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January 30, 2014

To: Mayor Breslin and New Castle Town Council

From: Karp Neu Hanlon

Re: Adoption of Updated Floodplain Ordinance

New Castle currently has a section in its zoning code entitled floodplain standards (Section 17-90-010 *et seq.*). Adopting code provisions related to regulation of land uses within floodplains is a pre-requisite for landowners to participate in the National Flood Insurance Program (run by the Federal Emergency Management Agency (FEMA)). Colorado has chosen to adopt a model floodplain ordinance for use at the local level. This model ordinance is updated from time to time. Colorado updated its ordinance in 2011 and the state has been working with local jurisdictions to adopt the updated model code. New Castle has been presented with the Colorado updated model ordinance for adoption into the Town Code. Failure to enact floodplain standards that are compliant with state and federal guidelines can lead to FEMA refusing to issue floodplain insurance policies within the Town.

Regulation of floodplains is an important consideration for local governments. As demonstrated by the recent flash floods on the Front Range, substantial damage to personal property and loss of life can occur if development occurs improperly within the floodplain. The Colorado model floodplain ordinance seeks to reduce those risks through land use regulation. The model floodplain ordinance forbids or significantly restricts development activities within designated floodplains. Local governments must also be aware of hardships that floodplain restrictions can enact on local residents. The proposed ordinance creates strict restrictions on erecting structures and even modifying the natural condition of the land within floodplain areas. For citizens who own land (and whose houses may historically have been located within the floodplain areas) compliance with the ordinance can restrict the ability to enlarge and rebuild existing structures. Gathering technical information required under the model ordinance to obtain a variance can cost substantial money to generate.

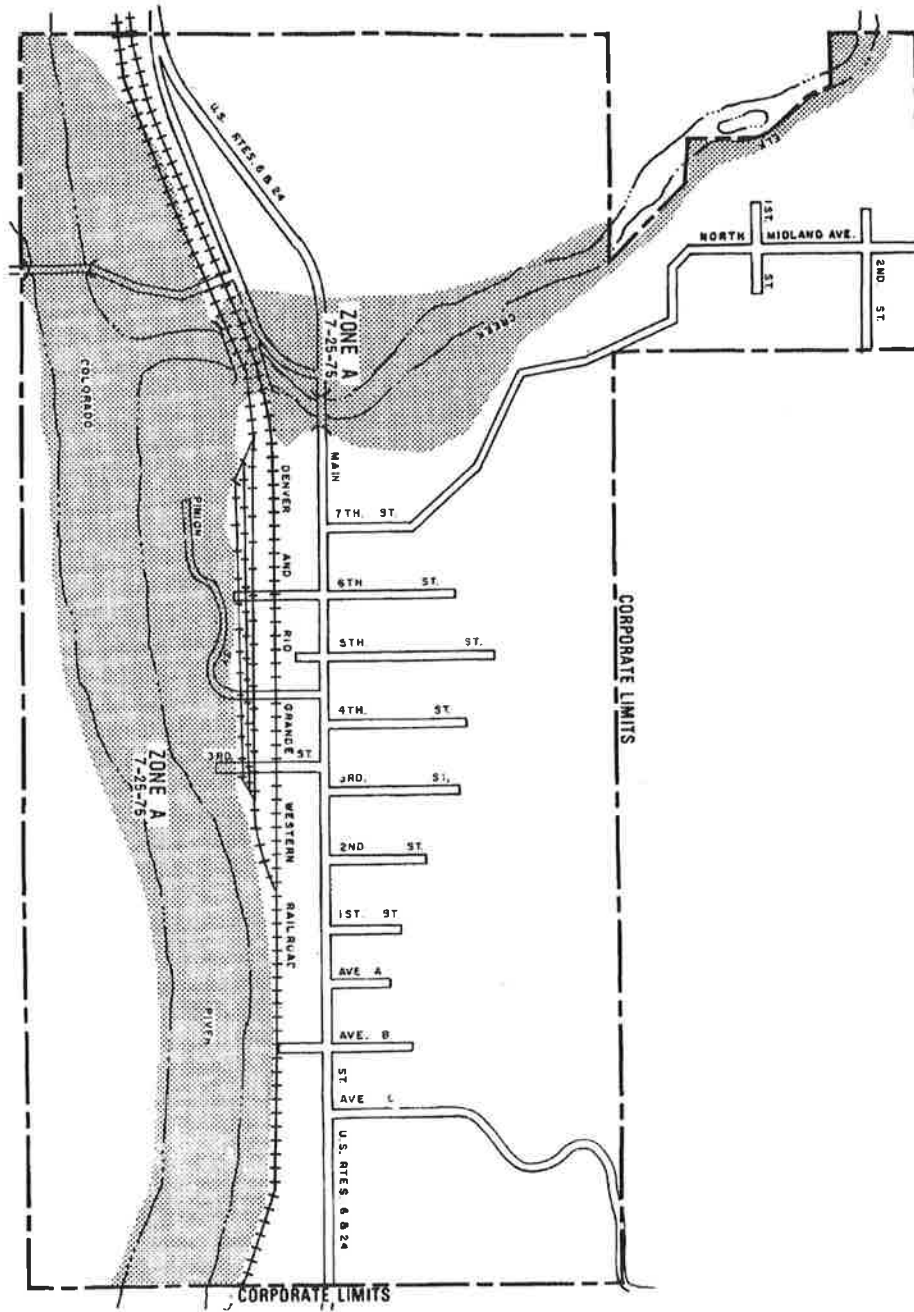
The regulatory framework of the model ordinance requires that a landowner obtain “a permit before construction or development begins within any Special Flood Hazard Area (SFHA).” The SFHA was designated by FEMA for the Colorado River and portions of Elk Creek in 1975 (Exhibit A). Obviously, the Town has grown substantially since 1975. In response, the Town commissioned a flood insurance study from SGM in 2003. This study contained more detailed floodplain mapping that included base flood elevations along both of the Town’s two main waterways. The 2003 maps were never formally adopted by FEMA, but they do facilitate the Town’s administration of its floodplain standards.

The floodplain standards are administered by the Town Engineer, Jeff Simonson. He has authority under the ordinance to review applications, make floodplain determinations and to issue permits. The model ordinance does contain a variance procedure (Article IV, Section D) that is presented to an appeal board. Under the existing Town Code the appeal board is the Board of Adjustment.

The updated model ordinance operates much the same as the Town's existing code. However, the updated model ordinance contains enhanced provisions related to standards for construction of specific types of improvements within the SFHA. The updated model ordinance also contains new standards for "critical facilities" This reflects an emphasis on ensuring that critical infrastructure can quickly recover from a flood event to provide service to the public.

There is one "optional" provision in the updated model ordinance dealing with penalties. This provision is not necessary to maintain NFIP certification and whether it is included represents a policy decision of the Town Council.

Based upon work with other communities on this updated model ordinance, the State is willing to consider other modifications subject to their review. Deviations from the model ordinance must be approved by the State in order not to jeopardize the Town's participation in the NFIP. If the Council identifies items in the model ordinance that it believes should be changed, we will communicate with the appropriate state agency to determine whether such modifications are acceptable.



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Federal Insurance Administration
TOWN OF NEW CASTLE, CO
(GARFIELD CO.)

Effective Date:
JULY 25, 1975

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This is an official copy of a portion of the above referenced flood map. It is not to be used for any other purpose. The Department of Housing and Urban Development is not responsible for any errors or omissions which may have been made in preparing this map. For the latest product information about National Flood Insurance Program flood maps, contact the FEMA Flood Map Store at www.fema.gov.

EXHIBIT
A

LEGEND

- 500 YEAR FLOOD LINE
- 100 YEAR FLOOD PLAIN LINE
- 100 YEAR FLOOD WAY LINE
- FLOOD ELEVATION CONTOUR
- CROSS SECTION LOCATION AND NUMBER

FLOOD PLAIN MAP
ELK CREEK
FLOOD PLAIN
TOWN OF NEW CASTLE
SHEET 1 OF 3

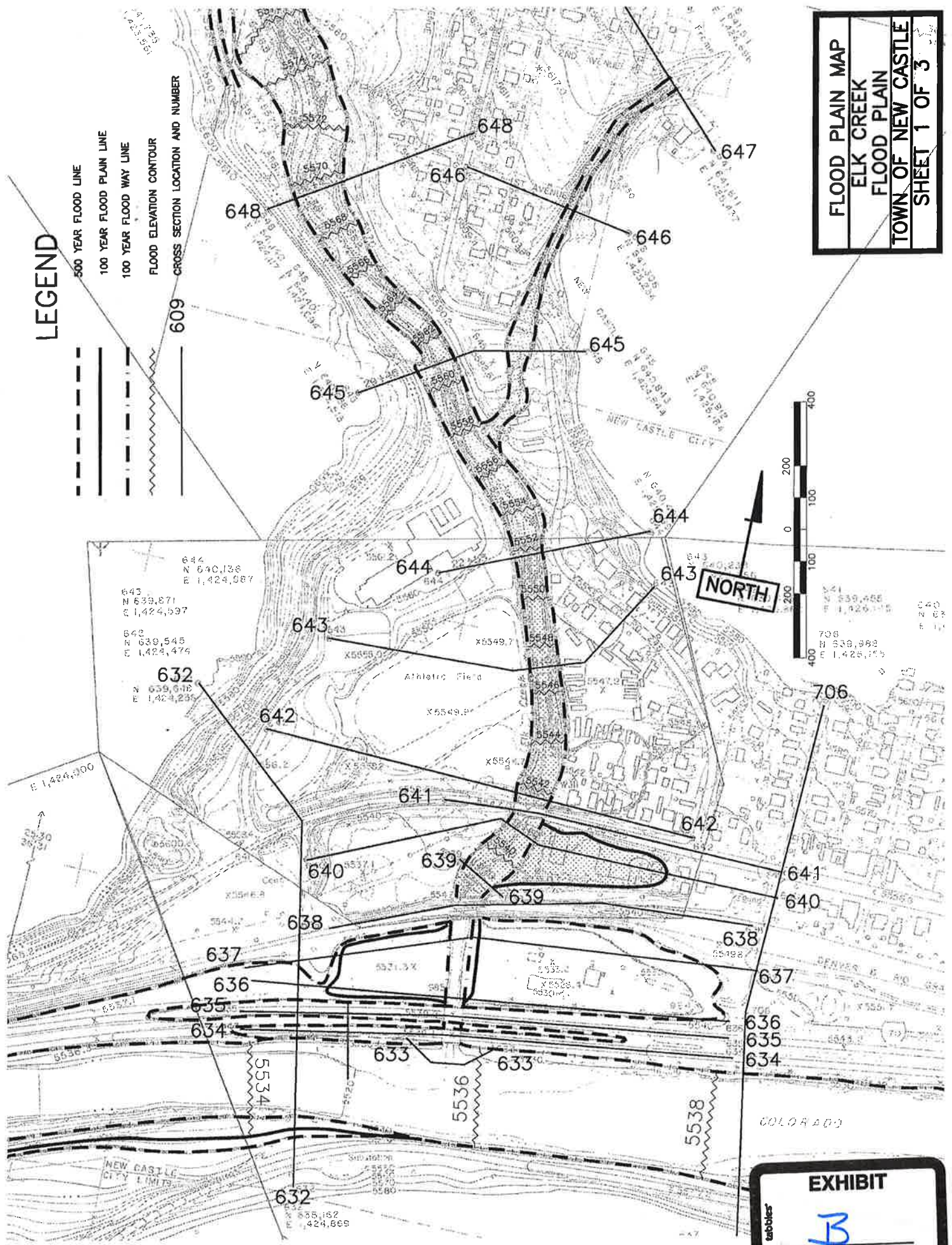
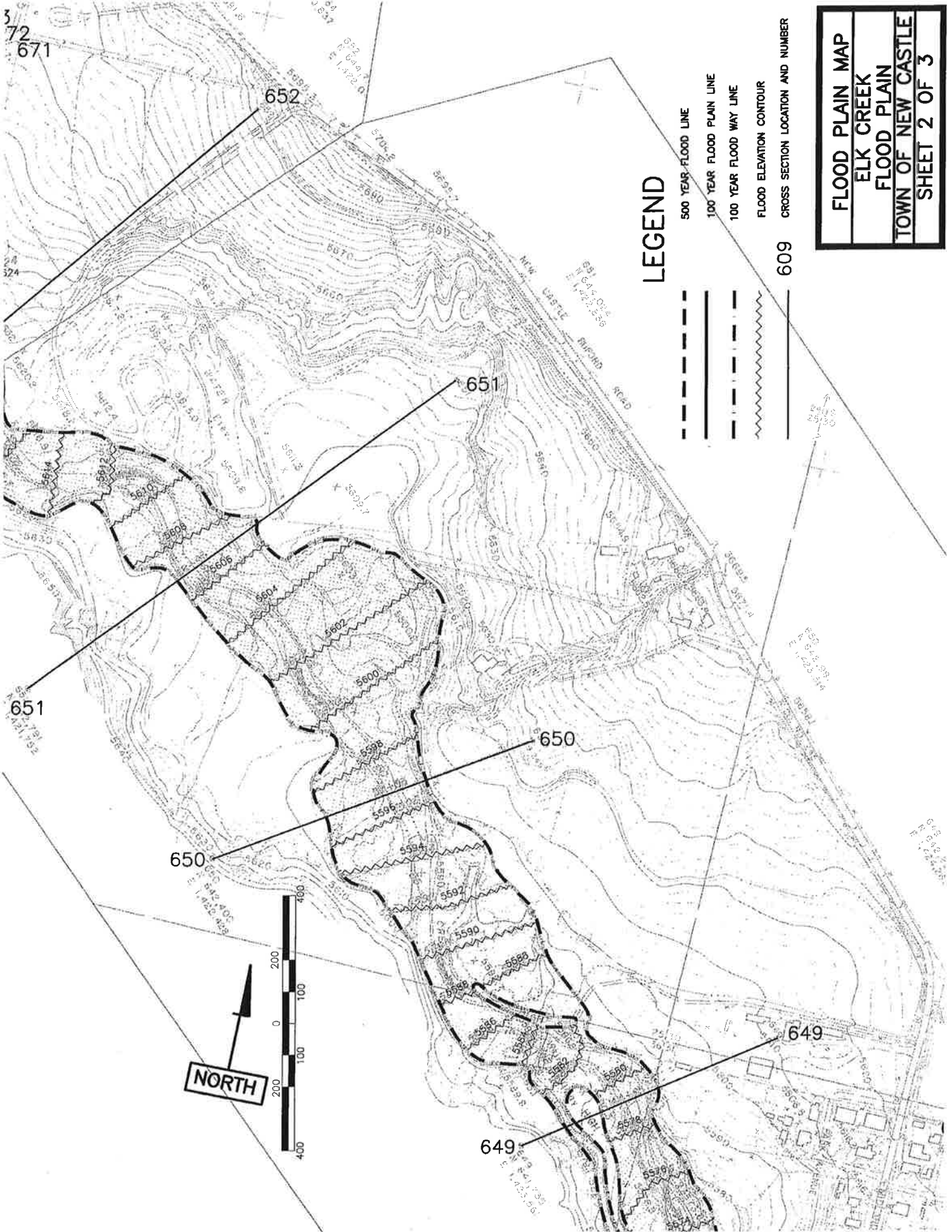


EXHIBIT
B



LEGEND

500 YEAR FLOOD LINE

100 YEAR FLOOD LINE

100 YEAR FLOOD WAY LINE

FLOOD ELEVATION CONTOUR

CROSS SECTION LOCATION AND NUMBER



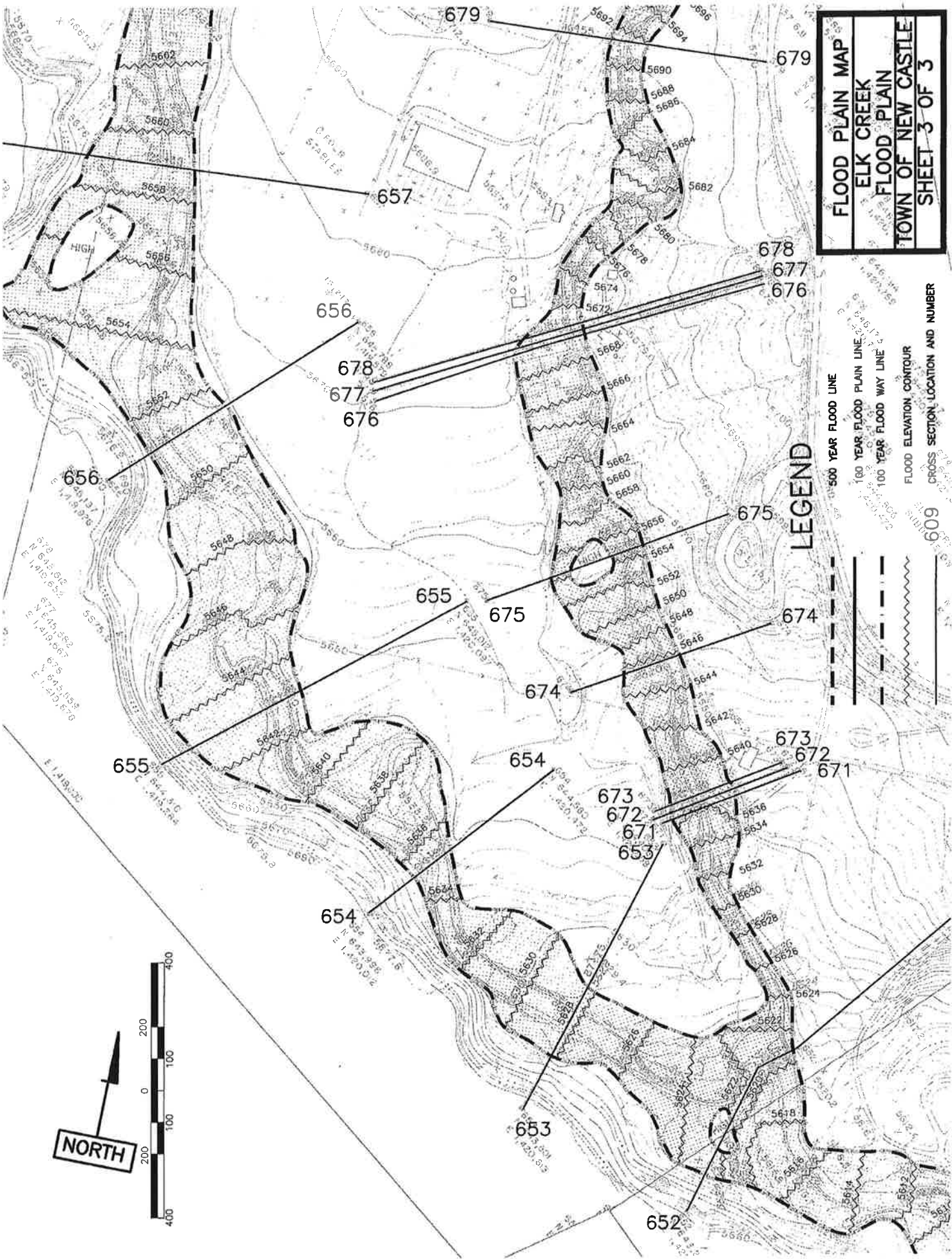
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FLOOD PLAIN MAP
ELK CREEK
FLOOD PLAIN
TOWN OF NEW CASTLE
SHEET 2 OF 3

NORTH



**FLOOD PLAIN MAP
ELK CREEK
FLOOD PLAIN
TOWN OF NEW CASTLE
SHEET 3 OF 3**



LEGEND

- 500 YEAR FLOOD LINE
- 100 YEAR FLOOD PLAIN LINE
- 100 YEAR FLOOD WAY LINE
- FLOOD ELEVATION CONTOUR
- CROSS SECTION LOCATION AND NUMBER

