

LARIMER COUNTY  
ENGINEERING DEPARTMENT



# FLOODPLAIN DEVELOPMENT GUIDE



SECTION 11:  
FLOOD REVIEW BOARD



## 11. FLOOD REVIEW BOARD

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The Flood Review Board (FRB) is appointed by the Board of County Commissioners and makes recommendations to the County Engineer regarding:

1. Variance requests to Article 12 of the Larimer County Land Use Code (LCLUC),
2. Interpretations of Article 12 of the (LCLUC),
3. Map amendment proposals
4. Floodplain Project Reviews, and
5. Guidance related to floodplain development, floodplain construction methods, flood safety, or other flood-related topics.

The FRB also provides guidance related to floodplain development, floodplain construction methods, flood safety, or other flood-related topics. The process to have an item reviewed by the FRB is shown in Figure 8.

The following sections describe the submittals which are required for each type of request or proposal to the FRB.

### Variance Requests

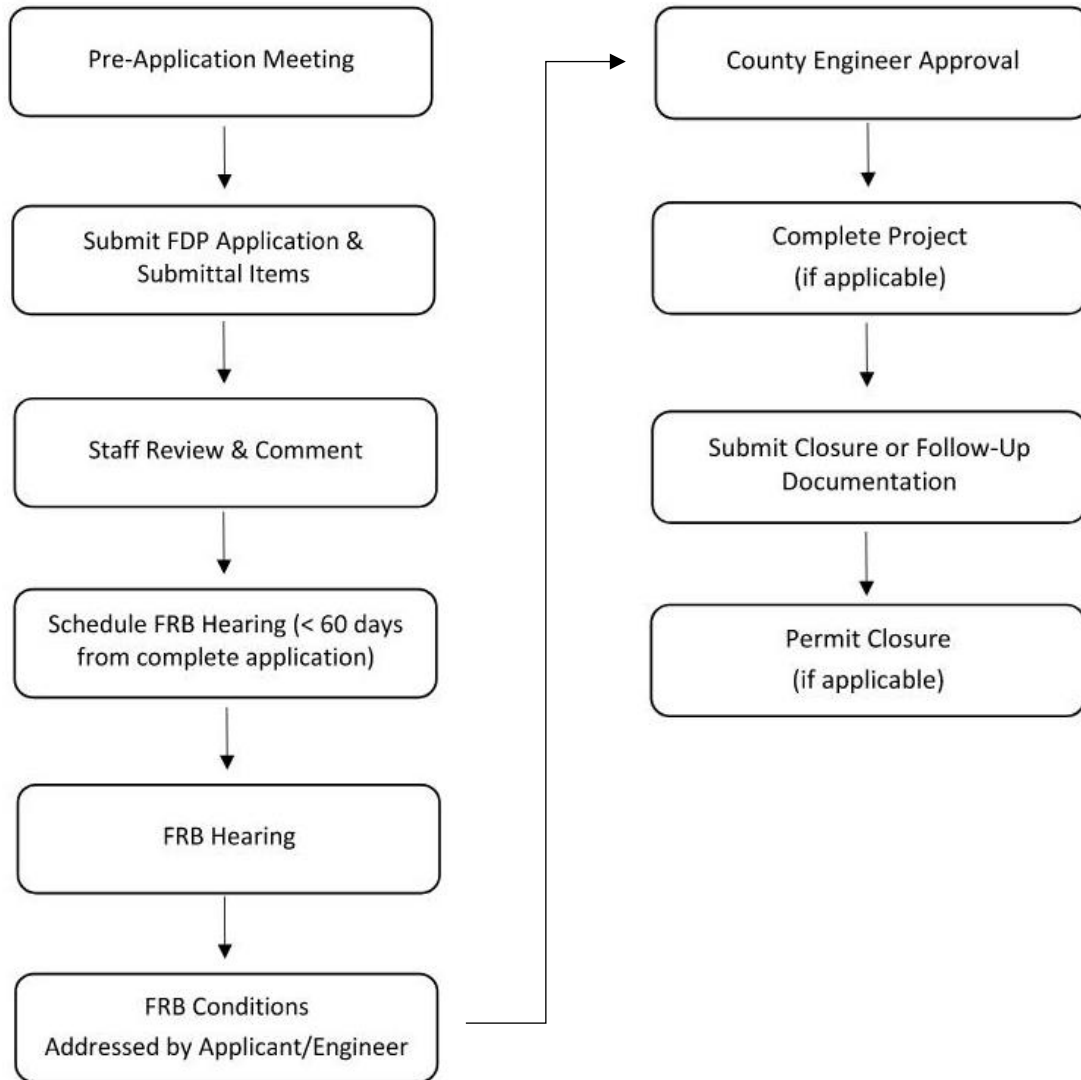
If an applicant wishes to obtain a variance from a requirement in Article 12 of the LCLUC, he or she may submit a variance request to the FRB. The FRB will review the request and make a recommendation to the County Engineer.

#### *Variance Submittal Requirements*

Prior to FRB review, the applicant and/or engineer must submit the following items to the County prior to a hearing:

- Variance Request Narrative which provides the following:
  - Section(s) of Article 12 of the LCLUC for which a variance is requested
  - Reason for the request and why the applicant is not able to meet the LCLUC requirement(s)
  - Project description
  - List of all variance approval criteria in Article 12 of the LCLUC with a description for how each is adequately met by the request. Refer to LCLUC Section 12.1.6.E.2 for approval criteria.
- Location map showing the area of interest

Figure 1. Flood Review Board Flowchart



- FDP submittal requirements applicable to the request (see Floodplain Development Permit section above)
  - Floodplain Development Permit (FDP) Application
  - Construction Plans (PE Certified)
  - Hydraulic Study
  - Certificates
  - Floodproofing Design
  - Repair or Improvement Submittals
  - Ownership Documentation
  - Other Permits & Approvals
- Fee in the amount applicable for a variance request (\$200)
- Other requirement(s) as determined by the County Engineer to be necessary to allow the review criteria to be adequately evaluated

#### *Variance Approval Criteria*

The FRB will review the request and make a recommendation to the County Engineer based on the approval criteria in the LCLUC as shown below.

- The completeness and technical adequacy of the variance request and associated materials in accordance with:
  - Article 12.0 of this Code
  - Larimer County Floodplain Development Standards
  - Sound engineering judgment of FRB members
- The probability that granting the variance will result in unreasonable risk of harm to people or property, both onsite and in the surrounding area
- The safety of access to and from the subject property during flood events
- The availability of alternatives having a reduced risk of flooding impacts.
- Exceptional or undue hardship which would be experienced by the property owner through strict application of Article 12.0.
- Impacts due to scour and erosion.
- The impacts that approval of the variance will have on the:

- Flood profile and flood heights (1% ACE)
- Floodway
- Stability of the channel and/or sedimentation
- Existing structures, roads, bridges, or other infrastructure
- Lands upstream, downstream, and in the immediate vicinity of the floodplain development
- Ecosystem(s) associated with the watercourse, including the streambank and streamside vegetation.

### ***Variance Request for Short-Term Rentals in a Floodway***

The popularity of short-term rental properties (STRs) along river corridors has led to the establishment of floodplain requirements to help achieve flood safety for such properties. While STRs are allowable in most flood zones, they are prohibited within a regulatory floodway. To gain approval for an STR in a floodway zone, the applicant and/or engineer must be granted a variance through the FRB.

### ***Short-Term Rental Variance Submittal Requirements***

The submittals required for the STR variance differ from a standard variance request and include:

- Variance Request Narrative which provides the following:
  - Section(s) of Article 12 of the LCLUC for which a variance is requested
  - Reason for the request and why the applicant is not able to meet the LCLUC requirement(s)
  - Project description which addresses the following questions
    - If approved, how many guests will the property accommodate per visit?
    - Will the operation be seasonal or year-round?
    - What damage occurred to the property during previous flood events?
    - How is the building accessed? Are there any bridge or culvert crossings used to access the property? If so, where are they located?
    - If approved, where will signs be located on the property to warn guests of flood risk? Where will the Emergency Operation Plan be located?

- List of all variance approval criteria in Article 12 of the LCLUC with a description for how each is adequately met by the request. Refer to LCLUC Section 12.1.6.E.2 for approval criteria.
- Location map showing the STR property, access route(s), adjacent stream channel, proposed flood risk sign locations, and nearby bridges and culvert crossings used to access the property
- FDP submittal requirements applicable to the request (see Floodplain Development Permit section above)
  - Floodplain Development Permit (FDP) Application
  - Construction Plans (PE Certified)
  - Hydraulic Study
  - Certificates
  - Floodproofing Design
  - Repair or Improvement Submittals
  - Ownership Documentation
  - Other Permits & Approvals
- Structural stability analysis and report verifying the stability of the structure with regard to anticipated flood forces
- Emergency Operation Plan (EOP): Provide an emergency plan for how guests will be notified and should respond in event of a flood. The County provides a standard notice for flood safety practices per FEMA guidance at Ready.gov. Provide the locations of where signage will be placed notifying guests of the flood risk and where to access the EOP.
- Access Bridges: if the access road to the property has a bridge, the following information must be provided:
  - Building permit for the bridge (if available)
  - Bridge load rating
  - Visual inspection report
  - Concurrence from the emergency district that services the property that emergency services can be provided

- Emergency Notifications: confirmation that a form of emergency notification is available (such as reverse-911 alerts) and setup for a landline. Alternatively, a signed commitment letter may be submitted from staff that guests will be notified in event of a flood.
- Historic Use Records: records verifying the use of the structure if it has been used historically as a short-term rental must be provided
- Photos of the property which include:
  - Photos on each side of structures involved in the application
  - Ingress/egress routes
  - Riverbank adjacent to the structure
  - Structure location in relation to the stream channel, and
  - Any historic photos in the vicinity of the structure, especially during or after flooding events if available
- Fee in the amount applicable for a variance request (\$200)
- Other requirement(s) as determined by the County Engineer to be necessary to allow the review criteria to be adequately evaluated

The FRB will review the request and make a recommendation to the County Engineer based on the approval criteria in the LCLUC as shown above.

### **Code Interpretation Requests**

If an applicant would like the FRB to make a formal interpretation of a code section in Article 12 of the LCLUC, he or she may do so by submitting the items listed below.

#### *Code Interpretation Submittal Requirements*

Prior to an FRB hearing, the applicant and/or engineer must submit the following items to the County:

- Interpretation Request Narrative which provides the following:
  - Section(s) of Article 12 of the LCLUC for which an interpretation is requested
  - Reason for the request
- Fee in the amount applicable for a variance request (\$200)
- Other requirement(s) as determined by the County Engineer to be necessary

## Map Amendments

The FRB must review proposals to amend the regulatory floodplain boundaries in the FPO District prior to approval by the County Engineer. Such proposals may include Conditional Letters of Map Revision (CLOMRs) and Letters of Map Revision (LOMRs).

### *Map Amendment Submittal Requirements*

For the FRB to review a map amendment proposal, the applicant and/or engineer must submit the following items to the County prior to the hearing:

- Floodplain Development Permit (FDP) Application
- FDP submittal requirements applicable to the request (see Floodplain Development Permit section above)
  - Floodplain Development Permit (FDP) Application
  - Construction Plans (PE Certified)
  - Hydraulic Study (see section on Hydraulic Studies for details on CLOMR/LOMR submittals)
  - Certificates
  - Ownership Documentation
  - Other Permits & Approvals
- Fee in the amount applicable for a map amendment proposal (\$200)
- Other requirement(s) as determined by the County Engineer to be necessary to allow the review criteria to be adequately evaluated

### *Map Amendment Approval Criteria*

The FRB will review the proposal and make a recommendation to the County Engineer based on the approval criteria in the LCLUC as shown below.

- The completeness and technical adequacy of the map amendment request and associated materials submitted with the request in accordance with the:
  - FEMA Guidelines and Specifications for Flood Hazard Mapping Partners
  - Article 12.0 of this Code
  - Larimer County Floodplain Development Standards
  - Sound engineering judgment of FRB members
- The impacts that approval of the map amendment request will have on the:



- Flood profile, flood heights, and floodplain boundaries (1% ACE)
- Floodway
- Existing structures, roads, bridges, or other infrastructure
- Lands upstream, downstream, and in the immediate vicinity of the study limits of the map amendment request

### **Floodplain Project Reviews**

Floodplain Project Reviews (FPRs) include the following:

- New or replacement bridges, roads, or other infrastructure which cross a stream channel, as determined by the County Engineer.
- New or replacement water control structures which are determined to be hydraulically significant by the County Engineer.
- New or replacement marinas, docks, piers, wharves, or other floodplain development determined by the County Engineer to require special consideration by the FRB.

The FRB must review such proposals in the FPO District prior to approval by the County Engineer.

#### *Floodplain Project Review Submittal Requirements*

Prior to FRB review, the applicant and/or engineer must submit the following items to the County:

- Floodplain Development Permit (FDP) Application
- FDP submittal requirements applicable to the variance request (see Floodplain Development Permit section above)
  - Floodplain Development Permit (FDP) Application
  - Construction Plans (PE Certified)
  - Hydraulic Study (see section on Hydraulic Studies for details on CLOMR/LOMR submittals)
  - Certificates
  - Ownership Documentation
  - Other Permits & Approvals
- Fee in the amount applicable for a Floodplain Project Review (\$400)

- Other requirement(s) as determined by the County Engineer to be necessary to allow the review criteria to be adequately evaluated

*Floodplain Project Review Approval Criteria*

The FRB will review the proposal and make a recommendation to the County Engineer based on the approval criteria in the LCLUC as shown below:

- The completeness and technical adequacy of the FPR in accordance with:
  - Article 12.0 of this Code
  - Larimer County Floodplain Development Standards
  - Sound engineering judgment of FRB members
- The probability that granting approval of the FPR will result in unreasonable risk of harm to people or property, both onsite and in the surrounding area
- The safety of access to and from the subject property during flood events
- The availability of alternatives having a reduced risk of flooding impacts.
- Impacts due to scour and erosion.
- The impacts that approval of the FPR will have on the:
  - Flood profile and flood heights (1% ACE)
  - Floodway
  - Stability of the channel and/or sedimentation
  - Existing structures, roads, bridges, or other infrastructure
  - Lands upstream, downstream, and in the immediate vicinity of the study limits of the floodplain development
  - Ecosystem(s) associated with the watercourse, including the streambank and streamside vegetation.