PLANNING AND ZONING COMMISSION
JULY 25, 2012 MEETING PACKET
TABLE OF CONTENTS

Page #	Description
1	Agenda
3-5	June 27, 2012 Meeting Minutes
7-8	Memo from Steve Westbay – LDC Update, Section 5 Natural Resource Protection
9-22	Draft – Section 5, Natural Resource Protection Standards

THIS PAGE INTENTIONALLY LEFT BLANK

AGENDA
CITY OF GUNNISON
PLANNING & ZONING COMMISSION
REGULAR MEETING
Rev 7/17/2012

DATE: **WEDNESDAY, JULY 25, 2012**
TIME: **7:00 P.M.**
PLACE: **CITY HALL, COUNCIL CHAMBERS, 201 WEST VIRGINIA AVE.**

7:00pm **I. CALL TO ORDER**

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. CONSIDERATION OF THE JUNE 27, 2012 MEETING MINUTES

IV. UNSCHEDULED CITIZENS

V. COUNCIL UPDATE

VI. COMMISSIONER COMMENTS

VII. PLANNING STAFF UPDATE

VIII. ADJOURN TO WORK SESSION

WORK SESSION

I. DISCUSSION OF THE DRAFT LAND DEVELOPMENT CODE –
- Overview of Big Box Standards
- Natural Resource Protection

II. PHOTOGRAPHS OF NEW COMMISSIONERS

TO COMPLY WITH ADA REGULATIONS, PEOPLE WITH SPECIAL NEEDS ARE REQUESTED TO CONTACT THE CITY OF GUNNISON COMMUNITY DEVELOPMENT DEPARTMENT AT 641.8090

This agenda is subject to change, including the addition or deletion of items at any time. Regular Meetings and Special Meetings are recorded and action can be taken. Minutes are posted at City Hall and on the City website at www.cityofgunnison-co.gov. Work sessions are not recorded and formal action cannot be taken. For further information, contact the Community Development Department at 641-8090.

ALL PLANNING & ZONING COMMISSION MEETINGS ARE USUALLY BROADCAST LIVE ON LOCAL CABLE CHANNEL 15

THIS PAGE INTENTIONALLY LEFT BLANK

MEMBERS	PRESENT	ABSENT	EXCUSED
Bob Beda, Chair	X		
Erik Niemeyer			X
Erich Ferchau	X		
Andy Tocke	X		
Carolyn Riggs	X		
Greg Larson	X		
Councilor Ed Seymour	X		

OTHERS PRESENT: Planner Andie Ruggera, Planning Technician Pam Cunningham.

I. CALL TO ORDER AT 7:01 PM BY CHAIR BOB BEDA

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. ELECTION OF OFFICERS. CHAIR BEDA OPENED THE FLOOR FOR NOMINATIONS FOR CHAIR AND VICE CHAIR.

Commissioner Larson nominated Bob Beda for Chair and himself for Vice Chair. Commissioner Riggs nominated herself for Chair. Commissioner Larson moved to close nominations and Commissioner Ferchau seconded the motion. By default, Commissioner Larson will remain as the Vice Chair.

Discussion regarding the position of Chair. Commissioner Riggs stated that she feels she would be a good Chair, and it fits with her political aspirations. She feels that the experience she has gained serving on the Commission and the fact that she has only missed two or three meetings during her term makes her qualified and that she would be a good leader for several years.

Chair Beda withdrew his name for chairperson.

Commissioner Larson moved to call for a vote for Chair and Commissioner Ferchau seconded the motion.

Roll Call Yes: Tocke, Beda, Riggs, Seymour
Roll Call No: Ferchau, Larson
Roll Call Abstain:
Passed by Majority

IV. RESOLUTION 1, SERIES 2012 COMMENDING DUSTY SZYMANSKI FOR HIS SERVICE TO THE PLANNING AND ZONING COMMISSION AND RESOLUTION 2, SERIES 2012 COMMENDING STU FERGUSON FOR HIS SERVICE TO THE PLANNING AND ZONING COMMISSION.

Commissioner Beda moved to approve Resolution 1, Series 2012 and Resolution 2, Series 2012, read by name only. Commissioner Larson seconded the motion.
Roll Call Yes: Ferchau, Beda, Riggs, Larson, Seymour
Roll Call No:
Roll Call Abstain: Tocke
Motion carried

V. CONSIDERATION OF THE JUNE 13, 2012 MEETING MINUTES

Commissioner Larson moved and Commissioner Tocke seconded to approve the June 13, 2012 meeting minutes as presented.

Roll Call Yes: Ferchau, Tocke, Beda, Riggs, Larson, Seymour.
Roll Call No:
Roll Call Abstain:
Motion carried

VI. UNSCHEDULED CITIZENS

There were none

VII. COUNCIL UPDATE

Councilor Seymour updated the Commission on recent Council business. At the Council's Regular session on June 26th:

- Tammy Scott gave an update on the Chamber of Commerce and discussed some budgetary items;
- Jay Helman and Brad Baca came in on behalf of Western State to propose that the City and Western share the costs of resurfacing Escalante Loop. The reason is that the WSC Foundation contributed to the ProCycling Challenge, which will make a loop around the campus. The race officials said the road was so bad they didn't know if they could run the race on it. Western didn't have all the funds. The parties reached an agreement that the City will pay for the entire $140,000 project and Western will reimburse the City for half upon completion.
- Council:
  - approved a License Agreement for the Family Vision Center to build a stairway into the right-of-way;
  - received a bid for a snow blower that was budgeted;
  - awarded the slurry seal bid;
  - took action to direct staff to proceed with the annexation public hearings; and,
  - passed a resolution to accept the GOCO contract of $193,000 for the Jorgensen Skate Park.

Commissioner Ferchau asked if there was any discussion with Western about exploring where they are going and the economic relationship the town has with the university. Councilor Seymour replied that was a big part of discussion; that the City and Western should develop goals together. The idea was brought up that a Councilor should attend Western's Board of Trustees meetings to stay up-to-date on what is going on there. The City saw the paving agreement as far beyond an investment in the infrastructure, rather a partnership and building a relationship with Western.

Commissioner Ferchau asked if there was a firm commitment [for attendance at Board meetings and Council meetings]. Councilor Seymour replied that there was no firm agreement but he has faith that the discussion is not over yet. Commissioner Ferchau asked who will lead the discussion. Councilor Seymour said he would like to see Western lead it, but if they don't the City will.

Commissioner Larson asked if the funds for paving Escalante will come from other projects. Councilor Seymour said it would not. The City was already planning to do the City-owned section of Escalante. The additional $35,000 to help Western finish the whole loop will not be at the sacrifice of other projects. It will come out of reserves that the City has allocated to repaving projects. The City has well over 33% in reserve that is collecting only .04% interest, so putting it to use was a better investment.

Commissioner Tocke asked how effective the City can be in developing a closer relationship with the university when they have a lot of other entities to take direction from. Commissioner Seymour replied he feels that the City can have some influence. He said that it is in everyone's best interest to increase enrollment; the college needs it, and the City wants it. Undergraduates are 33% of population of Gunnison and the City will see a return on their investment if there is an increase in enrollment. He reported that Dave Weins is taking over the Mountain Sports program at Western. The involvement of the College with the ProCycling Challenge will get Western more exposure.

Commissioner Ferchau said his perspective is that he is not sure Western understands why people leave Gunnison and why they don't have the retention they want. He said, "A lot leave because of absence of services and facilities in the city. Clearly Western is an element everyone is in favor of. When it comes to something that is of universal appeal, the college is that. I'm not sure we convey to the college the urgency for strategic direction and the need for a college twice the size it is. There is a lot that can be gained from that relationship and visioning. I strongly encourage maintaining a proactive position if we don't get leadership from the institution to make sure we don't drop the ball."

VIII. COMMISSIONER COMMENTS

- Commissioner Beda thanked everyone for standing by him during his Chairmanship;
- Commissioner Larson thanked Commissioner Beda for his service;
- Commissioner Ferchau thanked Chair Riggs for being willing to be responsible for conducting the meetings;
- Chair Riggs thanked Commissioner Beda for his years of service and passed on regards from Commissioner Niemeyer, who is out of town. She commended Dusty Szymanski and Stu Ferguson for their years of service. She thanked the Commissioner for appointing her as Chair and told everyone to feel free to call or e-mail her and said she would be working closely with staff.

IX. PLANNING STAFF UPDATE

Planner Ruggera updated the Commission on recent activity in the Community Development Office:

- Level 2 fire restrictions have been implemented and the Fire Marshal has been busy;
- staff visited business owners who are using sandwich board signs and provided information about the sign code and license agreements; and
- work on the annexation is continuing.

X. ADJOURN. Chair Riggs adjourned the meeting to Work Session at 7:30p.m.

_____
Carolyn Riggs, Chair

Attest:

_____
Pam Cunningham, Secretary

THIS PAGE INTENTIONALLY LEFT BLANK

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Steve Westbay
DATE: June 27, 2012
RE: LDC Update – Section 5, Natural Resource Protection

Discussion of the draft *Land Development Code* (*LDC*) Section 5, Natural Resource Protection Standards, will be initiated during the work session. This memorandum provides an overview of Section 5 and the specific components and standards proposed for natural resource protection. There are five resource components addressed in this section:

- Stormwater Management
- Slope Protection Standards
- Grading and Erosion Control
- Wetland and Streams Corridor Protection

Stormwater Management

The City has existing stormwater facilities that serve the historically developed neighborhoods. Stormwater from these historic neighborhoods drains into curbs and gutters that directed stormwater into buried pipes. These pipes discharge stormwater into two primary basins with one basin discharging into Mergleman Pond adjacent to Dos Rios and the other the other discharging into a pond located within the airport boundary. On-site detention stormwater management systems have been designed in newer neighborhoods such as Sun Spot, Rainbow Meadows Estates, VanTuyl Village and the Meadows Subdivision; fort the most part these developments do convey into the historic stormwater utility system.

Existing City stormwater standards are found in Chapter 15.110, Improvement Standards of the *LDC*. The City's existing standards contain four paragraphs. The existing City stormwater standards require a plan developed by a registered engineer and the major design parameter requires that the system convey off-site flow at the pre-development rate.

Federal and state governments have enacted stormwater quality standards that apply to small urban areas. Presently, municipalities with populations greater than 10,000 must comply with Phase II of the National Pollutant Discharge Elimination System (NPDES) Program Requirements of the Federal Clean Water Act. Smaller jurisdictions may be subject to these federal regulations, at the discretion of federal and/or state water quality regulators.

Contemporary engineering and science practices of stormwater management, which have been driven by federal mandates of the Clean Water Act, are vast in scope and complexity. Modern engineering standards documents are comprehensive and address a broad range of technical detail. City staff has developed a draft document containing policies and minimum technical criteria for the planning, analysis and design of storm drainage systems within the boundaries of the City of Gunnison. The city's existing stormwater utilities serving the historic Gunnison neighborhoods are, for the most part, adequate for existing and future development within these the historic geographic bounds. New developments outside historic Gunnison will be served by more contemporary designs that focus on detention at both the site level and drainage basin scale.

Slope Protection Standards

Historically, there was no need to consider design and grading standards on hillsides, but the Gunnison Rising annexation contains more complex slope terrain. Additionally, the city boundary encompasses a portion of Tenderfoot Mountain; this real property is owned by the State of Colorado.

The proposed slope protection standards incorporate a table specifying increased lot area and frontage length and reduced density for multi-family development as the slope of the terrain increases. Increased lot frontages are necessary on steeper slopes in order accommodate building-pad grading and driveway design.

The staff is developing a digital slope model for the city limits. Figure 1 is preliminary, and it is anticipated that the model detail can be improved.

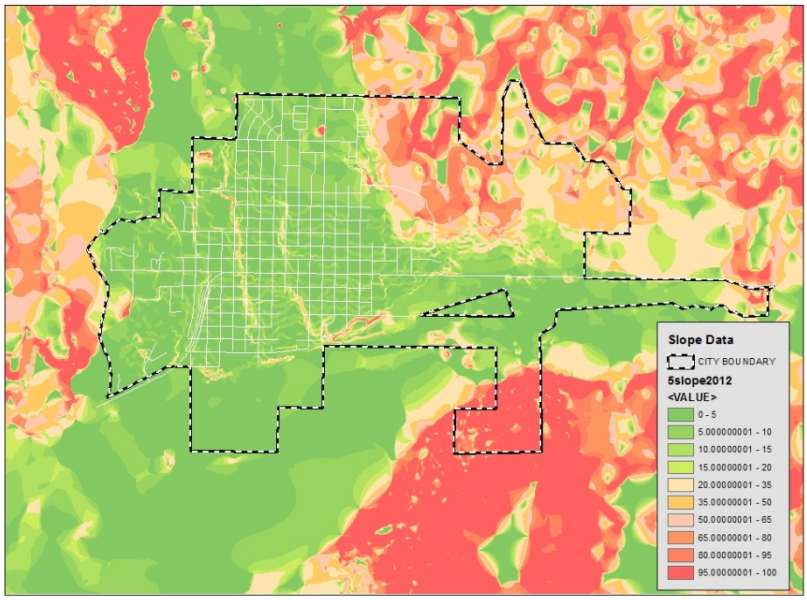

FIGURE 1 SLOPE MODEL

Grading and Erosion Control

Grading standards have a direct relationship to site stormwater drainage design and slope development. Good grading plans tend to fit street and lot layouts into the natural topography. This approach reduces cut and fill work, resulting in lower development costs and easier maintenance. Proposed grading standards establish criteria for the maximum grade change across the slope; defines contemporary retaining wall design standards; and requires restoration of sites after dirt work is complete to mitigate erosion impacts.

Wetland and Streams Corridor Protection

Development of wetland regulations was a Planning and Zoning desire dating back several years. The proposed standards would require that developments along the Gunnison River and Tomichi Creek maintain a 50 foot setback from river corridors and jurisdictional wetlands; lots established prior to the new LDC adoption would be exempt from these standards.

Waivers

The draft LDC incorporates a waiver provision for all natural protection standards. The Council is proposed to be the authorizing authority for all waiver applications.

Section 5. Natural Resource Protection Standards

§5.1 STORMWATER MANAGEMENT

A. Purpose. The City recognizes the need and responsibility for adequate engineering standards to accommodate stormwater runoff. The need has become more apparent with the County goal to concentrate development adjacent to municipal boundaries and the *City of Gunnison Master Plan* goal to develop and concentrate urban land uses within its corporate boundary.

The *City of Gunnison Stormwater Management Manual* provides consistent and accurate engineering design management for all developments within the city boundary. The desire is to develop stormwater management and erosion control facilities by promoting Low Impact Design techniques that mimic natural fluvial dynamics found in the area.

The City has adopted stormwater design standards based on the Denver Urban Drainage and Flood Control District *Urban Storm Drainage Criteria Manuals* (*USDCM*), Volumes 1, 2 and 3, with appropriate revisions to address local conditions. These design standards for stormwater facilities are commonly used in the State of Colorado and provide consistency for engineer and design professionals.

B. Stormwater Design and Construction Standards

1. The *City of Gunnison Stormwater Management Manual* shall be incorporated herein by reference.

2. Design and Construction of all stormwater water facilities shall be in accordance with the *City of Gunnison Stormwater Management Manual* as it may be amended.

3. The drainage system shall be designed and constructed so that only historic runoff rates, not including historic irrigation, shall be released from the site. Drainage flows in excess of this amount shall be retained, detained or handled in a storm sewer system. All costs associated with handling runoff generated by a development shall be paid by the developer.

4. The drainage system shall comply with applicable state and federal requirements.

C. Floodplain. Lands within the City limits and located within an adopted 100 year floodplain are subject to the City's Flood Damage Prevention Regulations found in Chapter 14.60 of the *City of Gunnison Municipal Code*.

§5.2 SLOPE PROTECTION STANDARDS

A. Density Calculation for Residential Development on Steep Slopes in Excess of Ten Percent

1. Applicability. These density calculation provisions shall apply to all new residential development and subdivisions in the City of Gunnison.

a. All Map Amendments proposed after the adoption date of this *LDC* shall be subject to these Slope Protection Standards.

Working Draft

b. Non-residential development districts shall be prohibited on slopes greater than 10 percent.

2. **Definition**. For the purposes of this Section "average slope" shall be measured as set forth in §15.2 of this *LDC* (See Figure 27).

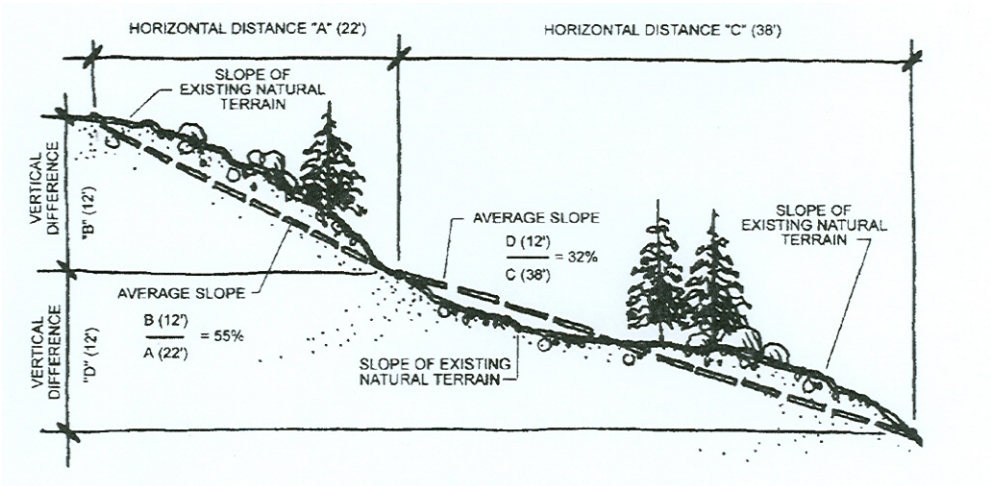

FIGURE 27 SLOPE PROTECTION STANDARDS

3. **General Rule**. Notwithstanding the maximum densities permitted by the underlying zoning district, the minimum lot area and front yard dimension for new residential development on parcels containing slopes 10 percent or greater shall be determined by the following factors presented in Table 5-1.

TABLE 5-1 AREA AND FRONT YARD DIMENSIONS IN SLOPE PROTECTION AREAS

Zone District	Base Minimum Lot Area	Adjusted Minimum Lot Area (Square Feet) at "x" % Slope					
		10 %	15%	20%	25%	30%	35+%
R-1	8,000	12,000	20,000	32,000	64,000	128,000	256,000
R-1M	6,250	12,000	20,000	32,000	64,000	128,000	256.000
R-2	6,250	12,500	25,000	50,000	75,000	Not Permitted	Not Permitted
RMU	6,250	16,250	32,500	Not Permitted	Not Permitted	Not Permitted	Not Permitted
R-3	6,250	16,250	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Front Lot Length		75	75	80	80	100	100
Density Reduction R-2M Max Units Per Acre		-25%	-50%	NA	NA	NA	NA
Density Reduction R-3 Max Units Per Acre		-25%	NA	NA	NA	NA	NA

B. Development Restrictions on Steep Slopes

1. **Applicability**. These development restrictions shall apply to all new development in the City of Gunnison, except for subdivisions approved for single family residential use prior to the effective date of this *LDC*.

2. **New Structures—Existing Slopes in Excess of Ten Percent**

   a. New development proposed to be built on any portion of a site containing a 10 percent or greater shall be subject to review and approval pursuant to Section 6. This provision applies to development that would otherwise be exempt from the development plan review process.

   b. Staff shall review all such development plans and evaluate them according to the following standards:

      i. Site Disturbance shall be minimized to the maximum extent practicable (§5.2 D., Grading Standards).

      ii. Cuts for utilities and access driveway shall be shared to the maximum extent feasible;

      iii. To the maximum extent feasible, new construction shall not take place on any portion of a parcel that shows evidence of slope instability, landslides, avalanche, flooding alluvial fan or other natural or manmade hazards.

      iv. The applicant shall demonstrate that the slope's ground surface and subsurface are not unstable, that the proposed development will not cause instability or increase the potential for slope failure, and that the development of the slope will not increase the degree of hazard both on-site and on adjacent properties.

   c. For purposes of this section, steepness of slope shall be measured from the points with the highest and lowest elevation within five feet of any portion of the proposed structure.

3. **Structure Clearance from Steep Slopes**. Structure clearance from ascending or descending slopes greater than 30 percent shall comply with the requirements set forth in the applicable *Building Code* provisions.

4. **Grading, Clearing and Excavation−Slope in Excess of Ten Percent**. Clearing, excavation and grading on slopes greater than 10 percent shall not be allowed, unless expressly approved through a site development application.

5. **Roads/Driveway – Slopes in Excess of 10 Percent**. Shared driveway and access to site or lots containing slopes in excess of 10 percent shall be utilized to the maximum extent feasible (also see §4.3, General Site Access).

C. Ridgeline Protection Standards

1. **Applicability**. This Section shall apply to all new development in the city boundary proposed on slopes greater than 30 percent.

Working Draft

2. **Building/Roof Design for Ridgeline Protection Guidelines**. Development subject to this subsection will be designed and sited to minimize the visible intrusion of building and structures above the designated ridgelines or above existing ridge top trees or vegetation, and thus preserve scenic view across or through the site. Techniques to meet this standard should include but are not limited to, careful consideration of architectural design, building massing, siting, building colors and roofing materials, and the use of native landscaping or other permitted screening materials. Stepping the building mass and form with the natural grade is encouraged.

3. **Development Plan**. All development subject to these ridgeline protection standards shall submit a development plan, including a visual analysis of the proposed development, for staff review and approval. The required visual analysis shall include a photographic simulation of the development from viewpoints as determined by staff.

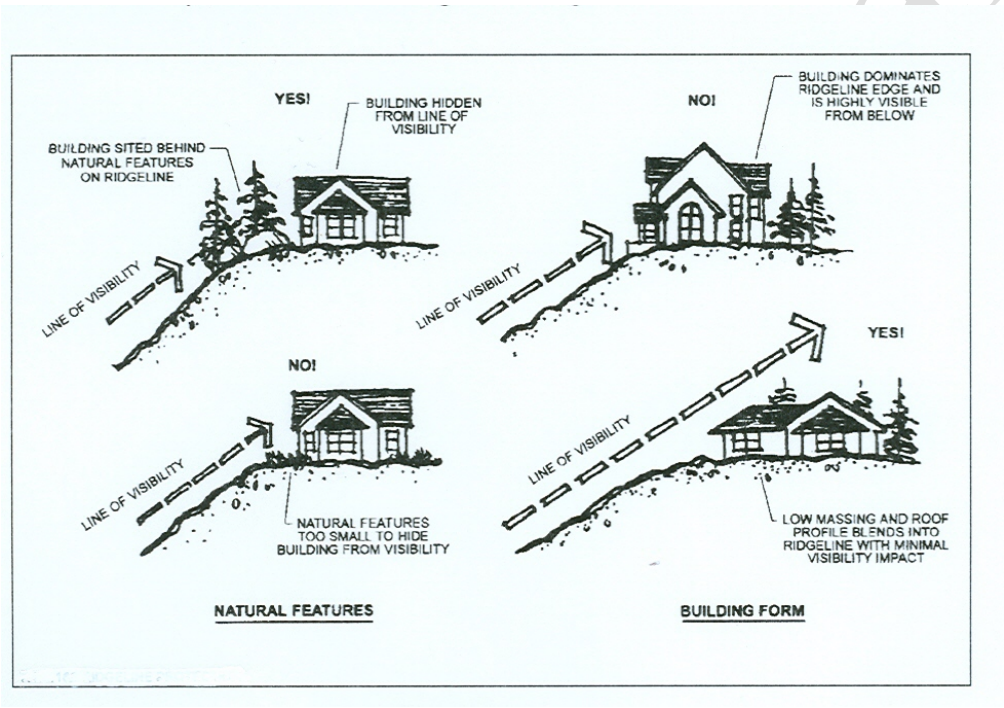

FIGURE 28 RIDGELINE PROTECTION STANDARDS

D. Staff Waivers of Ridgeline Protection Standards

1. Staff may grant such waivers or modifications to the ridgeline protection standard only if it finds based on substantial evidence presented by the applicant, that the following conditions are satisfied:

   a. Application of the ridgeline standard renders the site undevelopable;

   b. Application of the ridgeline standards will result in substantial economic hardship and the economic hardship is not created by the applicant or otherwise self imposed; and

   c. The development conforms to all other development, site design and environmental standards set forth in this Section and in all other applicable ordinances and codes.

2. In granting a waiver from or modification of the ridgeline protection standards set forth in this section, staff may impose conditions if the effect of the conditions is to reduce the adverse impact of the development, including but not limited to a reduction in a maximum building height below what would otherwise be permitted in the applicable zoning district.

§5.3 GRADING AND EROSION CONTROL

A. Applicability. The provisions of this Section apply to all residential and nonresidential development subject to subdivisions and/or site plan applications.

B. Grading Plan. The applicant shall submit a grading plan which illustrates the extent of the land disturbance which is to occur on the property. The grading plan shall illustrate existing site features and shall depict existing and proposed contours, using a contour interval of two feet. Where slopes are greater than 20 percent, five foot contours may be depicted.

C. Plan Preparation. Preparation of an effective grading plan and execution of proper grading involve certain basic steps pertaining to street layout, block grading and lot grading. The objective is to establish the street grades, floor elevations and lot grades in proper relation to each other and to existing topography, considering property protection, and use. The basic steps are as follows:

1. **Fit to Topography**. If the street layout is still subject to design or adjustment, fit it to the topography to obtain the most favorable types of block and lot grading which are compatible with other objectives.

2. **Block and Lot Grading**. Determine type of block grading for each block or portion of a block and, if possible, indicate the general lot grading for each lot by drainage arrows.

3. **Easements**. Determine any easements and other provisions needed for adequate block drainage and erosion control.

4. **General Limitations**. Determine general lot grading limitations for local conditions such as minimum gradients for grass swales and slopes and maximum for sidewalks and driveways.

5. **Specific Limitations**. For each type of house and lot determine the specific lot grading limitations along a typical lot grading control line from the street to the house and determine the minimum street-to-floor rise.

6. **Street Profiles**. If the street profiles are to be designed or adjusted, establish them so as to facilitate the provision of good drainage for both the lots and the streets, giving due consideration to existing topography and lot limitations.

7. **Elevations**. For each property, determine proposed elevations for key points on the lot and for the dwelling floor, giving due consideration to street elevations, existing topography and lot grading limitations.

D. Grading Standards

1. **Grading Prohibited Without Prior Approvals/Permits**. No cutting, filling, stockpiling, excavation, or vegetation removal shall be permitted, whether to provide for a building site,

Working Draft

for on-site utilities, or services for any roads or driveway, prior to final approval of a grading and excavation plan submitted in conjunction with a site development plan application or the issuance of a building permit.

2. **Limits on Changing Natural Grade**. The original, natural grade of a lot shall not be raised or lowered more than 10 feet at any point for construction of any structure or improvement except:

   a. Foundation walls incorporated into the principal structure to allow the building mass step in response to natural grade; or

   b. The site's original grade may be raised or lowered to a maximum of twelve feet if a retaining wall or terracing is used to reduce the steepness or manmade slopes, provided that the retaining wall or terracing comply with the requirements set forth in this Section (see Figure 29).

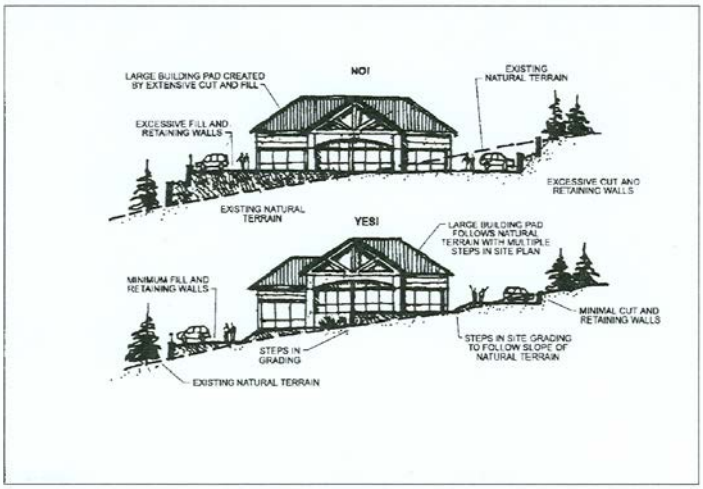

FIGURE 29 LIMITS ON CHANGING NATURAL GRADE

3. **Cutting and Creating Benches**. Cutting and grading to create benches or pads for additional or larger building sites or lawns shall be avoided to the maximum extent feasible.

4. **Grading For Accessory Building Pads Discouraged**. Separate pad for accessory buildings and structures other than garages, such as tennis courts, swimming pools, outbuildings, and similar facilities, shall be discourage except where the average natural slope is 15 percent or less, as measured from the points with the highest and lowest elevation within five feet of any portion of the proposed accessory building structure or building.

5. **Limits on Graded Filled Manmade Slopes**

   a. Slopes of 20 percent or less are strongly encouraged wherever feasible or practicable.

   b. Except as provided below, graded or filled manmade slopes shall not exceed a slope of 30 percent (3:1 slope) unless civil engineering plans incorporating recommendation from a geotechnical report, both of which shall be submitted by an engineer licensed in the State of Colorado, is furnished to the Community Development Director. The plans and reports shall include a written statement establishing that the site has been investigated and that, in the opinion of the qualified professionals, a cut at a steeper slope will be stable and not create a hazard to public or private property both on the site and directly adjacent to the affected site.

   c. If a steeper slope will result in less overall site disturbance, then graded or filled manmade slopes associated with road construction may exceed a slope of 50 percent (2:1 slope), but shall be subject to City review and approval.

Working

6. Retaining Walls

a. Limited use of retaining walls is encouraged to reduce the steepness of manmade slopes and to provide planting pockets on steep slopes conducive to revegetation, subject to the following standards:

b. Retaining walls shall be used to provide breaks in manmade slopes exceeding 30 percent and to provide planting pockets.

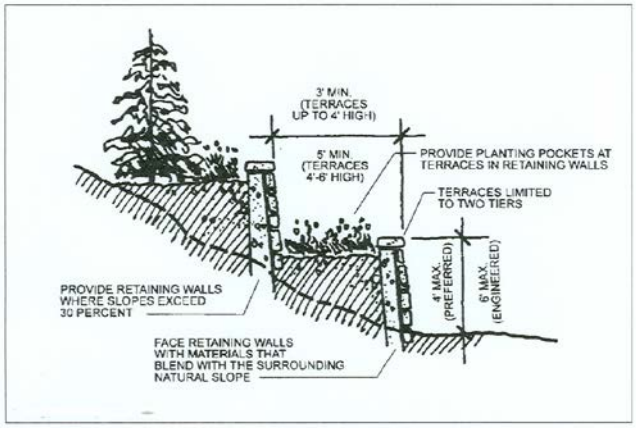

FIGURE 30 RETAINING WALLS

c. Retaining walls may be permitted to support steep slopes but shall not exceed six feet in height from the finished grade except for:

i. a structure's foundation wall;

ii. as necessary to construct a driveway from the street to a garage or parking area; or,

iii. as otherwise expressly allowed by this Section.

d. Any retaining wall or multiple retaining wall design greater than four feet in height shall be designed by an engineer registered in the State of Colorado and the engineer design shall be based on recommendations from a geotechnical engineer soils report. The engineer design shall be submitted to staff for review and approval prior to construction.

e. A three foot minimum horizontal terrace shall be required for any multiple retaining walls that are less than four feet in height. A minimum five foot horizontal terrace shall be required for any multiple retaining walls that are four feet or greater in height. Terraces created between retaining walls shall be permanently landscaped with vegetation.

f. Retaining walls visible from a collector street, arterial street or highway, or from public open areas or parks, shall be screened by vegetation or faced with wood, stone or other earth-colored materials that blend with the surrounding natural landscape.

g. All retaining walls shall comply with applicable *Building Code* provisions, except that when any provision of this Section conflicts with any provision set forth in the *Building Code*, the more restrictive provision shall apply.

h. **Filling or Dredging of Waterways Prohibited**. Filling, draining or dredging of water courses, wetlands, gullies, stream beds or stormwater runoff channels is prohibited, except as authorized with a floodplain development permit or with an approved site development plan.

i. **Detention/Stormwater Facilities**. Where detention basins and other stormwater and erosion control facilities may be required, any diverse visual impact on the natural landscape and topography shall be minimized to the maximum extent feasible.

Working Draft

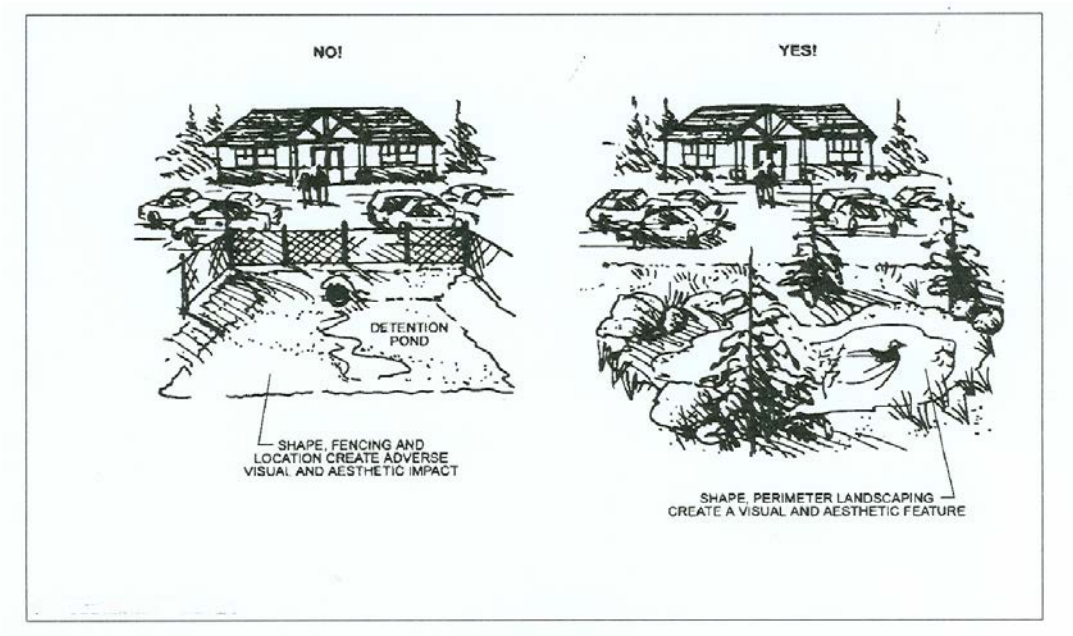

FIGURE 31 DETENTION / STORMWATER FACILITIES

7. Restoration of Disturbed Areas

a. Follow Natural Contours. All disturbed areas shall be restored as natural-appearing land forms, with curves that blend in with the adjacent undisturbed slopes. Abrupt angular transitions and linear slopes shall be avoided.

b. Revegetation Required. Areas disturbed by grading shall be contoured so they can be revegetated and shall be revegetated within one growing season after construction using native species seed mix (see Appendix A). Revegetation shall be sufficient to provide erosion control and prevent the invasion of weeds. Plans for revegetation of cut-and fill and graded slopes shall be included as part of the site development plan application.

c. Timeline. Overlot grading projects affecting an area greater than one acre in size that has been wholly or partially grubbed or wholly or partially graded, construction shall commence and shall be continuous within 60 days after grubbing. Should construction or grading not commence or be continuous within the required 60 day period, the site shall be native seeded within 30 days following the expiration of the required 60 day period. When approved by the Community Development Director, a time extension may be granted for conditions beyond the control of the permittee for items such as flooding or discovery of historic artifacts.

d. Surety. In order to insure conformance with the requirement of paragraph c (Timeline) above, a performance bond or other suitable security in an amount of 125% of the cost to accomplish ground preparation, native seeding fertilizer application, and mulching of the site shall be posted prior to the issuance of a grading permit. Any surety provided pursuant to this subsection shall be returned upon completion of an approved final inspection for the building site; the Community Development Director may require up to a 12 month plant establishment period before releasing surety.

Working D

e. Man-Made Slopes Greater than Twenty–five Percent. On man-made slopes of 25 percent or greater, plant materials with characteristics that minimize erosion and reduce surface runoff shall be selected.

f. Man-made Slopes Greater than Fifty Percent. On man-made slopes greater than 50 percent stabilization measures such as erosion netting, hydro mulching or other advanced slope stabilization technique shall be utilized.

g. Topsoil Stockpiled. To the maximum extent feasible, topsoil that is removed during construction shall be stockpiled and conserved for later use on areas requiring revegetation or landscaping, such as cut-and-fill slopes.

8. Limitations of Disturbance

a. Defined. Limits of Disturbance (LOD) means the areas of a site that may be disturbed by earth movement (grading), or cleared of vegetation, including disturbance or clearance to provide space for construction of principal and accessory uses and structures, driveways, parking areas, roads, drainage and stormwater management facilities or utilities.

b. Establishment of Limits of Disturbance. All site development, preliminary subdivision and final subdivision plans shall include a map clearly depicting the limits of disturbance according to the criteria set forth below. The LOD shall indicate the specific area(s) within a development project where the development activity shall be contained.

c. Criteria for Establishing LOD. While LOD may be multiple and noncontiguous on a site, the following criteria shall be taken into account:

i. avoidance of visual impact, including but not limited to ridgeline protection areas steep slopes and scenic views;

ii. avoidance of steep slopes in excess of 20 percent and provide erosion prevention and control measures including but not limited to protection of natural drainage channels and compliance with an approved stormwater drainage management plan;

iii. preservation of native vegetation, trees, rock outcroppings and formations, and other significant natal site conditions;

iv. wildfire preventions and safety, including but not limited to location of trees and vegetation near structures;

v. mitigation of other geologic hazards, including potential adverse impact down- slope and adjacent to properties;

vi. riparian habitat, stream corridors and wetland protection and buffering;

vii. floodplains, floodways, flood fringes and flood hazards;

viii. significant wildlife habitat areas; and

ix. the practical need of approved construction activity in terms of ingress and egress to

Working Draft

the developed project and necessary staging and operation areas.

d. Limits to Disturbance–Development Standards and Guidelines

i. No construction activity including, without limitation, grading excavation or stockpiling or fill material, shall be permitted within the limits of disturbance, whether to provide for a building site, on-site utilities or services or for any roads or driveway, prior to the approval of any required erosion and sedimentation control plan for the development.

ii. To the maximum extent feasible, no development, grading or vegetation removal or alternation shall occur as part of the development project or associated constriction activity outside the LOD except as provided in subsection iii.c) below.

iii. Disturbance or construction activity may occur outside the LOD with the written consent of landowner and approval of the Staff for the following limited purposes:

a) mitigation of development activities;

b) restoration of previously disturbed or degraded areas;

c) utility installations and emergency public safety activities when such activities and installations cannot reasonably be contained within the LOD or other nearby developed areas;

d) construction of a trail or pedestrian walkway that will provide public access or education or recreational purposes when such trails or walkway cannot reasonably be contained within the LOD or other nearby developed areas; or

e) the enhancement of the habitat values and/or other natural resource values of an identified natural area.

e. Designation on Final Grading and Drainage Plans. Approved LOD shall be shown on the preliminary and final subdivision grading plan and/or on the development plan for each lot or development site. Respective LOD will be described as necessary to accurately define the boundary, as acceptable to the Community Development Director.

f. Standards for Protection during Construction. LOD shall be designated in the field prior to commencement of excavation, grading or construction.

Working Draft

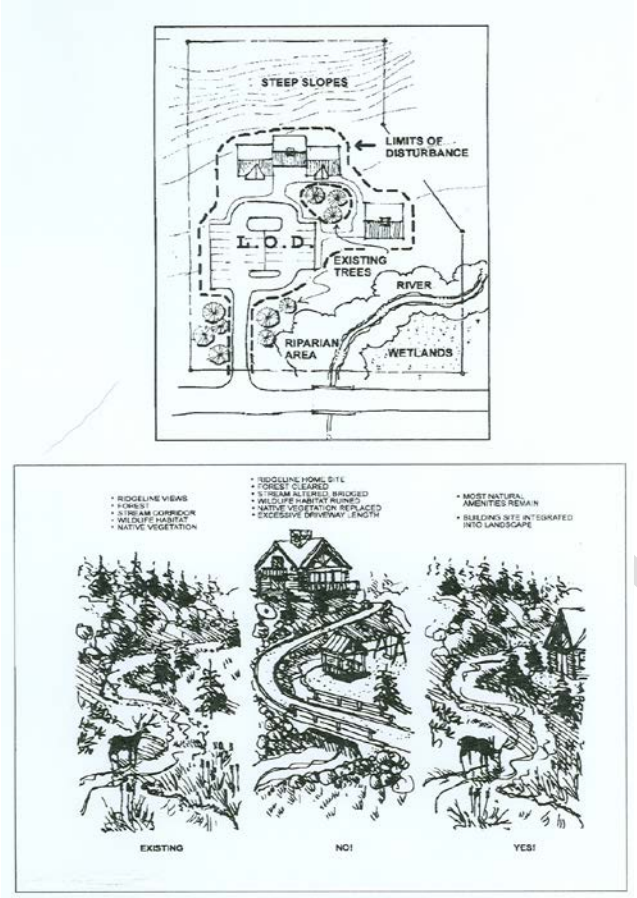

FIGURE 32 LIMITS OF DISTURBANCE

E. Construction Stormwater Management Plan. All grading plans will include the submittal of a Construction Stormwater Management Plan (CSWMP). At a minimum, the CSWMP must contain the requirements listed in the Colorado Department of Public Health and Environment document General Permit Application and Stormwater Management Plan Preparation Guidance available at www.cdphe.state.co.us/wg/PermitsUnit/stormwater, under the Stormwater Construction category. The Community Development Director is authorized to accept alternative plan submittals, waive submittal requirement determined not to be applicable or require additional data to ensure that an efficient construction sediment and stormwater control plan is submitted.

§5.4 WETLAND AND STREAMS CORRIDOR PROTECTION

A. Purpose and Intent. The following requirements and standards are intended to promote, preserve and enhance the important hydrologic, biological, ecological, aesthetic, recreational and educational functions that stream and river corridors, associated riparian areas and wetlands provide.

B. Applicability. This Section shall apply to all new development, except for the following development or activities.

1. Agricultural activities such as soil preparation, irrigation, planting, harvesting, grazing and farm ponds;

2. Maintenance and repair of existing public roads, utilities and other public facilities within an existing right-of-way or easement;

3. Removal of noxious weeds;

4. Maintenance and repair of flood control structures and activities in response to a flood emergency; and

5. Wetland and wildlife habitat restoration, creation and/or enhancement that improve the wetland function provided that the proposed activity is approved by the appropriate agency such as the U.S. Army Corps of Engineers or the Colorado Division of Wildlife.

C. Other Regulations

1. This Section does not repeal or supersede any existing federal, state or local laws, easements, covenants or deed restrictions. When this Section imposes a higher or more restrictive standard than found in another applicable ordinance, statute or regulation, this Section shall apply.

2. No person shall engage in any activity that will disturb, remove, drain, fill dredge, clear, destroy or alter any area, including vegetation, within a wetland that falls in the jurisdiction of the federal government and its agencies, except as may be expressly allowed under applicable federal laws or regulations.

D. Boundary Delineation

1. **Stream and River Corridor Boundaries**. Stream and river corridors shall be delineated at the annual high-water mark, or if not readily discernible, the defined floodway.

2. **Mapped Wetland Boundaries.** The initial boundary delineation of wetlands shall be established by reference National Wetlands Inventory prepared by the U.S. Department of the Interior, Fish and Wildlife Service (www.wetlands.fsw.gov), or other data provided by the applicant.

3. **Unmapped Wetlands.** The review of a development proposal may discover a potential wetland that has not been mapped or for which the boundaries have not been clearly established. In such instances, the Applicant shall retain a qualified wetland expert to delineate the boundaries of the wetland according to accepted professional standards.

E. Buffer/Setback Areas

1. Major Ditch and River Corridors

a. Building/Structure Setbacks

i. **Major Ditches**. All buildings and accessory structures shall be setback at least 30

Working Draft

feet horizontally (plan view) from the outside edge of adjacent ditch banks. Where defined banks are not readily discernible, the setback shall be measured from the center of the ditch (See Figure 33 Wetland/Stream Setback).

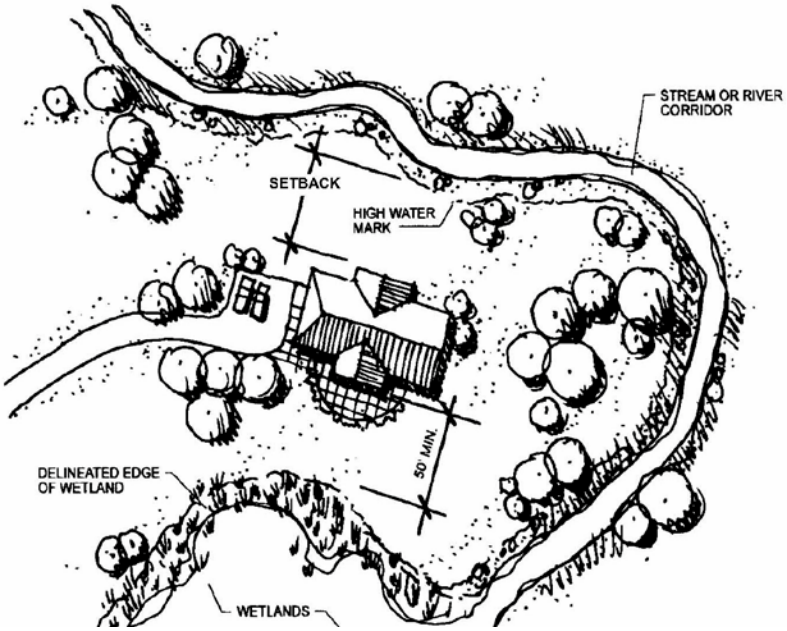

FIGURE 33 WETLAND/STREAM SETBACK

ii. Gunnison River and Tomichi Creek Corridors

a) **General Rule.** All buildings and accessory structures shall be setback at least 50 feet horizontally (plan view) from the annual high-water mark of river corridors, or, if not readily discernible, from the delineated floodway.

b) **Exception for Lots Developed Prior to the Adoption of this Code.** All buildings and accessory structures shall be setback at least 30 feet horizontally (plan view) from the annual high-water mark of river corridors or, if not readily discernible, from the defined floodway (see Figure 33).

b. Parking Lot Setbacks. Parking lots shall be setback at least 50 feet horizontally (plan view) from the annual high-water mark of stream or river corridors, or not readily discernible, from the defined floodway of the stream or river.

2. Wetlands

a. To the maximum extent feasible, wetlands shall not be included as part of a platted development lot.

b. All buildings, accessory structures and parking lots shall be setback at least 50 feet horizontally (plan view) from the delineated edge of a wetland (see Figure 33). Development on lots that were approved for single-family residential use prior to the adoption of this *LDC* shall be exempt.

3. **Private Open Areas and Landscaping Credit.** All stream corridor and wetland setback areas shall be credited toward any relevant private open areas requirements or landscaping and buffer requirements.

F. Development Standards

1. **Prohibited Activities**. No person shall engage in any activity that will disturb, remove, fill, drain, dredge, clear, destroy or alter any area, including vegetation, within stream or river corridors wetlands and their associated buffer/setback areas, except as may be expressly allowed in this Section.

2. **Utilities.** Utilities may be allowed in a buffer/setback area only if the City determines that there is no practical alternative. Any disturbance of the buffer area shall be reclaimed by final grading and revegetation. Provisions for reclamation of the disturbed area shall be included in any development or improvements agreement for the project, with adequate collateral to guarantee that the reclamation will be completed. Utility corridors in buffer/setback areas shall be located at the outside edge of the area and access roads for maintenance of utilities shall be located outside the buffer/setback area. Access for maintenance of utilities in buffer/setback areas should be at specific points rather than parallel to the utility corridor.

3. **Recreation, Education or Scientific Activities**. Structures and improvement for recreational, educational or scientific activities such as trails, fishing access and wildlife management and viewing may be permitted in a buffer/setback area provided that a management plan that establishes long-term protection of the buffer/setback area is submitted and approved.

G. Preservation of Vegetation. All existing vegetation within the stream/river corridor or wetland buffer/setback area shall be preserved, and where necessary to provide adequate screening or to repair damaged riparian areas, supplemented with additional native planting and landscaping.

H. Wetland Mitigation Requirements

1. Restoration shall be required according to an approved wetland mitigation plan when a wetland or its buffer is altered in violation of law or without specific permission or approval by the Decision-Making Body.

2. All approved alterations of wetlands must be mitigated by replacement or enhancement on the site or within the same drainage basin on a one-to-one basis with equivalent or better biologic and hydrologic functions.

§5.5 NATURAL RESOURCE PROTECTION STANDARDS WAIVER

In order to provide flexibility in the administration of this *LDC* by the City certain natural resource protection standards contained in this Section 5. may be considered for a waiver pursuant to the directives established in §8.10 of this *Land Development Code*.

Working Draft