

**Legislation Text**

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Agenda Date: 02/03/2020

**Subject:**

Code Update: Revising Title 10, Chapter 6: Floodplain Regulations and associated references in 2-9-1 and 10-1-2, 10-1-7, 10-2-26, and 10-3-1, and creating a Floodplain Overlay District

<b>Prepared By:</b> Carolyn Roan, Water Resource Manager
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**PURPOSE:**

To review revisions to the Floodplain Regulations (Title 10, Chapter 6), and associated references in 2-9-1 and 10-1-2, 10-1-7, 10-2-26, and 10-3-1

**PRESENTATIONS:**

<b>Staff Presenter(s):</b>	Carolyn Roan, Water Resource Manager
<b>Alternate Presenter(s):</b>	N/A

**SUMMARY:**

The City of Littleton has been a participating community in the National Flood Insurance Program (NFIP) since 1971. To participate in the NFIP, the city was required to adopt and administer floodplain regulations. Since that time, the floodplain regulations have required periodic updates to remain in compliance with new regulatory language, clarify building restrictions, or provide clarity on permitting process. The purpose of this proposed code update is to address all three of the above. There were certain elements of the required regulatory update in 2013 that were omitted, there are some unclear descriptions of building restrictions in the current code, and there is need for a more efficient and less burdensome floodplain permit process in Littleton.

Development trends in the city have led to the proposed development of several vacant properties that are encumbered by floodplain. In addition, the city is seeing proposals to redevelop existing properties and structures that were built prior to floodplain regulations being implemented, or floodplains being delineated in the city. Many property owners are not aware of the building restrictions on redevelopment in a floodplain. Currently, the code requires that if a project requires a building permit, and the parcel is within the floodplain, the applicant would need to apply for a Use by Special Exception through the planning commission, requiring a public hearing. This is burdensome and costly for individual property owners, as well as to developers and staff. This process is also inconsistent with surrounding jurisdictions in the Denver metro area. Establishing a Floodplain Overlay District on the city zoning map will increase awareness of additional building restrictions early in a property inquiry process.

There is no procedure in the code for an administrative permit process. The proposed code revision would remove the planning commission permit review and hearing requirements and place all floodplain permit decisions with the floodplain administrator in the Public Works/Engineering Division. This is also in consideration of the highly technical engineering studies that often accompany such floodplain permit applications. A Floodplain Overlay District may also further memorialize and provide transparency to property

owners regarding the location of the floodplains.

### **PRIOR ACTIONS OR DISCUSSIONS:**

This matter has been previously discussed with planning commission in concept, regarding future changes to the floodplain code. There have been a number of hearings for Use by Special Exception Permits before the planning commission since July 2017, and some of the suggested changes to the code were discussed at those hearings (in terms of specific restrictions on development).

### **ANALYSIS:**

#### Staff Analysis

Staff evaluated floodplain regulation content and authority in several surrounding jurisdictions to arrive at the recommended changes in the code. The Colorado Water Conservation Board and Mile High Flood District have also completed a review of the recommended changes, at the request of staff, and found it to meet minimum requirements of the NFIP with no modifications.

Staff has been involved in several hearings before planning commission since July 2017. It has been past city policy to not require planning commission involvement in all floodplain projects (such as stream stabilization and maintenance or small projects on individual single family properties), and instead administer floodplain permits administratively in the Public Works/Engineering Division. However, an administrative process is not described in the current code. Due to the technical nature of hydraulic evaluations that often accompany larger floodplain projects, engineering staff and evaluation is required. For consistency with other jurisdictions and to not be burdensome on staff and planning commission time, it is appropriate to keep floodplain reviews and approvals on an administrative level within the Engineering Division. Public comment related to larger more substantial projects in the city is typical of such projects through different applications and mechanisms.

#### Council Goal, Objective, and/or Guiding Principle

This code revision is consistent with Council's Goal 1 (Envision Littleton/Objective 6 Code Updates) and Goal 2 (Objective 1/ effective use of resources).

#### Fiscal Impacts

There is a net decrease in staff time and budget associated with an administrative floodplain permit process. Preparing for and attending planning commission hearings requires a great deal of time, for both engineering and planning staff members. The 2019 fee for a Floodplain Use by Special Exception (planning commission hearing) is \$4,700, versus a Floodplain Development Permit fee of \$800. These fees were structured through an analysis of the required staff time for each.

#### Alternatives

If not adopted, floodplain permit applications requiring a building permit will continue to require a planning commission hearing and associated permit fees. This is burdensome to individual homeowners, and inefficient for staff and planning commission. To continue with city policy of issuing administrative permits is inconsistent with the code language and creates staff confusion on proper procedure.

### **STAFF RECOMMENDATION:**

Staff recommends approval of proposed changes to Title 10, Chapter 6 and associated references, and establishing a Floodplain Overlay District.