



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: September 5, 2024**

**AGENDA TITLE**

Introduction, first reading and consideration of a motion to order published by title only Ordinance 8649, amending Title 9, “Land Use Code,” B.R.C. 1981, to adopt the October 24, 2024 FEMA Flood Insurance Rate Map and to meet requirements of the National Flood Insurance Program; and setting forth related details.

**PRESENTERS**

Nuria Rivera-Vandermyde, City Manager  
Mark Woulf, Assistant City Manager  
Brad Mueller, Director of Planning & Development Services  
Charles Ferro, Senior Planning Manager  
Karl Guiler, Senior Policy Advisor  
Mark Garcia, Senior Engineering Manager  
Will Johnson, Civil Engineering Manager

**EXECUTIVE SUMMARY**

The purpose of this item is for City Council to consider an ordinance that would adopt the latest Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map dated October 24, 2024, and to meet requirements of the National Flood Insurance Program. The proposed ordinance, found in **Attachment A**, amends [Section 9-3-2\(g\), “Floodplains,” B.R.C. 1981 of the Land Use Code](#) and changes the date from the prior adopted date of Dec. 7, 2017, to Oct. 24, 2024.

More specifically, the Colorado Water Conservation Board has been partnering with FEMA to bring updated flood risk information to the State of Colorado. Two Physical Map Revisions (PMR) have led FEMA to issue new Flood Insurance Rate Maps (FIRMs) for Boulder County. The new FIRMs will also incorporate some Letter of Map Revisions (LOMR) that have been previously issued. FEMA will be issuing new FIRMs, effective Oct. 24, 2024, to incorporate changes to mapping within Boulder County. To remain in compliance with the National Flood Insurance Program (NFIP), the city's floodplain regulations need to be updated to reflect the new date on the FIRMs. The city has been using the Boulder Creek mapping for regulatory purposes since City Council's adoption of the prior map dated Dec. 7, 2017. No additional floodplain regulation changes are being proposed.

### **STAFF RECOMMENDATION**

#### **Suggested Motion Language:**

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to adopt Ordinance 8649, amending Title 9, "Land Use Code," B.R.C. 1981, to adopt the October 24, 2024 FEMA Flood Insurance Rate Map and to meet requirements of the National Flood Insurance Program; and setting forth related details.

### **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- **Economic** – Adopting the most recent FEMA Flood Insurance Rate Map will enable continued participation in the federal programs allowing for discounted flood insurance rates provided to the community.
- **Environmental** - The ordinance update will enable the city to use the most recent FEMA map and continue participation in the National Flood Insurance Program (NFIP) intended for the protection of the city's floodplains.
- **Social** – No anticipated impact.

### **OTHER IMPACTS**

- **Fiscal** - This project is being completed using existing resources.
- **Staff time** - This project is being completed using existing staff resources.

### **RESPONSES TO QUESTIONS FROM COUNCIL AGENDA COMMITTEE**

**None.**

## **BOARD AND COMMISSION FEEDBACK**

**Planning Board** – [Section 9-1-5\(a\), B.R.C. 1981](#), exempts from Planning Board review amendments to [Sections 9-3-1 through 9-3-8 of the B.R.C.](#) As a result, no Planning Board hearing is required for the proposed amendment to Section 9-3-2(g), B.R.C. 1981.

## **PUBLIC FEEDBACK**

The change in mapping will update the official FIRMs to incorporate a LOMR that impacts some private property owners. This was previously mapped but will now be part of the base FIRM. The City of Boulder previously notified neighbors of the change following the mapping studies. A newspaper notification was also published in the Daily Camera. At this time, staff has not received any public comments on this change.

## **BACKGROUND**

The City of Boulder participates in the National Flood Insurance Program (NFIP) by adopting and enforcing floodplain management ordinances to reduce future flood damage in the city. Additionally, the city participates in NFIP's Community Rating System (CRS). The CRS is a voluntary incentive program administered through FEMA that recognizes and encourages community floodplain management practices that exceed the minimum requirements of the NFIP. Participation in the CRS allows for discounted flood insurance rates provided to the community. As part of that participation, the City is required to adopt FEMA's Flood Insurance rate Maps (FIRMs).

The Colorado Water Conservation Board has been partnering with FEMA to bring updated flood risk information to the State of Colorado. Two Physical Map Revisions (PMR) have led FEMA to issue new FIRMs for Boulder County. FEMA will be issuing new FIRMs, effective Oct. 24, 2024, to incorporate changes to mapping within Boulder County. To remain in compliance with the National Flood Insurance Program (NFIP), the city's floodplain regulations need to be updated to reflect the new date on the FIRMs. The city has been using the Boulder Creek mapping for regulatory purposes since City Council's adoption of the prior map dated Dec. 7, 2017. No additional floodplain regulation changes are being proposed.

The two PMRs that have led FEMA to issue new FIRMs for Boulder County include the following projects:

### ***CO7 PMR***

Following the 2013 Colorado floods, portions of Colorado State Highway 07 were reconstructed. This PMR study incorporated the post-construction information for the hydraulic models along South and Middle Saint Vrain Creek. This study has no impact to properties within the City of Boulder.

**Boulder County PMR**

Using flood hazard information recently created by the CHAMP and St. Vrain Risk MAP projects, revised FIRMs were produced, showing updated special flood hazard areas for select streams in Boulder County. This study also does not affect properties in the City.

These PMRs will not affect properties in the City of Boulder. The previously mentioned LOMR (19-08-0629P) did affect an area within the city, but as previously mentioned this has already been mapped. This area, centered around Civic Park, is shown in Figure One and includes minor floodway increases and decreases in the commercial area north of the park, as well as a small increase along the creek bank.



**Layers**

- Preliminary Changes Since Last FIRM Layer
- Preliminary
  - Coastal High Hazard Area Change
  - Floodway Change
    - Floodway Increase
    - Floodway Decrease
  - Special Flood Hazard Area Change
    - Special Flood Hazard Area Increase
    - Special Flood Hazard Area Decrease

Figure 1: Civic area floodway changes due to the 2019 LOMR

**ANALYSIS**

The proposed ordinance contained in **Attachment A** updates the date of the FEMA maps used by the city from previously adopted maps dated Dec. 17, 2017, to latest maps dated Oct. 24, 2024 in [Section 9-3-2\(g\), "Floodplains," B.R.C. 1981](#). FEMA will be implementing new effective FIRMs on Oct. 24, 2024 and thus, requires the city to use the new maps in order to continue to participate in the CRS and be compliant with NFIP requirements.

The pending map changes have limited effects on the City of Boulder, since the city is regulating to the latest and most restrictive FIRMs as described above. The Land Use Code must be updated to provide the effective date of the most recent FIRM.

Failure to implement this update will result in the community being suspended from the NFIP until the ordinance is updated. Boulder has over 2,500 floodplain policies. Suspension means no new policies can be approved, no existing policies can be renewed and each policy would be assessed with an extra \$50 surcharge premium. Therefore, staff

is recommending that City Council adopt the proposed change in Ordinance 8649 on the second reading scheduled for Sept. 19, 2024, in advance of the new map effective date on Oct. 24, 2024.

**NEXT STEPS**

Second reading for Ordinance 8649 is currently scheduled for September 19, 2024 on consent. Council has the option to adopt the proposed ordinance or not.

**ATTACHMENT**

Attachment A - Proposed Ordinance 8649

ORDINANCE 8649

AN ORDINANCE AMENDING SECTION 9-3-2, "FLOODPLAINS," B.R.C. 1981, TO ADOPT THE OCTOBER 2024 FEMA FLOOD INSURANCE RATE MAP AND TO MEET REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM; AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Section 9-3-2- "Floodplains", B.R.C. 1981, is amended to read:

**9-3-2. Floodplains.**

(a) Legislative Intent: The purpose of this chapter is to regulate certain areas of the city subject to flooding in order to protect the public health, safety, and welfare by:

...

(g) Flood Regulatory Areas:

(1) The provisions of this chapter apply to the area shown as floodplain on the most recent maps adopted by the city council, as amended from time to time by the city manager pursuant to Subsections (d), (e), and (f) of this section. The regulatory floodplain encompasses the five hundred-year floodplain, the one hundred-year floodplain, the conveyance zone, and the high hazard zone. The following regulations governing each portion of the floodplain are cumulative and not exclusive.

(2) In addition to the regulatory areas identified in Paragraph (g)(1) of this section, the city has adopted the areas of special flood hazard identified in the Flood Insurance Study for Boulder County, effective ~~December 7, 2017~~ October 24, 2024, and delineated on the Flood Insurance Rate Map for Boulder County and the City of Boulder as adopted by the city in compliance with 44 C.F.R., chapter 1. In no event will the regulations contained in this chapter be interpreted to permit any action not permitted under those regulations promulgated by FEMA for the regulation of areas of special flood hazard and regulatory floodways.

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Section 2. This ordinance shall become effective on October 24, 2024 (the

“Effective Date”). This ordinance shall apply to all permits and development applications submitted to the city on or after the Effective Date.

Section 3. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 4. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
TITLE ONLY this 5th day of September, 2024.

\_\_\_\_\_  
Aaron Brockett,  
Mayor

Attest:

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Elesha Johnson,  
City Clerk

1 SECOND READING, PASSED, AND ADOPTED, this 19th day of September, 2024.

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Aaron Brockett,  
Mayor

Attest:

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Elesha Johnson,  
City Clerk