepared By:	Mike Brungardt, P.E., City Engineer
Associated Materials:	Exhibit A: American Public Works Association (APWA) Section 5600 Exhibit B: Memo from Sean Ackerson of Bucher, Willis & Ratliff relating to stream buffer regulations. Exhibit C: Stream Buffer Regulations from the Cities of Topeka, Lenexa, and Overland Park

I. GENERAL

In the fall of 2004 we discussed adopting regulations for stream buffers. At that time the plan was to wait until Johnson County incorporated similar regulations, and utilize their conclusions as a guide for our text amendment language. Unfortunately Johnson County's process stalled until now. County Staff is now indicating that they intend to proceed with their efforts toward adopting buffer requirements. They indicate that they will be having meetings with area developers and environmental experts within the next few months. During this time they hope to have the latest version of the American Public Works Association (APWA) Section 5600 adopted. The APWA standards contain some language about buffers.

The intent of our discussion at this time is to define some of the basic parameters the Planning Commission would like to incorporate into a stream buffer requirement so staff can come back at a later meeting with a text amendment for consideration.

II. APWA STANDARDS

A. De Soto has adopted the latest version of the APWA standards. The requirements for storm sewer systems were updated in 2003 to include (among other things) requirements for stream buffers. A copy of the section relating to the buffer requirements is attached as Exhibit A.

B. APWA standards recommend that Cities adopt comprehensive stream preservation and buffer zone requirements as part of their master plans. To do this, a comprehensive stream inventory would need to be completed. The buffer zones could be identified based on stream and stream segment



specific information and depicted on the City's future land use map or otherwise identified as planning area overlays.

- C. Without the benefit of a comprehensive stream preservation plan, the APWA standards define a "default approach" that stipulate the stream buffer width based on the tributary area of the stream.

III. OTHER COMMUNITY STANDARDS

A. Attached as Exhibit B is a memo 2003 to the Planning Commission from Sean Ackerson. In this memo, Sean explains some of the basis for imposing stream buffers and one possible buffer configuration.

B. Attached as Exhibit C are the stream buffer regulations from the Cities of Topeka, Lenexa, Overland Park, and Olathe. There are many aspects of these ordinances that are worthy of debate. Among these topics are the following:

1. The classification of the stream types, and how that relates to the buffer width requirement.
2. The zones within a stream buffer.
3. How development or other activities are restricted within the buffer.
4. How the floodplain is incorporated into the buffer ordinance.
5. How stream buffer areas are to be maintained over time.
6. How the buffer ordinance is to be enacted and enforced.

IV. CONCLUSIONS AND RECOMMENDATIONS

After discussion on these issues, staff will continue to coordinate with Johnson County personnel on the progress of their regulations, and bring this item back to the Planning Commission with proposed amendment language for discussion.

**END OF REPORT
EXHIBITS TO FOLLOW**