



Ordinance #1992: An update to the Land Development Code in Relation to Floodplain Regulations

City Council
February 3, 2014

Background

- Commerce City has adopted floodplain regulations since 1978 to protect properties against flood loss.
- The City is required to adopt and enforce these regulations in order to be a participant in the National Flood Insurance Program (NFIP). This program allows all property owners within Commerce City to purchase flood insurance if they choose to.
- NFIP participation also allows certain federally backed mortgage loans and is also required for certain grant funding and emergency funding sources.



Background

- These NFIP regulations are the minimum required. Cities and states may adopt greater regulations for protection.
- In 2009, with the adoption of the LDC, the State worked with Commerce City to ensure that the floodplain regulations were up-to-date and were meeting minimum requirements.



Background

- Important note: These updates are not a result of the flooding that occurred in September 2013. Although that flooding does highlight the need for on-going, comprehensive floodplain regulations.
- No flood plain boundaries are changing as a result of these updates.

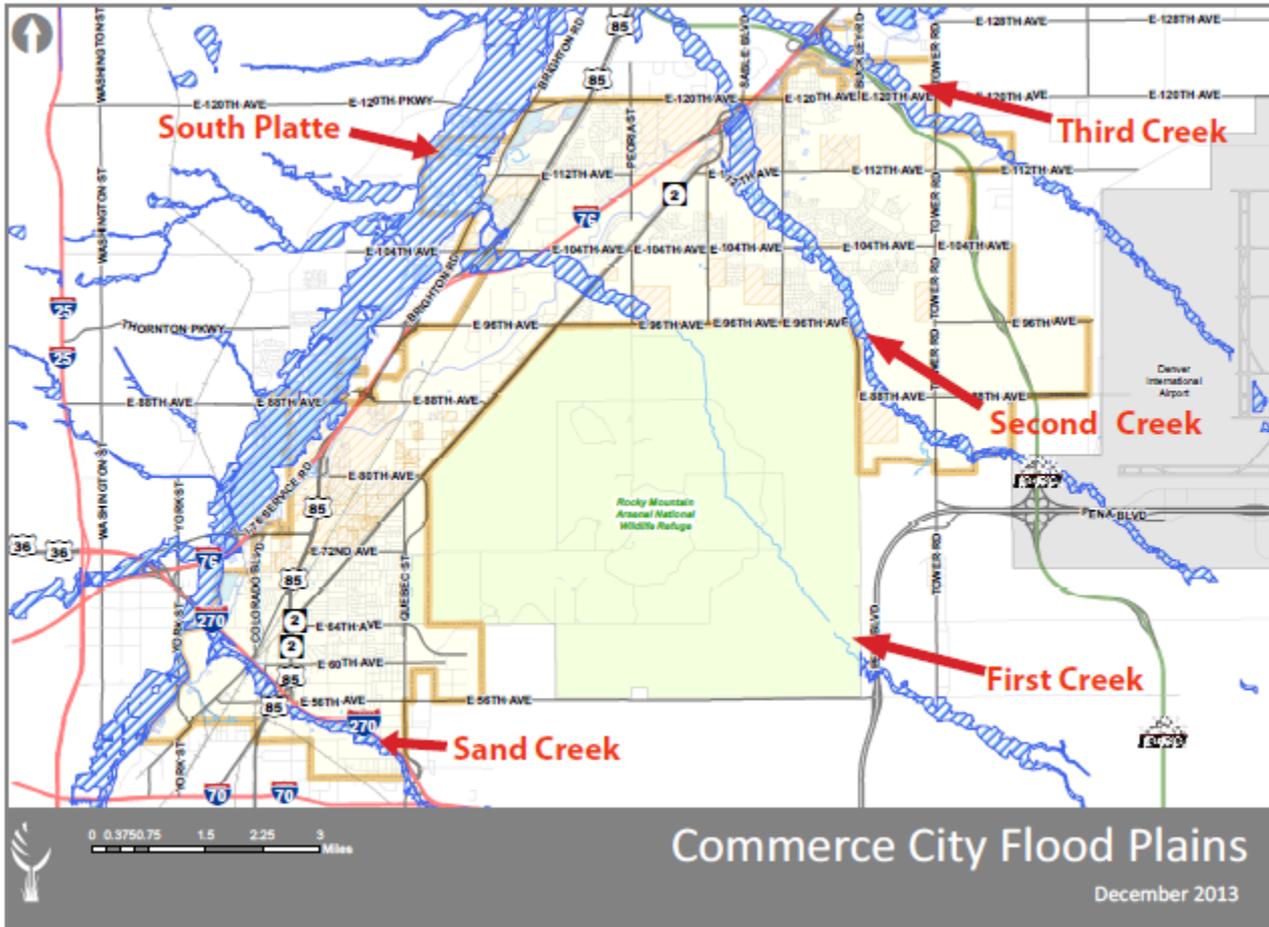


Overall Flood Plain Policy

- In Commerce City, the overall flood plain policy is to limit intensive development which occurs in flood plains. For new development areas, flood plains are dedicated to the City for open space and drainage.
- In certain older areas of the City (Sand Creek and First Creek), industrial development occurs within the floodplain due to this development occurring prior to the City's incorporation or prior to the City's floodplain regulations.
- No where in the City is residential development allowed within a flood plain.



Affected Areas- Five Flood Plains



- All regulated floodplains
- Most impact to:
 - Sand Creek
 - First Creek



Why are we Updating?

- The Colorado Water Conservation Board (CWCB) adopted new minimum state-wide floodplain regulations in January 2011.
- All communities in Colorado must adopt these new standards by 1st quarter of 2014.
- Commerce City has already adopted many of these standards (2009), but working with the State in 2013, a couple of updates were identified.



Required Updates

- 5 Main Updates to the Code:
 1. Align City's adopted maps to reference the latest flood boundary maps from the federal and state government. The City has already been utilizing these maps. This is just a language mandated change.
 2. New/updated definitions to define the following terms: addition, critical facility, floodway, letter of map revision based on fill.



Required Updates

3. “Critical facilities” to be regulated differently:
2- foot freeboard requirement instead of the traditional 1-foot in floodplains. Simply put, freeboard is elevating a building’s lowest floor above established flood levels by a designated amount.



Critical Facilities

Essential Services



At-risk Population Facilities



Government Services



Hazardous Material Facilities



Critical Facilities

- **Essential Services:** Public safety, public utility plants, emergency shelters, communication facilities, air transportation lifelines, etc.
- **At-risk Population Facilities:** Nursing homes, group homes, day-care. Note: These are not currently allowed in the city's flood plain.



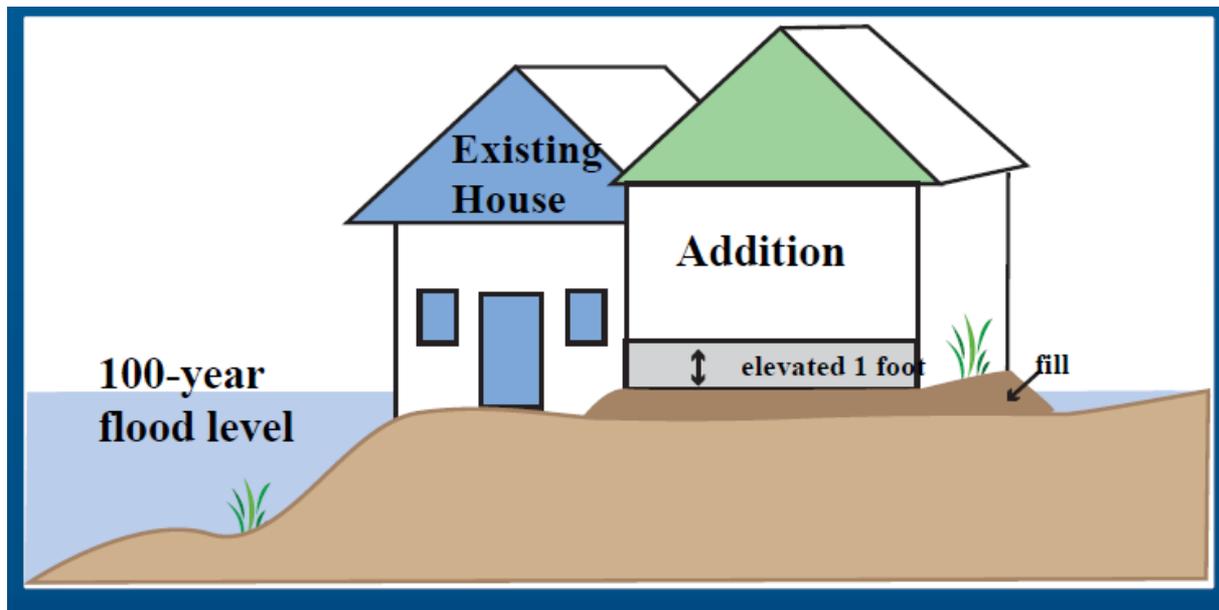
Critical Facilities

- Government Facilities: Courts, jails, administration, colleges and universities, etc.
- Hazardous Material Facilities: Chemical plants, waste storage, gasoline and propane storage, water-reactive materials plants, etc. (most would require a conditional use permit)



Required Updates

4. Structures that are removed from the floodplain by using fill materials would still be required to obtain a 1-foot freeboard requirement. (Raise the lowest floor one additional foot)



Required Updates

5. Threshold for reconstruction or enlargement of a structure within the floodplain to bring it up to current standards is now 50%, reduced from 60%.

Note: All structures outside of flood plain would remain at 60% threshold.



Final Analysis

- Requirement by the State to update these items.
- Commerce City already has strong flood plain regulations, so few updates are needed.
- Consistent with City's desire to protect life and property within the flood plain.
- Will prevent City from being penalized or loss of grants and federal monies.



Recommendation

- On January 7, 2014, Planning Commission voted 5-0 to forward this request to City Council for final approval.





Questions?

City Council
February 3, 2014