

**ARTICLE VI. FLOOD DAMAGE PREVENTION\*****Sec. 26-161. General.**

(a) *Findings of fact.* The flood hazard areas of the city are subject to periodic inundation that may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which are adversely affect the public health, safety and general welfare. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard, which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

(b) *Purpose.* The purposes of this article are as follows:

- (1) To promote the public health, safety and welfare;
- (2) To minimize public and private losses due to flood conditions;
- (3) To protect human life and health;
- (4) To minimize expenditure of public money for costly flood control projects;
- (5) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (6) To minimize prolonged business interruptions;
- (7) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in areas of special flood hazard;
- (8) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (9) To ensure that potential buyers are notified that property is in an area of special flood hazard;
- (10) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
- (11) To require that uses which are vulnerable to flooding, including public facilities, shall be protected against flood damage at the time of initial construction.

(c) *Applicability.* This article shall apply to all areas of special flood hazard within the jurisdiction of the city. The areas of special flood hazard identified by the Federal Emergency Management Agency, in a scientific and engineering report entitled, "The Flood Insurance Study of Routt County, Colorado and Incorporated Areas" dated February 4, 2005 with accompanying flood insurance rate map (FIRM), is hereby adopted by reference and declared to be a part of this chapter. The flood insurance study and FIRM are on file at the planning

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\***Cross reference**—Buildings and building regulations, ch. 5.

services department, 124 10th Street, Steamboat Springs, Colorado. When base flood elevation data has not been provided in the documents mentioned above, the director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other source as criteria for requiring that new construction, substantial improvements, or other development in zone A are administered in accordance with the standards of this article.

(d) *Compliance.* No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this article and other applicable regulations.

(e) *Warning and disclaimer of liability.* The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the city, any officer or employee of the city, or the Federal Emergency Management Agency for any flood damages that result from reliance on this article or any administrative decision lawfully made pursuant to this article.

(Ord. No. 1802, § 6.1, 7-23-01; Ord. No. 1972, § 1, 1-4-05)

**Sec. 26-162. Administration.**

(a) *Flood hazard administrator.* The director is hereby appointed to administer and implement this article by granting or denying any floodplain development permit applications in accordance with the provisions of article III, development applications, review and procedures.

(b) *Duties of the administrator.* As the administrator of this article, the director shall perform the following duties:

- (1) Review, approve or deny applications for a flood hazard development permit. In conducting this duty, the director may seek technical assistance as necessary at applicant's cost.
- (2) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (3) For all new or substantially improved flood-proofed structures:
  - a. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been flood-proofed.
  - b. Maintain the flood-proofing certifications.
- (4) Maintain for public inspection all records pertaining to the provisions of this article.

- (5) Notify adjacent communities and the state conservation board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  - (6) Require that maintenance be provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
  - (7) Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The director may require that any party requesting a determination submit a survey performed by a licensed surveyor and/or certification from a licensed professional engineer regarding the location of the boundary.
  - (8) Maintain the records of all appeal and variance actions, including technical information, and report any variances to the Federal Emergency Management Agency.
  - (9) Give written notice to any applicant that obtains approval of a variance that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.
- (Ord. No. 1802, § 6.2, 7-23-01)

**Sec. 26-163. Development standards.**

(a) *Standards for all areas of special flood hazard.* The following is a list of general development standards that apply in all areas of special flood hazard:

- (1) *Anchoring.* All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.
  - a. *Anchoring of manufactured structures.* All manufactured structures on-site for more than one hundred eighty (180) days, and any additions or alterations, shall be anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Specific requirements may include:
    1. Over-the-top ties provided at each of the corners of the structure, with two (2) additional ties per side at intermediate locations, with manufactured structures less than fifty (50) feet long requiring one additional tie per side.
    2. Frame ties provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured structures less than fifty (50) feet long requiring four (4) additional ties per side.

- b. *Construction materials and methods.* All new construction and substantial improvements shall meet the following criteria.
  - 1. The improvements shall be constructed with materials and utility equipment resistant to flood damage.
  - 2. The improvements shall be constructed using methods and practices that minimize flood damage.
  - 3. The improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- c. *Utilities.* Construction of utilities in areas of special flood hazard shall conform to the following requirements:
  - 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
  - 2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
  - 3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- d. *Subdivisions.*
  - 1. All subdivision proposals shall be consistent with the need to minimize flood damage.
  - 2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
  - 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
  - 4. Base flood elevation data shall be provided for subdivision proposals and other proposed development that contain at least fifty (50) lots or five (5) acres, whichever is less.
- e. *Recreational vehicles.* Recreational vehicles are required to either be on the site for fewer than one hundred eighty (180) consecutive days, be fully licensed and ready for highway use, or meet the standards for elevation and anchoring.
- f. *Construction trailers.* Construction trailers are required to either be on-site for fewer than one hundred eighty (180) consecutive days, or meet standards for elevation and anchoring.

(b) *Standards for areas with base flood elevation data.* In all areas of special flood hazard, the following provisions are required:

- (1) *Residential construction.*
  - a. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated on a permanent foundation, to one foot above the base flood elevation. This includes manufactured homes.

- b. New construction and substantial improvements of residential structures in the AO and AH (as defined by FEMA) zones shall meet one of the following standards:
    - 1. The lowest floor (including basement) shall be elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM; or,
    - 2. The lowest floor (including basement) shall be elevated at least two (2) feet above existing grade, if no depth number is specified.
  - c. Adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures are required in the AH and AO zones.
- (2) *Nonresidential construction.*
- a. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet one of the following standards:
    - 1. The lowest floor (including basement) is elevated to one foot above the level of the base flood elevation; or,
    - 2. The lowest floor (including basement) and attendant utility and sanitary facilities are flood-proofed to one foot above the base flood elevation. Flood proofing shall mean that the structure is watertight with walls substantially impermeable to the passage of water, and the structural components are capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice meeting the provisions of this paragraph.
  - b. All new construction and substantial improvement of any commercial, industrial, or other nonresidential structure in the AO and AH zones shall meet one of the following standards:
    - 1. The lowest floor (including basement) is elevated at least as high as the depth number specified in feet on the FIRM; or
    - 2. The lowest floor (including basement) is elevated at least two (2) feet above existing grade if no depth number is specified; or
    - 3. The lowest floor (including basement) and attendant utility and sanitary facilities are flood-proofed to at least as high as the depth number specified in feet on the FIRM, or two (2) feet above existing grade if no depth number is specified. Floodproofing standards shall be as outlined in subsection (b)(2)a.2 above.
  - c. Adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures are required in the AH and AO zones.

(c) *Standards for floodways.* The following standards for floodways are in addition to the standards for areas of special flood hazard. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

- (1) Encroachments, including fill, new construction, substantial improvements, and other development are prohibited, unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) Alteration of any channel of any perennial stream shall be prohibited except as may be required for improvement to wildlife habitat or public health, safety and welfare. In no instance shall the alteration result in any increase in flood levels during the occurrence of the base flood discharge, as certified by a registered professional engineer.
- (3) No uses shall be permitted that alone or cumulatively with other such uses would result in one or more of the following:
  - a. The storing or processing of materials that are buoyant, flammable, explosive or otherwise potentially injurious to human, animal or plant life;
  - b. The disposal of garbage or other solid or liquid waste materials;
  - c. The potential of solid debris or waste being carried downstream.

(Ord. No. 1802, § 6.3, 7-23-01)

#### **Sec. 26-164. Appeals and variances.**

(a) *Appeals.* All appeals of a decision of the director regarding approval or denial of an application, or interpretation of the provisions contained in article shall be reviewed according to section 26-50, appeal of administrative decision.

(b) *Variances.* All requests for a variance shall be reviewed according to section 26-70, variance.

(c) *Variance considerations.* In passing upon applications for a variance, all technical evaluations, relevant factors, and standards specified in section 26-163 shall be considered. In addition, the following issues shall be considered:

- (1) The danger that materials may be swept onto other lands to the injury of others.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- (4) The importance of the services provided by the proposed facility to the community.
- (5) The necessity to the facility of a waterfront location, where applicable.
- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

- (7) The compatibility of the proposed use with the existing and anticipated development.
  - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
  - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - (10) The expected heights, expected widths, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
  - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.
- (d) *Criteria for approval.* In addition to the criteria for approval of a variance listed in section 26-70, all requests for a variance to any provision in section 26-163 shall be consistent with the following standards:
- (1) The subject lot is an existing platted lot of one-half ( $\frac{1}{2}$ ) acre or less in size. Existing platted lots larger than this may be considered.
  - (2) The request is for the reconstruction, rehabilitation or restoration of a structure(s) listed on the National Register of Historic Places, the State Register of Historic Places, or the County Register of Historic Properties.
  - (3) For improvements within the floodway, the applicant has demonstrated that there will be no increase in flood levels during the base flood discharge.
  - (4) The requested variance is the minimum necessary to afford relief.
  - (5) Failure to grant the variance would result in extraordinary and exceptional hardship to the applicant.
  - (6) The granting of a variance will not result in any of the following:
    - a. Increased flood heights;
    - b. Additional threats to public safety;
    - c. Extraordinary public expense;
    - d. Creation of nuisances;
    - e. Fraud on or victimization of the public;
    - f. Conflict with other provisions of this CDC or other portions of the Steamboat Springs Revised Municipal Code.

(e) *Notice of variance.* Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

(Ord. No. 1802, § 6.4, 7-23-01)

**Secs. 26-165—26-180. Reserved.**