



Proposed Text Amendments to Boulder County Land Use Code Floodplain Regulations (4-400): DC-15-0004

ID	Current Section #	New Section #	New Section Name	Topic	Description	Clarification of Existing content ¹	New content ²	Minimum NFIP/State Requirement vs. Local Standard ³
1	406[A][2]	403[A][2]; 403[C]	Official Map	Use of Best Available Data	Clarified the County's existing ability to use Best Available Data for permitting/development decision making.	X		Minimum Req/Local Standard
2	402[A] and [B]	403(A)	Official Map	FEMA and Boulder County Floodplains	Created Boulder County Floodplain/Floodways, representing locally-adopted Best Available Data. Creates public process and regulation transparency.	X		Local Standard
3	402[B]	403[A][1]	Official Map	Automatic Adoption of FEMA Floodplains	When FEMA issues new maps, the Floodplain Overlay District is automatically updated. Streamlines FEMA-mandated local adoption of DFIRM data. Public review/comment process built in to FEMA process.		X	Local Standard
4	402[F]	403[D]	Official Map	Floodplain Overlay District updates	Clarified language on how to update Floodplain Overlay District (both FEMA and Boulder County floodplains).	X		Minimum Req/Local Standard
5	407[B][7]	405[B]	Submittal Requirements	Hydraulic Modeling Requirements	Clarified hydraulic modeling requirements for No Rise/CLOMR submittals for projects in the floodway.	X		Minimum Requirement
6	402[E]	405[B][3]	Submittal Requirements	Watercourse Alteration	Clarified minimum NFIP requirement for permitting of watercourse alteration. NFIP and State require that flood conveyance is maintained; added maintenance plan requirement to comply.	X	X	Minimum Requirement
7	407[B][7]	407[B]	Floodplain Development Permits	Hydraulic Modeling/CLOMR Requirements	Clarified FEMA CLOMR requirements for floodway/flood fringe encroachments. Clarified procedure (local CLOMR) for proposed development in locally-adopted Boulder County (not FEMA) floodways.	X	X	Minimum Req/Local Standard
8	403[A]	407[C]	Floodplain Development Permits	Floodway Restrictions	Clarified existing floodway use/development prohibitions, e.g. new structures/additions, conversion to living space/primary use space, and overnight use (camping).	X		Minimum Req/Local Standard
9	-	407.1	General Floodplain Development Permit	Boulder County General Floodplain Development Permit	Created General Floodplain Development Permit concept and process for certain projects (e.g. utility infrastructure, maintenance, landscaping). Ensures we meet NFIP minimum requirements for permitting ALL development.	X	X	Minimum Req/Local Standard
10	-	407.2	Individual Floodplain Development Permit	Boulder County Individual Floodplain Development Permit	If work is not covered by General Floodplain Development Permit, then Individual Floodplain Development Permit required (This is new only because concept of General Floodplain Development Permits new).	X	X	Minimum Req/Local Standard
11	Article 18-155	408[A]	Flood Protection Measures	Flood Protection Elevations	Clarified Flood Protection Elevation definition for various flood risk zone designations. Added definition for Flood Protection Elevation in Zone A.	X	X	Local Standard
12	405	408[B] and [C][1]	Flood Protection Measures	Minimum General Requirements	Clarified minimum NFIP and State general requirements for flood protection. Language taken from Colorado State Model Floodplain Ordinance.	X		Minimum Requirement
13	405[C][5]	408[C][1][G]	Flood Protection Measures	Elevation requirement	Clarified that per NFIP requirement, for new construction and Substantial Improvements ALL Service Equipment must be elevated to Flood Protection Elevation.	X		Minimum Requirement
14	405[A] and [B]	408[C]; 408[D]	Flood Protection Measures	New vs. Existing Structures	Clarified flood protection requirements for New Construction vs. Existing Structures. 'New Construction' includes Substantial Improvements to Existing Structures.	X		Minimum Requirement
15	405[B]	408[C-F]	Flood Protection Measures	Structure Type	Clarified flood protection requirements for different structure types (Residential, Non-Residential).	X		Minimum Requirement
16	405[B][2][b]	408[C][3][B]	Flood Protection Measures	Accessory Structures	Added Non-Conversion Agreement for accessory structures built with their lowest floors below the Flood Protection Elevation. NFIP does not allow for the conversion of accessory use space to living space unless it is elevated appropriately.	X	X	Minimum Req/Local Standard
17	405[B][2][A]	408[C][3][B]	Flood Protection Measures	Accessory Dwelling Units	Clarified that accessory structures with living space on the second floor are regulated as residential structures. NFIP would consider this a residential structure with enclosure.	X		Minimum Requirement
18	Article 18-206	408[D]	Flood Protection Measures	Substantial Improvements	Clarified process for tracking improvements to existing structures and triggers for flood protection requirements. Improvement tracking remains cumulative starting 9/11/2013.	X		Minimum Req/Local Standard
19	-	408[D][9]	Flood Protection Measures	Existing Structures in the Floodway	Added retrofit design requirements for Substantial Improvements/repair of Substantial Damage for existing structures in the floodway, given flood damages experienced in the 2013 flood event.		X	Local Standard
20	-	408[E]	Flood Protection Measures	Critical Facilities	Added new critical facility prohibition in Floodplain Overlay District below 6,000 feet. Above 6,000 feet elevation, critical facilities approved on case-by-case basis. State requires either A) location outside of floodplain or B) additional freeboard.		X	Minimum Req/Local Standard
21	405[B][10]	408[G]	Flood Protection Measures	RV Requirements	Clarified flood protection requirements for RVs stored in the floodplain. Language is taken from CWCB State Model Floodplain Ordinance.	X		Minimum Requirement
22	405[C][4]	408[H]	Flood Protection Measures	On-site Wastewater Treatment System requirements	Added Onsite Wastewater Treatment System (OWTS) flood protection requirements (New/Repair/Replacement), including minimum NFIP standards for septic systems as well as additional local requirements based on lessons-learned from the 2013 flood event.		X	Minimum Req/Local Standard
23	405[B][8]	408[I]	Flood Protection Measures	Propane/Storage tank requirements	Added language addressing flood protection of propane and other storage tanks, which are similar to septic tank requirements. Based on FEMA minimum requirements.		X	Minimum Requirement
24	409[B][2]	408[J]	Flood Protection Measures	Historic Structures	Added exemption language for structures listed on the State or National Historic Register, or for those that have obtained County Landmark status.		X	Minimum Requirement
25	-	414	Permit Expiration	Permit Expiration	Clarified process to change project design or re-issue a Floodplain Development Permit.	X		Local Standard
26	408[A]	416[B]	Non-conforming Structures & Uses	Structures in Floodway	Clarified allowable improvements to non-conforming structures in the floodway. Aligns with other sections of the Boulder County Land Use Code.	X		Local Standard
27		416[B]	Nonconforming Structures & Uses	Floodway damages	Added deadline for repair/replacement of damaged homes in the floodway. Aligns with other sections of the Land Use Code.		X	Local Standard
28	Article 18	417	Definitions	Addition of or revision to certain definitions	Clarified and added required NFIP/State terminology/definitions (e.g., critical facilities). Added County-specific terminology/definitions (e.g., Floodway; Maintenance; Watercourse Alteration).	X	X	Minimum Req/Local Standard

¹ Clarification of Existing Content indicates code language, requirements, or policy already in place within the existing Land Use Code.

² New Content indicates code language, requirements, or policy that are being proposed as a part of this text amendment to the Land Use Code.

³ Minimum NFIP/State Requirement vs. Local Standard indicates the source of the code language, requirement, or policy.