

Staff Report for Planning Commission

Development Services in cooperation with Engineering have drafted an update to the current ordinance regarding development near delineated wetlands. The current ordinance mandates a minimum 50-foot setback from the edge of a delineated wetland. After researching what neighboring cities require, we discovered that a 50-foot setback is not uncommon, however, other cities have an option to reduce the setback by meeting additional standards. The following ordinance update adds provisions to reduce the 50-foot setback to 10-feet easily and gives additional guidance to reduce the setback to zero if needed. Additionally, the update gives the City Engineer authority to approve any reduction to the setback if all outlined provisions are met.

14.20.020 Stream Corridor and Wetland Development Standards

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

- A. No development or construction activity, including tree/vegetation removal, grading, excavation, filling, drainage, or subdivision of land shall occur on jurisdictional wetlands as identified by the U.S. Army Corps of Engineers.
- B. Wetlands will not be permitted to be included as part of any buildable subdivision or development lot, with the exception that for those lots within the R-1-A Residential Agricultural Zone, wetlands may be included as part of the lot provided there is sufficient buildable area to accommodate the proposed use.
- C. No person shall engage in any activity that will disturb remove, fill, dredge, clear, destroy, or alter any area, including vegetation, within stream corridors, wetlands, and their setbacks as set forth below, except as may be expressly allowed in this Section.
- ~~C.D.~~ All existing vegetation within the stream corridor or wetland setback area shall be preserved, and where necessary to provide adequate screening, or to repair damaged riparian areas, supplemented with additional native or adapted planting and landscaping.
- ~~D.E.~~ Except where the City of Payson, pursuant to its recognized extraterritorial jurisdiction, has defined a greater setback from watershed resources (including stream corridors and wetland areas), the following minimum setbacks shall be required:
 - 1. For Stream Corridors, all buildings, accessory structures, parking, and leach fields shall be set back at least fifty (50) feet horizontally (plan view) from the ordinary high-water mark of stream corridors.
 - 2. For Wetlands, all buildings, accessory structures, and parking areas or lots shall be set back at least fifty (50) feet horizontally (map distance), from the delineated edge of a wetland.
- F. Wetland Buffer Compliance Alternatives are described as follows:~~All existing vegetation within the stream corridor or wetland setback area shall be preserved, and where necessary to provide adequate screening, or to repair damaged riparian areas, supplemented with additional native or adapted planting and landscaping.~~
 - 1. Provide and maintain a fifty (50) foot undisturbed natural buffer; or
 - 2. Provide a minimum ten (10) foot undisturbed natural buffer and show that all physical improvements made to the site will be sloped away from the limit of the delineated wetland so

that no contamination from the proposed improvements will be allowed to discharge into the wetland area; or

3. Obtain a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers to encroach upon, alter, remove, or relocate the wetlands. Provide all documents and permits obtained from the State and the U.S. Army Corps of Engineers; or
4. If it is infeasible to provide any undisturbed natural buffer or to meet one of the previous alternatives, the buffer may be reduced to zero, provided that the site is supplemented by additional erosion and sediment controls, which in combination achieve the sediment load reduction equivalent to a fifty (50) foot undisturbed natural buffer.
 - a. The State of Utah requires the RUSLE or RUSLE2 equation be used to determine the required sediment removal. Include all calculations.
 - b. Identify the BMPs used to provide the equivalent of the fifty (50) foot buffer.
 - c. Specify the tool used to estimate the sediment load reductions from the combined buffer and BMPs and include the results of all calculations that show it will equal the sediment removal efficiency of the fifty (50) foot undisturbed buffer.
 - ~~a-d.~~ The City Engineer may reduce the wetland buffer to zero, if all the above items for #4 are met using the requirements under this section.