

FLOODPLAIN ORDINANCE CONTACT TRACKER

Contact Date	Agency Contact/Person	Method of communication	Issues Discussed
2/22/2011	Jackie Berardini - City Attorneys Office	Meeting	Initial meeting to discuss State's new Rules & Regs & impact on our ordinance. Discussed possibility of putting all of the info in Tech Criteria and skeleton language in rules and Regs and ordinance that references Tech Criteria. Jackie was leaning towards info in tech criteria
10/5/2012	Michael Gease - FEMA Region 8 Mitigation Specialist & Jamie Prochno - CWCB	Meeting	Go over draft ordinance in detail with FEMA & CWCB and obtain feedback and redlines for incorporation.
10/19/2012	Jackie Berardini - City Attorneys Office	Meeting	Follow up meeting to get started back up (this was put on back burner until WQ rules & Regs get updated). Went over timeline for ordinance adoption, adopting DFIRM update for regulatory use, and updating rules & regs
5/21/2013	Jackie Berardini & Adam Hernandez - City Attorneys Office	Meeting	Floodplain Ordinance work session including going over Draft changes. After review Jackie decided to keep current document structure with majority of info contained within ordinance due to its importance and impact citywide.
7/31/2013	Gretchen Williams - City Council	Meeting	Jeremy and Damoni attended, Gretchen provided guidance with regards to council schedule and requested that we meet with council members in AO Zones due to proposed freeboard change. She also requested that we extend review opportunity to BOMA & all neighborhood associations in AO Zones.
8/15/2013	Inter-Neighborhood Cooperation Denver Neighborhood Assoc. Inc. Godsman Neighborhood Assoc. Ruby Hill Neighborhood Assoc. Inter-Neighborhood Cooperation Denver Neighborhood Assoc. Inc. Overland Neighborhood Assoc. Rosedale Harvard Gulch Neighborhood Organization Platt Park People's Association Northern Airport corridor Assoc.	Email	Notification for review of proposed ordinance.
8/20/2013	Councilman Paul Lopez	Meeting	Jeremy and Damoni attended, Paul provided his complete support of ordinance update including increase to 1.5' freeboard in AO Zones. He asked that we offer to meet with at large councilmember closer to hearing date.
8/22/2013	Katherine Sandy - Overland Park Neighborhood Association	Telephone (303.722.5238)	Jeremy had conversation with Katherine to answer questions and explain changes to ordinance, and what that means for her neighborhood as well as upcoming developments at NE & SE corner of Evans and SPR Drive. She will be bringing this info up at her next neighborhood meeting.
8/21/2013-8/22/13	Norm Ashford - FEMA Insurance Specialist	Emails (Norman.Ashford@fema.dhs.gov)	Jeremy Emailed Norm to provide insurance estimates for typical buildings. Norm provided information regarding AO Zone rating which is different than elevation rating in AE Zones. Difference in insurance rates in AO Zones is in compliance vs. non-compliant, not 1+ vs. 2+. Unfortunately this doesn't provide much benefit from an insurance rating standpoint.
8/26/2013	Executive Management Team (EMT) - Jose Cornejo, Lesley Thomas, George Delaney, Ann Williams, Alba Castro, Chrissy Fanganello, Nancy Kuhn, Joe Cordts, Matt Bryner	Meeting	Jeremy briefed EMT on changes to floodplain management ordinance and answered questions, specifically with regards to 1.5' freeboard in AO Zones. Awaiting answer from management about whether to proceed with 1.5' of freeboard.
9/3/2013	Councilman Chris Nevitt	Meeting	Met with Councilman Nevitt and his Aide Valerie Kerns to discuss ordinance changes with focus on freeboard in AO Zones, Councilman Nevitt was generally supportive and proposed an option of phasing-in freeboard increase from 1.0' to 1.5' if the issue is an immediate concern for property owners.
9/9/13 & 9/16/2013	Rob Duncanson - Manager II, PW-ROWS	Meeting & Email (rob.duncanson@denvergov.org)	Rob Requested some additional info for management on 09/09/13. Jeremy emailed info to Rob on 09/16/13 and also to Nancy Kuhn on 09/20/13.
9/16/2013	Councilwomen Robb and Ortega	Meeting	Jeremy met with both councilwomen and Ms. Rob's aide. Ms Ortega would like a count of structures (by type commercial vs. residential) located within the City's AO Zones.
9/16/2013	Councilman Herndon	Meeting	Councilman Herndon was overall supportive
9/16/2013	City Attorneys: Jackie Berardini, Adam Hernandez, Jessica Brody	Meeting	Discussion regarding freeboard proposal
9/16/13-9/17/13	Keith Erffmeyer - City Assessors Office	Email (keith.erffmeyer@denvergov.org)	In response to a question that was asked by Councilwoman Ortega, Jeremy emailed Keith to find out if assessor takes into account floodplain when assessing property. Keith responded that they do not.
9/25/13-9/27/13	Joe Cordts - PWPCO Supervisor	Email (joseph.cordts@denvergov.org)	Rob Duncanson meeting with PW Management on 09.25.13 so Jeremy requested (via Joe) to asked to see if PW Management has made decision on freeboard in AO Zones. 09/26/13 word came down from PW Management to proceed with 1.5' of freeboard (no phase-in). 09/27/13 Rob signed for PW Management with clearance to proceed with update to ordinance and rules & regs.
9/26/2013	Michael Gease - FEMA Region 8 Mitigation Specialist	Email (michael.gease@fema.dhs.gov)	Email from Michael because FEMA HQ is "freaking out" whether or not Denver will have ordinance updated for 11/20/13 DFIRMS. Jeremy responded with schedule for Nov 8th adoption.

From: [Hamer, Jeremy J. - PWRWS Right-of-Way Services](#)
To: [Berardini, Jacqueline H. - Department of Law](#); [Hernandez, Adam C. - Department of Law](#); "Gease, Michael"; "Prochno - DNR, Jamie"; [Kemme, Frank J. - PW DES](#); [Christianson, Ted W. - WMD](#); [Farahmandi, Saeed - WMD](#); [Yuan, Zhixu - PWRWS Right-of-Way Services](#)
Cc: [Rems, Damoni C. - WMD](#); [Cordts, Joseph T. - PWRWS Right-of-Way Services](#)
Subject: Floodplain Ordinance Update - Action Required
Date: Monday, July 08, 2013 4:31:00 PM
Attachments: [DRAFT_Floodplain_Ord 56-200_JH revisions.doc](#)
Importance: High

All,

Attached please find a DRAFT version of our updated floodplain ordinance for your review and comment. The ordinance has been updated to meet the new State minimum requirements and to reflect current practices. This has been modified per previous reviews by FEMA and CWCB. I will also be updating the Rules and Regulations on a parallel path to update accordingly and eliminate duplication.

The ordinance must be adopted no later than Nov 20th in order to remain in good standing in the NFIP, and to adopt the new Digital Flood Insurance Rate Maps (DFIRMs).

Please document any comments as tracked changes in the attached document and send back to me by July 22. After which I will be sending out for a broader, more formal, review including you and other internal and external stakeholders.

Summary of Major Changes:

- State minimum freeboard is now 1.0' in all flood Zones. We currently have 1.5' freeboard, except in AO Zones where we currently have no freeboard. I am proposing a higher standard of 1.5' (instead of State's 1.0') of freeboard in AO Zones to be consistent with all other zones with regards to this factor of safety. AO Zones are based on "average flood depths" so a 1' depth AO Zone means flood depths of more than 1' in some areas and it seems appropriate to give a higher factor of safety for an area with less confidence in flood depths. In addition to extra protection, benefits of doing this include getting more credit in the CRS program for higher regulatory standards, and buildings with 1.5' of freeboard will end up getting rated as a +2 from the insurance company which results in lower flood insurance premiums than a building with a +1 rating.
- Freeboard for Critical Facilities is 2.0' (per State Regs).
- LOMR-F areas are regulated like any other floodplain area so that the lowest floor must be elevated (or dry floodproofed) with the same freeboard above the previous BFE (per State Regs).
- 0.5' floodway surcharge criteria (per State Regs).
- LOMR required for any increase or decrease in BFE in excess of 0.3' (per State Regs).

Summary of Higher Local Standards:

- Lateral additions protected as new construction to minimize flood damages. This is how our ordinance has been interpreted and regulated, but the current language is vague so I'm formalizing it.
- No new mobile homes in floodplain (current City standard).
- 1.5' freeboard for all flood Zones including AO Zones (see above).

Reference documents:

- Current CCD Floodplain Ordinance (RMC 56-200 through 56-205): <http://www.denvergov.org/tabid/438629/Default.aspx>
- CCD WW Rules & Regs (Chap 12): [http://www.denvergov.org/Portals/705/documents/Sewer%20charges%20Final%20\(rev%2004%2015%2013\).pdf](http://www.denvergov.org/Portals/705/documents/Sewer%20charges%20Final%20(rev%2004%2015%2013).pdf)
- CCD Technical Criteria Manual (Chap 4): [http://www.denvergov.org/Portals/711/documents/StormMasterPlan/StormDrainageDesignTechnicalCriteria%20\(rev%2004%2015%2013\).pdf](http://www.denvergov.org/Portals/711/documents/StormMasterPlan/StormDrainageDesignTechnicalCriteria%20(rev%2004%2015%2013).pdf)
- NFIP Regulations (44 CFR Chapter 1, Subchapter B, Parts 59, 60, 65 & 70): http://www.ecfr.gov/cgi-bin/text-idx?SID=7c6a9aeba87ed9d992f76c53e358931c&c=ecfr&tpl=/ecfrbrowse/Title44/44cfrv1_02.tpl
- State Regs: http://cwcb.state.co.us/Documents/FloodplainRulesRegsUpdate/CWCB_Adptd_FP_Rules_BasisPurp_%2011172010.pdf
- State Model Ordinance: http://cwcb.state.co.us/water-management/flood/Documents/COModelOrdinance_12_7_12.pdf
- State Guidance Document: <http://cwcb.state.co.us/water-management/flood/Documents/GuidanceDocumentFloodplainRules.pdf>

From: [Hamer, Jeremy J. - PWRWS Right-of-Way Services](#)
To: ["jeannieb@bomadenver.org"](#); [Rafferty, Catherine - DIA](#)
Cc: [Rems, Damoni C. - WMD](#)
Subject: FW: 2013-0340-01_1st_DENVER PROJECT REVIEW_2013 Floodplain Ordinance Rules Regs Update
Date: Wednesday, July 31, 2013 2:53:00 PM
Attachments: [DRAFT Floodplain Ord 56-200 JJH revisions.doc](#)

My sincerest apologies, you were left off the review distribution yesterday. Please see below and attached for your review and comment. Please use the electronic review webpage (instructions below) to submit comments. Thanks.

Jeremy Hamer, P.E., CFM | Senior Engineer / Floodplain Manager
Public Works Project Controls Office | City and County of Denver
720.913.0720 Phone
jeremy.hamer@denvergov.org

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From: Ayala, Lisa R. - PWRWS Right-of-Way Services
Sent: Wednesday, July 31, 2013 7:58 AM
To: 'michael.gease@fema.dhs.gov'; 'jamie.prochno@state.co.us'; 'bdegroot@udfcd.org'; 'dmallory@udfcd.org'; 'gabeburgess@geocal.us'; 'dbennetts@udfcd.org'; 'jburke@cityofwestminster.us'; 'mar@acec-co.org'; 'LDA@earthnet.net'; 'mgifford@agccolorado.org'; 'robin@aiacolorado.org'; 'smerritt@abcrmc.org'; 'info@abcrmc.org'; 'info@agccolorado.org'; 'dennis@agccolorado.org'; 'bryan@agccolorado.org'; Reynolds, Jon P. PWRWS PCO; Cordts, Joseph T. - PWRWS Right-of-Way Services; Berardini, Jacqueline H. - Department of Law; Hernandez, Adam C. - Department of Law; Kemme, Frank J. - PW DES; Christianson, Ted W - WMD; Kazemian, Reza - WMD; Watanabe, Kimberly A. - WMD; Kuhn, Nancy - PW Policy, Planning & Commnctn; Callaway, Karen L. - Project Coordination; Roach, Michael L. - Development Services; Hime, Walt O. - Development Services; Sorrel, Alan B. - Development Services; Field, Scott - OEM; Williams, Patricia G. - OEM; Hunt, Philip A - Emrgncy Mgmt and Homeland Sec; Fanganello, Crissy - PW IPP; Duncanson, Rob J. - PW; Robertson, Gordon - Parks & Rec; Farahmandi, Saeed - WMD; Schat, Brian D. - PW CPM; Blackman, Thomas E. - WMD; Anderson, Mike S. - PW CPM; Oliver, Steve - Development Services; 'Sahli, Terri - Risk Management'; Stevens, Sam J. - WMD; Marquardt, David - PRPP Planning, Design & Constrctn; Forvilly, Steven L. - WMD
Cc: Hamer, Jeremy J. - PWRWS Right-of-Way Services
Subject: RE: 2013-0340-01_1st_DENVER PROJECT REVIEW_2013 Floodplain Ordinance Rules Regs Update

To all,

Issue with the documents not all loading up for review on the Electronic Review Webpage.
. I've placed a heatticket and the document as of this morning is still not uploaded!

I've attached the document for your review.

Sorry for any inconvenience

Lisa R. Ayala | Plan Review Technician

Public Works | City and County of Denver

720-865-3153 Phone | 720-865-2782 Dept No

lisa.ayala@denvergov.org | [311 Help Center](#)

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From: Ayala, Lisa R. - PWRWS Right-of-Way Services

Sent: Tuesday, July 30, 2013 9:41 AM

To: 'michael.gease@fema.dhs.gov'; 'jamie.prochno@state.co.us'; 'bdegroot@udfcd.org'; 'dmallory@udfcd.org'; 'gabeburgess@geocal.us'; 'dbennetts@udfcd.org'; 'jburke@cityofwestminster.us'; 'mar@acec-co.org'; 'LDA@earthnet.net'; 'mgifford@agccolorado.org'; 'robin@aiacolorado.org'; 'smerritt@abcrmc.org'; 'info@abcrmc.org'; 'info@agccolorado.org'; 'dennis@agccolorado.org'; 'bryan@agccolorado.org'; Reynolds, Jon P. PWRWS PCO; Cordts, Joseph T. - PWRWS Right-of-Way Services; Berardini, Jacqueline H. - Department of Law; Hernandez, Adam C. - Department of Law; Kemme, Frank J. - PW DES; Christianson, Ted W - WMD; Kazemian, Reza - WMD; Watanabe, Kimberly A. - WMD; Kuhn, Nancy - PW Policy, Planning & Commnctn; Callaway, Karen L. - Project Coordination; Roach, Michael L. - Development Services; Hime, Walt O. - Development Services; Sorrel, Alan B. - Development Services; Field, Scott - OEM; Williams, Patricia G. - OEM; Hunt, Philip A - Emrgncy Mgmt and Homeland Sec; Fanganello, Crissy - PW IPP; Duncanson, Rob J. - PW; Robertson, Gordon - Parks & Rec; Farahmandi, Saeed - WMD; Schat, Brian D. - PW CPM; Blackman, Thomas E. - WMD; Anderson, Mike S. - PW CPM; Oliver, Steve - Development Services; 'Sahli, Terri - Risk Management'; Stevens, Sam J. - WMD; Marquardt, David - PRPP Planning, Design & Constrctn; Forvilly, Steven L. - WMD

Cc: Hamer, Jeremy J. - PWRWS Right-of-Way Services

Subject: 2013-0340-01_1st_DENVER PROJECT REVIEW_2013 Floodplain Ordinance Rules Regs Update

City and County of Denver Capital Project Review Announcement

Review Deadline**: **08/15/2013, 5:00 p.m.**

** If you cannot meet this deadline, please explain this as your 'Review Comment'.

** If no response is received by this deadline, we will assume it is approved in respect to your company/department and assume no liability

- PCO Tracking Number: **None**
- PILAR Number: **2013-0340-01_1st 2013 Floodplain Ordinance Rules Regs Update**
- Access the Files and [submit your Review Comments](#) as follows:

Follow this Web Link: [Denver Public Works E-Review Web Page](#)

Then select **2013-0340-01_1st 2013 Floodplain Ordinance Rules Regs**

Update

- Project Location & Scope: **Updates to City Floodplain Ordinance (RMC 56-200 through 56-205) and Wastewater Rules and Regs (Chapter 12) to meet new State "Rules and Regulations for Regulatory Floodplains in Colorado."** See attached Memo for summary of major changes and additional reference info.
 - Type of Project: **Master Plan**
 - Submittal Phase:
 - Special review notes: **Please use "tracked changes" in MS Word to comment and upload revised document.**
- All documents will be available online within 20 Minutes of receipt of this announcement.
 - Have redlines??
- Scan or save your redlines to PDF and submit by uploading via the electronic review page links. You may repeat the comment entry process if you have more than 2 files to upload.
- If desired, you may request hard copies of plans from Project Manager **Jeremy Hamer** at jeremy.hamer@denvergov.org, **720-913-0720**.

You may contact me with any questions regarding the supplied Web documents or how to obtain additional information for this particular project. Thank you for your participation.

Sincerely,

<< OLE Object: Picture (Device Independent Bitmap) >> **Lisa R. Ayala | Plan Review Technician**

Public Works | City and County of Denver
720-865-3153 Phone | 720-865-2782 Dept No

lisa.ayala@denvergov.org | [311 Help Center](#)

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From: [Rems, Damoni C. - WMD](#)
To: ["godsmanneighborhoodassociation@yahoo.com"](#); ["janswic@hotmail.com"](#); ["best"](#); ["info@rhgna.org"](#); ["plattparkpres@yahoo.com"](#); ["Krusade@AOL.com"](#); ["kburnett@stapletoncommunity.com"](#); ["bryanpenny@gmail.com"](#); ["Brad Zieg"](#); ["LDA@earthnet.net"](#)
Cc: [Hamer, Jeremy J. - PWRWS Right-of-Way Services](#)
Subject: 2013 Floodplain Ordinance Rules Regs Update
Date: Thursday, August 15, 2013 4:37:05 PM
Attachments: [DRAFT Floodplain Ord 56-200 JJH revisions.doc](#)
[DRAFT CHAP 12 Sewer charges Final \(rev 04.15.13\) JJH revisions.doc](#)
[PCO Memo to Reviewers - Floodplain Ordinance \(07.29.13\).pdf](#)

Dear Registered Neighborhood Organization:

You are receiving this email because you are in, or within a close proximity to a floodplain. The current floodplain ordinance is being amended. Please review and make comments no later than Tuesday, September 3rd. To make comments, or If you have questions related to the proposed changes, please contact Jeremy Hamer P.E. at the phone number, address, or email listed below the attached documents.

You may view the floodplain maps at the following link:

<http://www.denvergov.org/maps/map/floodplain>

Jeremy Hamer, P.E., CFM | Senior Engineer / Floodplain Manager
Public Works Project Controls Office | City and County of Denver
720.913.0720 Phone
jeremy.hamer@denvergov.org

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Thank you,

Damoni Rems | Associate Plans Review Technician
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720.865.3104 Phone
Damoni.Rems@denvergov.org

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From: [Hamer, Jeremy J. - PWRWS Right-of-Way Services](#)
To: [Duncanson, Rob J. - PW](#)
Cc: [Cordts, Joseph T. - PWRWS Right-of-Way Services](#); [Huntsinger, David R. - PWRWS Right-of-Way Services](#); [Rems, Damoni C. - WMD](#)
Subject: Floodplain Ordinance Update - Management Information Request
Date: Monday, September 16, 2013 10:56:00 AM
Importance: High

Rob,

Per your request I am providing additional information for management regarding my recent proposal to increase freeboard in AO Zone floodplains from the state minimum of 1.0' to 1.5' in our forthcoming update to the floodplain ordinance. Please note that the following info only relates to AO Zone floodplains:

Q: What are the flood insurance benefits of providing an extra 0.5' of freeboard?

A: There are no direct flood insurance benefits because flood insurance rates in AO Zones are based on a "compliant" vs. "non-compliant" rate structure, not elevation based like other flood zones. There is a potential indirect benefit to flood insurance policy holder because it would be treated as a "higher standard" which is credited under the Community Rating System (CRS). This benefit is difficult to quantify because there are so many activities used to determine our class, but it will help towards the goal of increasing our class in the CRS program. Each class bump attains a 5% savings to the policyholders in the floodplain. Denver floodplain residents currently get a 10% discount on their flood insurance policies for our floodplain and stormwater management activities.

Q: How many new developments are there in AO Zone floodplains recently?

A: Since Jan 1, 2012 there have been 22 floodplain permit applications in AO Zones. Of those, only 8 are of the type of development (new structure, lateral addition, or substantial improvement) that would be impacted by increased freeboard. The remaining 14 projects would not be impacted by freeboard since they are roadway projects, utility projects, or non-substantial improvements.

Q: What is the cost of the additional 0.5' freeboard elevation requirement?

A: I don't know. The additional cost would not be directed to the City, but the cost to the private side may be influenced by other factors such as zoning height restrictions, etc...

Q: Why is this a good idea?

A: It provides additional factor of safety in AO Zones where published flood depths are average depths (meaning some areas will actually have flood depths higher than published values. The probability of flooding is the same as other flood zones, but there is less

confidence AO flood zone depths than our other flood zones which already have 1.5' of freeboard. This also creates consistency across all flood zones, which is less confusing and easier to regulate.

Q: Is there a variance process?

A: A floodplain specific variance process already defined in the ordinance, which is remaining technically the same under the proposed update. Floodplain variances are approved by the City Engineer but it is unknown if any additional variances would be submitted due to the additional freeboard.

Q: What are the implications of using the State minimum of 1' of freeboard in AO Zones?

A: Lower factor of safety and different freeboard in AO Zones than other flood zones.

With this information I am hopeful to obtain a decision from management regarding whether they wish to pursue 1.5' of freeboard in AO Zones, or set it to 1.0', per State regulation. *Another option (suggested by councilman Nevitt) would be to immediately use 1.0' of freeboard and phase-in 1.5' after a year or two to allow developers time to plan accordingly. This phase-in option was not met with any opposition by the City Attorney's Office.* Let me know if any additional information is needed for the decision. Thanks.

Jeremy Hamer, P.E., CFM | Senior Engineer / Floodplain Manager

Public Works Project Controls Office | City and County of Denver

720.913.0720 Phone

jeremy.hamer@denvergov.org

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From: [Hamer, Jeremy J. - PWRWS Right-of-Way Services](#)
To: [Jepson, Kelly R - City Council District 10](#); [Kimball, Nora D. - City Council District #10](#)
Cc: [Rems, Damoni C. - WMD](#); [Robb, Jeanne - City Council Dist. #10](#); [Ortega, Deborah L. - City Council](#)
Subject: Floodplain Ordinance Update - Additional Info
Date: Wednesday, September 18, 2013 12:38:00 PM
Attachments: [CEO Letter Jan 2013.pdf](#)
[FEMA Letter.pdf](#)
[Sanderson Gulch Notice.pdf](#)

Jeannie & Deborah,

Per our meeting on Monday afternoon, attached and below please find the requested information as it relates to the proposed floodplain ordinance update:

- 1) Letters from the State & FEMA outlining the severe ramifications for not adopting an ordinance that meets the State's minimum regulations.
- 2) Example annual notification for residents that are located in the floodplain. I have clouded item #8 in the attached related to how residents are notified that permits are required for all construction in the floodplain.

Q: How many new developments are there in AO Zone floodplains recently?

A: Since Jan. 1, 2012 there have been 22 floodplain permit applications in AO Zones. Of those, only 8 are of the type of development (new structure, lateral addition, or substantial improvement) that would be impacted by increased freeboard. The remaining 14 projects are not be impacted by freeboard since they are roadway projects, utility projects, or non-substantial improvements.

Q: How many buildings are in the AO Zones?

A: There are 240 residential structures, 290 non-residential structures, and 311 accessory structures (sheds, garages, carports, etc...). Accessory structures, however, do not have as stringent floodplain requirement as the main structures.

We are planning on brining the ordinance to LUDI on Oct 8th, and desire to have the freeboard issue resolved prior to LUDI. I hope this information helps support your decision related to the proposed 1.5' of freeboard in AO Zones instead of the State minimum of 1.0'. Let me know if you have any additional questions.

Jeremy Hamer, P.E., CFM | Senior Engineer / Floodplain Manager
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