



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930

Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

GENERAL FLOODPLAIN DEVELOPMENT PERMIT 2022-1

Permit Expiration: 4/21/2024

For adoption and effective date information, see last page of this permit

Boulder County has issued a General Floodplain Development Permit (FDP) to minimize undue hardship to property owners within Boulder County yet remain in compliance with minimum federal and state floodplain development regulations. The intent of this General FDP is to allow certain limited uses and activities in the Floodplain Overlay (FO) District without the need for Individual FDPs because the uses and activities are unlikely to increase Base Flood Elevations (BFEs) or have an adverse effect on neighboring properties, species, or ecosystems. The specific uses and activities allowed under this General FDP are listed in this document. Uses and activities not listed in this document require Individual FDPs.

Boulder County's FO District, defined in Boulder County Land Use Code (LUC) Article 4-403, is comprised of both Federal Emergency Management Agency (FEMA) Special Hazard Flood Areas and Boulder County Flood Risk Zones. This includes Floodway and Flood Fringe areas. The uses and activities allowed under this General FDP may occur anywhere within the FO District unless specific language in this document states otherwise.

Any use or activity allowed under this General FDP, either expressly or presumptively, shall meet the criteria outlined in Boulder County LUC Article 4-404.1(B). Any use or activity allowed under this General FDP must also comply with the definitions in Section I and the conditions listed in Section II of this document. Uses or activities that are deemed in conflict with these criteria, definitions, or conditions by the Floodplain Administrator, designated pursuant to LUC Article 4-402(B), will require Individual FDPs.

Required Notice to the Floodplain Administrator:

Certain uses or activities listed in this General FDP require advanced notice to the Floodplain Administrator. When required, notice must be provided to the Floodplain Administrator a minimum of 21 days prior to commencing the activity, in accordance with LUC Article 4-404.1(D)(2)(b). After receiving notice, the Floodplain Administrator will determine if the work is within the scope of this General FDP and respond to the proponent with approval to proceed. If additional information is necessary, or if the work requires issuance of an Individual FDP, the Floodplain Administrator will inform the proponent within 14 days following the receipt of notice, or through the Land Use Review referral process.

Notice may be provided by:

Email: FloodplainAdmin@bouldercounty.org

Mail: Boulder County Community Planning & Permitting – Floodplain Management
ATTN: General FDP Notifications
P.O. Box 471
Boulder, CO 80306

Notice must include, at a minimum, the following information:

- Project description, including materials to be used and a discussion on the expected impact to the channel and floodplain;
- Location description with accompanying location map; and
- Site Plan.

I. DEFINITIONS

In addition to the definitions listed in LUC Article 4-414, the following definitions shall apply for the purposes of this General FDP. Where the following definitions conflict with those in LUC Article 4-414, the definitions below take precedence:

1. **Building:** (LUC Article 18-118 definition) Any permanent structure built for the support or shelter of any use or occupancy.
2. **Deconstruction:** The dismantling of an existing building or portion thereof. Deconstruction includes the act of salvaging materials from the existing structure for recycling, resale, or reuse as an alternative to sending them to a landfill.
3. **In-kind Replacement:** Replacement of any feature, component, or material with the same feature, component, or material; or replacement of any feature, component, or material with a different feature, component, or material that serves the same purpose and conforms to the regulatory hydraulic model (including surface grade and channel line, grade, elevation, or hydraulic capacity). In-kind Replacement does not include expansion, enlargement, Substantial Modification, or Substantial Improvement (as defined in LUC Article 18) of a building or structure.
4. **Maintenance:** Any routine or regularly-scheduled activity undertaken to repair or prevent the deterioration, impairment, or failure of any feature, component, or material referenced in this General FDP, so long as the work substantially conforms to the most recent county-approved design or regulatory hydraulic model (including surface grade and channel line, grade, elevation, or hydraulic capacity), whichever is newer. Maintenance does not include expansion, enlargement, replacement, reconstruction, Substantial Modification, or Substantial Improvement (as defined in LUC Article 18) of a building or structure, including hydraulic structures.
5. **Relocation:** In the context of this General FDP, the removal of a structure or building located in the FO District to a location entirely outside of the FO District.

II. CONDITIONS

The following conditions apply to all activities permitted under this General FDP.

1. It is the Permittee's responsibility to comply with the requirements of Section 404 of the Clean Water Act and Sections 7 and 9 of the Endangered Species Act, and with any other applicable federal, state, or local laws, criteria, or regulations, which may include, but are not limited to: the Boulder County Land Use Code, the Boulder County Storm Drainage Criteria Manual, and the Boulder County Multimodal Transportation Standards.
2. The Permittee shall obtain all required local, state, and federal permits prior to beginning work.
3. Construction equipment, material, and waste should be located outside the regulatory floodplain when not in use.
4. All work covered by this General FDP, when applicable (i.e., utility support structures, bridge abutments, other hardened structures), must be designed (and, if necessary, anchored) to withstand the forces associated with a 100-year flood event. Infrastructure must be designed and maintained to be adequately protected from flooding.
5. The Floodplain Administrator may impose additional requirements prior to Permittee's commencement of project activities as well as additional conditions applicable during the performance of proposed activities, as necessary to meet LUC Article 4-404.1(B).
6. In the event of any change or modification to a use or activity permitted hereunder that is likely to be in conflict with the criteria established in LUC Article 404.1(B), the Floodplain Administrator must be notified of the change and approve the modification prior to work continuing. Modifications may require an Individual FDP, as determined by the Floodplain Administrator.

III. ACTIVITIES COVERED BY THIS GENERAL FDP

1. General Property Management Activities. The following activities are related to public and private property management or improvement.

Table 1 – Property Management Activities

<p>Activities Requiring Notice</p>	<ul style="list-style-type: none"> a. Installation of new fences and gates. Fences and gates must comply with the Boulder County Fence Requirements. b. Installation of new patios to match the existing grade. c. Raised beds for home gardening purposes.
<p>Activities Not Requiring Notice</p>	<ul style="list-style-type: none"> d. In-kind Replacement of fences in compliance with Boulder County Fence Requirements. e. Installation, repair, or replacement of sign or mailbox posts, telephone poles, or similar post-like elements, not including deck supports or other structural supports for buildings. Grouping of these elements cannot create any obstruction to the flow of floodwaters. f. Gardening, landscaping, lawns, and lawn maintenance activities. Hardscaping such as retaining walls, terraces, etc. require Individual FDPs. g. Removal of flood-deposited sediment from the overbanks and floodplain areas (outside of a perennial stream channel), of an amount four inches or less in height (greater than four inches require Individual FDPs). h. Removal of debris limited to large, woody, unanchored or dead vegetation and rubbish as defined in LUC Article 14. i. Vegetation management required for wildfire mitigation. j. Activities necessary to correct existing violations of Boulder County health and safety codes or to ensure safe and healthy living conditions, such as: <ul style="list-style-type: none"> i. Electrical repairs; ii. Maintenance/Replacement of furnaces, water heaters, boilers, evaporative coolers, air conditioners, and roof components; iii. Replacement of plug-in appliances such as washing machines, dryers, and stoves; and iv. Replacement/installation of insulation, simple weatherization, energy-efficient upgrades. v. Foundation stabilization and Maintenance that does not permanently alter topography or structure projection above topography. <p>All work which falls under this activity, when applicable, must use flood-resistant materials (in accordance with FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements) up to the Flood Protection Elevation (FPE) as defined in Boulder County Land Use Code Section 4-405(A).</p>

2. Transportation-related Activities. These activities are typically associated with replacement or maintenance of existing transportation infrastructure, or installation of new transportation infrastructure.

Table 2 – Transportation-related Activities

<p>Activities Requiring Notice</p>	<ul style="list-style-type: none"> a. New construction of driveways, trails, sidewalks, roads, and streets to match the existing grade. b. Road and trail widening to match the existing grade. Road and trail widening involving fill require Individual FDPs. c. Surface type changes and overlays: <ul style="list-style-type: none"> In the Flood Fringe, resulting in changes to existing grade, elevation or hydraulic cross-section of less than four inches, measured vertically, or In the Floodway, resulting in no change to existing grade, elevation, or hydraulic cross-section. Overlays, repaving, and resurfacing projects are only considered to match existing grade if an equivalent amount of material is milled or removed prior to overlay, resurfacing, and/or repaving. d. In-kind Replacement of culverts and other transportation infrastructure, excluding bridges. e. Replacement of guardrails that are no more than four inches taller than the previous existing or designed guardrails, and that do not decrease the available conveyance of floodwaters.
<p>Activities Not Requiring Notice</p>	<ul style="list-style-type: none"> f. Maintenance, including, but not limited to, patching and sealing, of driveways, trails, sidewalks, roads, streets, bridges, and parking areas to match the existing grade.

3. Stream Restoration and Stormwater Drainage System-related Activities. These activities are specific to rivers, streams, lakes, ponds, overbank areas, and stormwater collection, distribution, and transport features and mechanisms throughout the county.

Table 3 – Stream Restoration and Stormwater Drainage System-related Activities

<p>Activities Requiring Notice</p>	<ul style="list-style-type: none"> a. In-kind Replacement of storm drainage infrastructure, culverts, check dams, bank stabilization/protection features, habitat features, and detention/retention facilities. b. Temporary in-stream diversions lasting 14 or fewer consecutive days. Diversions, coffer dams, and construction dewatering lasting more than 14 days (either consecutive or non-consecutive) require an Individual FDP.
<p>Activities Not Requiring Notice</p>	<ul style="list-style-type: none"> c. Maintenance of storm drainage infrastructure, culverts, check-dams, bank stabilization/protection features, habitat features, and detention/retention facilities. d. Maintenance of previously-permitted stream restoration projects, including vegetation management or changes to backfill materials. e. Stormwater management activities during construction projects, as required by an approved Boulder County Stormwater Quality Permit (SWQP) or similar authorization.

4. Ditch or Water Delivery-related Activities. These activities are directly related to maintaining the function, operation, and water delivery responsibilities of ditches, canals, and other water-delivery infrastructure for the purposes of commercial, industrial, agricultural, recreational, and health and safety water uses throughout the county.

Table 4 – Ditch or Water Delivery Activities

Activities Requiring Notice	<ul style="list-style-type: none"> a. Installation of new water measuring devices and their housings. b. In-kind Replacement of water delivery infrastructure, ditches, diversions, head gates, sand gates, flumes, siphons, wells, pumps, fish passage, and water measuring devices. c. Conversion of open ditch to buried pipeline to match the adjacent grade.
Activities Not Requiring Notice	<ul style="list-style-type: none"> d. Maintenance of water delivery infrastructure, ditches, diversions, head gates, sand gates, flumes, siphons, wells, pumps, fish passage, water measuring devices, easements and rights-of-way.

5. Oil and Gas-related Activities. These activities are performed by or for companies and organizations focused on the exploration, extraction, storage, and/or transportation of oil & gas products.

Table 5 – Oil and Gas-related Activities

Activities Requiring Notice	<ul style="list-style-type: none"> a. Maintenance and repair of oil and gas facilities, as defined in Land Use Code Article 12, except for the activities specifically listed in section b below.
Activities Not Requiring Notice	<ul style="list-style-type: none"> b. Bradenhead testing, chemical treatments, and wellhead greasing. These activities may still require permits or permission from the county Community Planning & Permitting Department.

6. Utility-related Activities. These activities are those performed by public and private organizations providing commodities such as electricity, water, heat, and communications. Companies and organizations operating ditches for transport of water should reference Section 4 above. Companies and organizations operating oil and gas facilities should reference Section 5 above.

The following condition applies to utility-related activities:

- i. Post-project topography must match (not exceed) pre-project topography.

Table 6 – Utility-Related Activities

Activities Requiring Notice	<ul style="list-style-type: none"> a. Installation of new overhead utilities and underground utilities that do not cross underneath a perennial stream channel. Utility components must be designed to minimize obstructions to flow. b. In-kind Replacement of overhead utilities, underground utilities, substations, and other utility infrastructure
Activities Not Requiring Notice	<ul style="list-style-type: none"> c. Maintenance of overhead utilities, underground utilities, substations, easements and rights-of-way, and other utility infrastructure.

7. Agriculture activities. Activities covered by the General FDP for agricultural purposes include those that are necessary for the continued reasonable and safe operation of facilities involved in the grazing, keeping, and use of livestock, or the production, harvesting, and selling of agricultural or horticultural products.

Table 7 – Agriculture Activities

<p>Activities Requiring Notice</p>	<p>a. Installation of temporary shade structures and hoop houses exceeding 120 square feet in the Flood Fringe.</p>
<p>Activities Not Requiring Notice</p>	<p>b. Installation of temporary shade structures and hoop houses not exceeding 120 square feet in the Flood Fringe.</p> <p>c. Planting, seeding, sodding, re-vegetation, mulching, tilling, mowing, aerating, de-thatching, and similar activities.</p>

8. Deconstruction and/or Relocation of Buildings and other Non-Hydraulic Structures. These activities are specific to deconstruction and relocation of buildings and other structures, not including bridges, levees, berms, and other hydraulic or flood-control structures.

The following conditions apply to Deconstruction and Relocation Activities:

- i. Removal of any portions of a building or other structure that requires fill to be placed following removal must result in topography that matches (not exceeds) existing adjacent grade.
- ii. Permanent placement or storage of deconstructed materials may not occur in the FO District without the issuance of an Individual FDP.
- iii. Rebuilding, reconstruction, or replacement of any building or structure that has been removed from a parcel under this General FDP shall not occur without first complying with the Land Use Review/Permitting process and also, if required, obtaining an Individual FDP.

Table 8 – Deconstruction and/or Relocation of Buildings and Structures Activities

<p>Activities Requiring Notice (Notice is required irrespective of whether a Building Permit from the county Community Planning & Permitting Department is required)</p>	<p>a. Deconstruction of existing buildings, either whole or partial, including but not limited to: awnings and breezeways; decks and patios, including railings and stairs; attached garages; sunrooms and porches; and rooms, wings, or enclosures.</p> <p>An Individual FDP is required for deconstruction of any building or other structure where the Floodplain Administrator has determined that such activity may impact expected flood heights, extents, and/or velocities.</p> <p>b. Deconstruction of other structures, either whole or partial, including but not limited to:</p> <ul style="list-style-type: none"> i. Fences, walls, and retaining walls; ii. Sheds; iii. Agricultural structures such as grain bins, corn cribs, hoop houses, pole barns, loafing sheds, greenhouses, etc.; iv. Commercial, industrial, and communications equipment control structures such as radio tower bases, etc.; v. Water and other storage tanks. <p>c. Relocation of any existing building in its entirety to a location outside the Floodplain Overlay District.</p>
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Per the authority granted in Article 4-404.1 of the Boulder County Land Use Code, and having considered each of the review criteria listed in Section 4-404.1(B), the Floodplain Administrator hereby determines that the activities described above are appropriately regulated under this General FDP so long as they are conducted in conformance with the definitions and conditions stated herein.

Date Posted: April 4, 2022

This General FDP is deemed in effect as of close of business on this date:
April 21, 2022

Floodplain Administrator Approval: _____

Printed name: Mike Thomas

Notice and Comment Period

This General FDP shall be posted on the County Community Planning & Permitting Department website as of the "Date Posted" specified above. Notice to the public will also be provided in the manner described in Article 3-205 of the Land Use Code for comprehensive rezonings. The Floodplain Administrator will accept written public comment on this General FDP for 14 days after the date posted.

**** Next section to be completed by Floodplain Administrator at the end of the 14-day period.****

Final Determination on this General FDP

Check the applicable box (only one):

- The Floodplain Administrator received no written comments during the 14-day comment period. This General FDP is deemed in effect as of close of business on the date shown above.
- The Floodplain Administrator received one or more written comments during the 14-day comment period. No changes to the terms and conditions of this General FDP were made in response to these comments. This General FDP is deemed in effect as of close of business on the date shown above.
- The Floodplain Administrator received one or more written public comments during the 14-day comment period.
 - o Having determined their consistency with the review criteria in Section 4-401.1(B), the following changes were made in response to public comments: