



**DEPARTMENT**  
**OF**  
**PLANNING AND COMMUNITY DEVELOPMENT**

AGENDA ITEM #2

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**DATE:** February 11, 2010  
**TO:** Planning Commission  
**FROM:** Planning Staff  
**SUBJECT:** Proposed Changes to the allowable development within Waterbody Setbacks, Wetlands, and Floodplains

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At the direction of the Planning Commission, Steamboat Springs Area Community Plan 2004 (SSACP), Yampa River Master Plan, and the Open Space and Trails Master Plan staff has identified potential regulations to strengthen waterbody, wetland, and floodplain regulations while minimizing impacts to affected landowners.

This document summarizes various community plans' goals and policies and also provides recommended actions for strengthening waterbody, wetland, and floodplain regulations based upon the direction of these documents.

**Waterbody Setback**

**Supporting Documents:**

**Community Area Plan Goals and Policies:**

Goal NS-1: *Our community will work to maintain the health and integrity of the Yampa and Elk Rivers and their tributaries.*

Policy NS-1.2: *Provide water body and riparian area buffers from development to protect water quality.*

Policy NS-3.2: *New development will be designed to respect Wildlife Habitat.*

**Open Space and Trails Master Plan:**

*Our community will identify critical wetland areas and critical wildlife habitats, and enhance and conserve these areas for future generations.*

*Strategies:*

- *Strengthen floodplain regulations.*
- *Provide adequate buffers for riparian areas and other water bodies.*
- *Develop local wetland protection standards.*
- *Develop a wildlife habitat overlay district and adopt appropriate standards.*

Yampa River Management Plan:

Policy TH-4. Provide buffers from development to protect terrestrial and aquatic resources.

*Consistent with the update of the City of Steamboat Springs Comprehensive Plan and policies developed by the Planning Department, the minimum setback for any resource from the natural feature should be between 100-300 feet. A buffer distance of up to 1/4 mile should be used around sensitive wildlife resources, such as nesting areas. In order to provide an appropriate level of flexibility and recognition of situations where lot size or other considerations create special circumstances, the regulations should allow exceptions to these minimum setbacks. The exceptions would be performance based, i.e., in return for restoration of other important riparian habitat or other appropriate conservation efforts, the minimum setback could be adjusted on a case-by-case basis. The net result should be no loss of sensitive natural features, including but not limited to the following: floodplains, wetlands, riparian habitats, critical wildlife habitats and threatened and endangered species habitats.*

Policy TH-3. Manage vegetation to protect and enhance the natural habitat of the river, placing special emphasis on protecting native riparian and wetland vegetation.

*Some of the most productive and diverse habitats are the cottonwood and willow-dominated riparian areas along the Yampa River. These riparian areas provide habitat for a large number and diversity of wildlife species, and many wildlife species depend either entirely or significantly on the availability and quality of these habitats for their necessary life cycles, specifically dietary and reproductive specialization. Many of these habitats include a mix of woodland, shrub and grassland riparian communities. They also absorb and filter runoff, attenuate overbank flows and maintain river channel stability. This mosaic should be preserved and enhanced through additional river restoration projects.*

*Cottonwood communities are some of the most important habitat. Recruitment among these stands should be carefully monitored. To ensure the future health of this natural system, there should be no net loss of riparian habitat (including wetlands) as a result of development in the study area.*

**Existing Requirements:**

- Yampa River - 50 feet Ordinary high water mark
- Yampa River (Yampa St.) - 30 feet Ordinary high water mark
- Walton Creek - 50 feet Ordinary high water mark
- Spring Creek - 50 feet Ordinary high water mark
- Burgess Creek - 50 feet Ordinary high water mark

- Burgess Creek (Base Area) - 12 feet Ordinary high water mark
- Fish Creek - 50 feet Ordinary high water mark
- Soda Creek - 50 feet Ordinary high water mark
- Butcherknife Creek - 50 feet Ordinary high water mark
- Butcherknife Creek (Yampa St.) - 30 feet Ordinary high water mark
- Tributary streams, intermittent streams and natural drainages - 30 feet Center of waterway

Setbacks pertain to structures only.

### **Suggested Requirements:**

- Increase waterbody setbacks along the Yampa River from 50' to 100' except for areas within the CY zone district. Allow exceptions for instances where this requirement would not allow for reasonable use of the property.
- Strengthen regulations for commercial development (excluding downtown zone districts CN, CO, CY) within the required waterbody setback to minimize adverse impacts to the riparian areas and wildlife corridors. The following language attempts to address this issue:

Within the first 30' of the required waterbody setback no soil disturbance, development activity or other formal activities shall occur, including but not limited to fences, storage, patios, wells, roadways, driveways, utilities, other infrastructure and site development activities (including but not limited to all structures, clearing, storage or materials, grading, filling, retaining, etc.) unless an activity in the waterbody setback is approved through a variance process.

- Exempt existing single-family and duplex lots.
- All new subdivision involving 3 or more lots and all annexations will be required to dedicate all land area within waterbody setbacks as open space.

### **Allow exemptions:**

#### Exemptions:

- a. The following are exempt from the waterbody setback requirements:
  - i. Activities authorized by the Division of Wildlife.
  - ii. Activities consistent with Yampa River Structures Master Plan and Yampa River Management Plan.
  - iii. Revegetate and/or landscape the waterbody setback to a natural, weed-free state without extensive grading;
  - iv. Restore wildlife habitat;
  - v. Maintain public trails and related facilities (bridges, signs, benches, drainage, etc.). However, new trails shall be setback a minimum of 20' from the waterbody if practical.

- vi. Install or maintain city water quality protection ponds and drainage features related thereto;
- vii. USGS or other governmental water gauges;
- viii. Maintain utility lines, public roads and other public facilities that are dedicated to the City;
- ix. Maintain or install wetland mitigation areas;
  - x. Achieve either vehicular or utility access to property, and no other access route avoiding the waterbody setback is technically feasible.
- xi. Activities along the “day lighted” portion of Burgess Creek in association with the Urban Renew Authority.
- xii. Decks and patios in the CY zone district that are setback a minimum of 10’ from the high-water mark.

#### **VariANCES:**

- Revise the administrative review Minor Adjustment process to include waterbody setback variances of up to 20%
- Revise the waterbody setback variance that address changes made to the waterbody setback ordinance and address inconsistencies between the single-family criteria and commercial.

#### **Wetlands**

##### Community Area Plan Goals and Policies:

*Goal NS-3: Our community will identify critical wetland areas and critical wildlife habitats, and enhance and conserve these areas for current and future generations.*

*Policy NS-3.1: Develop a local Wetland Protection Program.*

*A local wetland protection program can provide for a greater degree of local control and focus more attention on protection of the resource. It can also provide greater protection for isolated wetlands, or those wetlands not considered to be "jurisdictional" as a result of recent court cases.*

##### Open Space and Trails Master Plan:

*Our community will identify critical wetland areas and critical wildlife habitats, and enhance and conserve these areas for future generations.*

*Strategies:*

- *Strengthen floodplain regulations.*
- *Provide adequate buffers for riparian areas and other water bodies.*
- *Develop local wetland protection standards.*
- *Develop a wildlife habitat overlay district and adopt appropriate standards.*

Yampa River Management Plan:

Policy TH-3. Manage vegetation to protect and enhance the natural habitat of the river, placing special emphasis on protecting native riparian and wetland vegetation.

*Some of the most productive and diverse habitats are the cottonwood and willow-dominated riparian areas along the Yampa River. These riparian areas provide habitat for a large number and diversity of wildlife species, and many wildlife species depend either entirely or significantly on the availability and quality of these habitats for their necessary life cycles, specifically dietary and reproductive specialization. Many of these habitats include a mix of woodland, shrub and grassland riparian communities. They also absorb and filter runoff, attenuate overbank flows and maintain river channel stability. This mosaic should be preserved and enhanced through additional river restoration projects.*

*Cottonwood communities are some of the most important habitat. Recruitment among these stands should be carefully monitored. To ensure the future health of this natural system, there should be no net loss of riparian habitat (including wetlands) as a result of development in the study area.*

**Existing Requirements:**

- Nothing specific to wetlands but the following is applicable:

Criteria for approval of a Development/Final Development Plan –

*Minimize environmental impacts.* The proposed development shall minimize its adverse impacts on the natural environment, including water quality, air quality, wildlife habitat, vegetation, wetlands, and natural landforms.

**Suggested Requirements:**

- **Soil Disturbance Prohibited** - Soil disturbance and wetland fill within wetland areas is prohibited unless such soil disturbance is associated with the exemptions listed in the waterbody setback. Snow storage is also prohibited within the wetland. Notwithstanding the foregoing, if a variance to this requirement is requested, any approval of such variance may require mitigation of wetland fill at a 2:1 ratio.
- **Wetland Setback** - No soil disturbance, development activity or other formal activities shall occur within 10' feet of a wetland area, including but not limited to fences, gazebos, play equipment, wells, roadways, driveways, utilities, other infrastructure and site development activities (including but not limited to clearing, storage or materials, grading, filling, retaining, etc.) unless an activity in the wetland setback is approved through a minor adjustment or waterbody setback variance.

**Variance:**

- Determine appropriate variance process for disturbing wetlands.
- Revise the waterbody setback variance process to include variances to wetland setback.
- Revise the administrative review Minor Adjustment process to include wetland setback variances of up to 20%.

**Floodplain****Community Area Plan Goals and Policies:**

*Policy NS-1.1: New development will not occur in the 100-year floodplains and will be designed to protect water quality and riparian areas.*

*The city and county will discourage future development from occurring in identified floodplains through more restrictive floodplain regulations, in order to reduce hazards and protect water quality and riparian areas.*

**Open Space and Trails Master Plan:**

*Our community will identify critical wetland areas and critical wildlife habitats, and enhance and conserve these areas for future generations.*

*Strategies:*

- *Strengthen floodplain regulations.*
- *Provide adequate buffers for riparian areas and other water bodies.*
- *Develop local wetland protection standards.*
- *Develop a wildlife habitat overlay district and adopt appropriate standards.*

**Yampa River Management Plan:**

*Policy AH-7: Provide greater protection of the River through more restrictive floodplain regulations. Consistent with the update of the City of Steamboat Springs Community Plan and policies developed by the Planning Department, the City will discourage future development from occurring in identified floodplains through more restrictive floodplain regulations, in order to reduce hazards and protect water quality and riparian areas.*

**Existing Requirements:**

- All development within the floodplain must receive a Floodplain Development Permit.
- Development is generally not allowed within the floodway.
- Development may occur in the floodplain as long as buildings are elevated 1' above the base flood elevation.

**Suggested Requirements:**

- Increase the amount of clearance between the Base Flood Elevation (100 year flood elevation) and the top of the lowest floor of the building from 1' to 2'. Also known as the amount of “freeboard” or a home being “elevated”.
- Development may occur within the 100 year floodplain as long as:
  - No more than 50% of the floodplain is filled to or above the base flood elevation; and
  - The development, at build-out, will not result in impervious surfaces of more than 20% of the site including buildings; and
  - The required open space is located in the most sensitive areas of the site including low elevation areas.
  - Required open space should include lowest grades within the floodplain
  - Lots within CO, CY, and CN are exempt.
  - Existing single-family/duplex residential lots are exempt.
- Annexations: No development within 100 year floodplain.

**Next Steps:**

A Planning Commission hearing to review changes the Community Development Code presented above with any revisions discussed at the February 11, 2010 public hearing. The changes would be presented as an ordinance for consideration and recommendation to City Council.