



FACTS TO KNOW FOR:

Floodplain Development Permits

POTENTIALLY RELATED FACTS TO KNOW:

Annexation, Approved Plant List, Bulk Standards (for the relevant zone district), Concept Plan, Conditional Use Permit, Development Plan (PUD Development Permit), Fees, Helpful Contact Information, Landscape Plan, Lot Line Adjustment, Neighborhood Meeting, Park and School Fees, Pre-Application Meeting, PUDs, Severed Mineral Rights, Sketch Plat, Subdivision (Plat), Use-by-Permit, Variance, & Zone Change

INTRODUCTION:

A Floodplain Development Permit is an administrative application where the City's Floodplain Administrator reviews applications for development within the defined floodplain.

GENERAL TIMEFRAME:

- In order to maximize the efficient processing of an application, **it is in the applicant's best interest to ensure that a complete and thorough application has been submitted** and any subsequent submittals adequately address any comments that were provided.
- No building permit may be submitted for review until all land use applications have been approved.
- The length of time to process a Condition Compliance/Renewal case can vary depending on the complexity of the request, the size of the development, or if there are unique circumstances. Generally speaking, a Floodplain Development Permit can be processed in **4 to 6 months**.

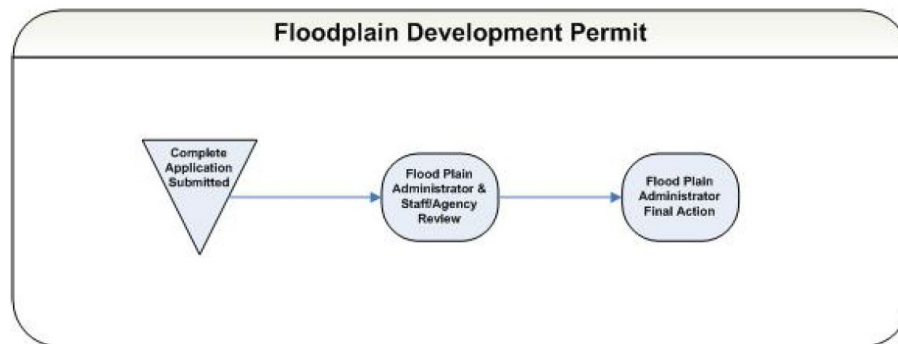
GENERAL NOTES:

- Prior to submitting a Floodplain Development Permit for review, a Pre-Application meeting with staff should be scheduled to discuss the application and any additional requirements.
- Occasionally, the City may require a neighborhood meeting when it appears that an application may have impacts to the surroundings area.
- The City is authorized to impose any condition(s) on the approval of a Floodplain Development Permit that are necessary in order to carry out the general purpose and intent of the Land Development Code (LDC) or the Comprehensive Plan. Some conditions that may be attached to a Floodplain Development Permit may include, but not be limited to:
 - ➔ Modification of waste disposal and water supply facilities to minimize or eliminate infiltration of flood waters;
 - ➔ Limitations of periods of use and operations;
 - ➔ Imposition of operational controls, sureties, and deed restrictions;
 - ➔ Location and placement of structures and buildings on a site in order to minimize obstructions to flood waters;
 - ➔ Adequate flood proofing measures. The Floodplain Administrator may require that the applicant submit a plan or document certified by a Registered Professional Engineer or Architect testifying that the flood proofing measures are consistent with the regulatory flood elevation and associated flood factors for the particular area; and
 - ➔ Conformance with any applicable FEMA regulations.

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- ❑ The City may revoke an approved Floodplain Development Permit if the applicant fails to comply with any of the conditions that were imposed by the City in conjunction with the approval.
- ❑ Regulations for floodplain development are generally found in Section 21-4400 of the City's Land Development Code (LDC).
- ❑ Also see information on FEMA's website at www.fema.gov.

FLOODPLAIN PERMIT REVIEW FLOW CHART:



REVIEW PROCESS:

- ❑ A request for a Floodplain Development Permit is usually initiated by the property owner or a qualified representative through the Pre-Application process.
- ❑ A complete application is submitted for review.
 - ➔ At the time of submittal, staff will determine if the application is complete (**incomplete applications will not be accepted and will be returned without review**).
 - ➔ The City will refer the application out to various departments within the City, Urban Drainage and Flood Control District, and other outside organizations, if necessary, for review and comment.
 - ➔ After a review period of approximately 3 weeks, the request is discussed at the internal Development Review Team (DRT) meeting. After the DRT meeting, the applicant will receive a comment letter identifying necessary revisions and questions to be answered.
 - ➔ The applicant will address these comments and resubmit to the City for an additional review cycle of approximately 2 weeks. This process will continue until all comments are resolved (this may involve multiple review cycles) and the application is ready for approval.
- ❑ Once the Floodplain Development Permit is ready for approval, the City's Floodplain Administrator will approve the request and provide written documentation to the applicant.

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FLOODPLAIN DEVELOPMENT PERMIT APPROVAL CRITERIA:

1. The applicant has obtained all necessary federal, state, and local permits;
2. If alteration or relocation of any watercourse is involved, the applicant has notified all adjacent communities and the Colorado Water Conservation Board of the alteration or relocation and has submitted evidence of such notification to the Federal Emergency Management Agency (FEMA). The floodplain administrator must also find that the flood-carrying capacity within the altered or relocated portion of the watercourse is not diminished;
3. The danger that materials may be swept onto other lands or cause the injury to others is minimal;
4. The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owners and adjacent upstream and downstream property owners is minimal;
5. The proposed use is compatible with existing and anticipated development as set forth in, or reasonably inferred from, the comprehensive plan;
6. The safety of access to the property in times of flood for ordinary and emergency vehicles is adequate;
7. The cost of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges and public utilities and facilities such as sewer, gas, electrical, and water systems is not excessive;
8. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site minimalized; and
9. Alternative locations for the proposed use that are not subject to flooding or erosion damage do not exist.

SUBMITTAL REQUIREMENTS FOR FLOODPLAIN DEVELOPMENT PERMIT APPLICATIONS:

- One (1) copy of a signed and notarized land use application with the non-refundable review fee.
- One (1) copy of the general warranty deed with a complete legal description for the subject property.
- Two (2) paper copies of the information provided at the end of this document (pages 5-7).
- Two (2) paper copies of a vicinity map (8.5" x 11" or 11" x 17").
- Two (2) paper copies of a site plan including things like:
 - ➔ Current improvements such as paved areas, water quality or detention ponds, structures, storage areas, etc.
 - ➔ Proposed improvements such as paved areas, water quality or detention ponds, structures, storage areas, etc.
 - ➔ All work to be done in the floodplain.
 - ➔ The delineation of the floodplain, the floodway, and the floodway fringe.
 - ➔ Erosion and sediment control plans to protect the floodplain.
- Two (2) paper copies of the revegetation plan.
- Two (2) paper copies of the latest FEMA Flood Insurance Rate Map (FIRM) or the Urban Drainage and Flood Control District's maps for the area.
- Two (2) paper copies of a narrative for the project that describes things like:
 - ➔ The current and future use of the property.
 - ➔ The scope of the project.
 - ➔ Site remediation.
 - ➔ How the project meets the approval criteria and requirements found in the LDC.
 - ➔ Any other relevant information.

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- If necessary, the Certified Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR) application submitted to FEMA.
- If the development involves work within the Floodway, a FEMA no-rise certification and supporting documents must be submitted.
- If any engineering reports are required, they must be certified by an Engineer registered in the State of Colorado.
- Note: For Critical Facilities (as defined by Section 21-11200 in the LDC) located within the floodplain, please refer to Section 21-4400 of the LDC and contact the city's Public Works Department (303.289.8150) for additional assistance.
- One (1) electronic copy of all documents in .pdf format on a CD or thumb drive.

Please Note: additional information may be necessary in order to perform a complete review of the application.

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QUESTIONNAIRE

A. General Property Information	
1	Property Address(es) or Parcel Identification Number(s) (PIN):
2	Applicant's Name:
3	Property Owner's Name:
4	Current Zoning of the subject property:
5	Future Land Use Plan Designation:

B. Project Type:	
1	Single-Family Residential <input type="checkbox"/>
2	Multi-Family Residential <input type="checkbox"/>
3	Manufactured Home (Mobile Home) <input type="checkbox"/>
4	Non-Residential <input type="checkbox"/>
5	Other <input type="checkbox"/> Description:

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C. Project Activity:			
1	New Construction	<input type="checkbox"/>	
2	Substantial Improvement (>50%)	<input type="checkbox"/>	
3	Improvement (50%)	<input type="checkbox"/>	
4	Rehabilitation	<input type="checkbox"/>	
5	Channelization	<input type="checkbox"/>	
6	Fill	<input type="checkbox"/>	
7	Bridge/Culvert	<input type="checkbox"/>	
8	Levee	<input type="checkbox"/>	
9	Other	<input type="checkbox"/>	Description:

D. Flood Hazard Data:			
1	Water Course Name:		
2	This project is located in the:	<input type="checkbox"/>	Floodway
		<input type="checkbox"/>	Floodway Fringe
		<input type="checkbox"/>	Floodplain
3	The base (100-year) flood elevation(s) at the project site are:		
4	The development contains a Critical Facility:	<input type="checkbox"/>	Yes
		<input type="checkbox"/>	No
5	The elevation required for the lowest floor is:		
6	The elevation required for flood-proofing is:		
7	Additional documentation/reports/maps are included:	<input type="checkbox"/>	Yes
		<input type="checkbox"/>	No

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FOR STAFF USE:	
I have read the request for a Floodplain Development Permit as identified and described herein. I have considered the basis for the request, as indicated and described by the applicant, together with the supplementary materials submitted. I have compared the request to the standards outlined in the City of Commerce City's Land Development Code and determined:	
<input type="checkbox"/>	The request for a Floodplain Development Permit has been found to be in conformance with the approval criteria for a Floodplain Development Permit and is approved.
<input type="checkbox"/>	The request for a Floodplain Development Permit has been found to be in conformance with the approval criteria for a Floodplain Development Permit and is approved, subject to the following condition(s):
<input type="checkbox"/>	The request for a Floodplain Development Permit does not conform to the approval criteria for a Floodplain Development Permit and has been denied. The request does not meet the following approval criteria:
Reviewed By:	
-Insert name of Engineer and Title	Date
-Insert name of Floodplain Administrator and Title	Date