



WESTMINSTER

Staff Report

TO: The Mayor and Members of the City Council

DATE: December 31, 2013

SUBJECT: Study Session Agenda for January 6, 2014

PREPARED BY: Steve Smithers, Acting City Manager

Please Note: Study Sessions and Post City Council meetings are open to the public, and individuals are welcome to attend and observe. However, these meetings are not intended to be interactive with the audience, as this time is set aside for City Council to receive information, make inquiries, and provide Staff with policy direction.

Looking ahead to next Monday night's Study Session, the following schedule has been prepared:

A light dinner will be served in the Council Family Room 6:00 P.M.

CITY COUNCIL REPORTS

1. Report from Mayor (5 minutes)
2. Reports from City Councillors (10 minutes)

PRESENTATIONS

1. Proposed Update to Westminster Municipal Code Title XI, Chapter 8 – Floodplain Regulations
2. Information Technology Briefing: Functions, Responsibilities and Issues
3. Finance Department Briefing: Functions, Responsibilities and Issues
4. General Services Briefing: Functions, Responsibilities and Issues
5. Public Works and Utilities Briefing: Functions, Responsibilities and Issues

6:30 P.M.

EXECUTIVE SESSION

None at this time.

INFORMATION ONLY ITEMS

None at this time.

Additional items may come up between now and Monday night. City Council will be apprised of any changes to the Study Session meeting schedule.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

**CHAPTER 8
FLOODPLAIN REGULATIONS**

- 11-8-1: AUTHORIZATION**
11-8-2: FINDINGS OF FACT
11-8-3: STATEMENT OF PURPOSE
11-8-4: METHODS OF REDUCING FLOOD LOSSES
11-8-5: APPLICABILITY
11-8-6: DEFINITIONS
11-8-67: BASIS FOR ESTABLISHING FLOODPLAINS AND FLOODWAYS THE SPECIAL FLOOD HAZARD AREA
11-8-87:—BASIS FOR DETERMINING THE EXACT LOCATIONS OF THE 100-YEAR FLOODPLAIN AND FLOODWAY
~~**11-8-8: OFFICIAL FLOOD STUDIES**~~
11-8-9: COMPLIANCE
11-8-10: ABROGATION AND GREATER RESTRICTIONS
11-8-11: INTERPRETATION
11-8-12: WARNING AND DISCLAIMER OF LIABILITY
11-8-13: FLOODPLAIN REGULATIONS
11-8-14: FLOODWAY REGULATIONS
11-8-15: PROCEDURES FOR MODIFYING THE OFFICIAL FLOOD STUDIES ALTERATION OF A WATERCOURSE
11-8-16: PROPERTIES REMOVED FROM THE FLOODPLAIN BY FILL NON-CONFORMING STRUCTURES
11-8-17: NON-CONFORMING STRUCTURES FLOODPLAIN MANAGEMENT ORDINANCE ADMINISTRATOR
11-8-18: STANDARDS FOR CRITICAL FACILITIESVARIANCES
11-8-19: FLOODPLAIN MANAGEMENT ORDINANCE ADMINISTRATOR RECORDS
11-8-20: VARIANCES ANNEXATION NOTIFICATION OF FEDERAL INSURANCE
11-8-21: RECORDS BIENNIAL REPORT TO FEDERAL EMERGENCY MANAGEMENT AGENCY

11-8-1: AUTHORIZATION: (2534) Pursuant to Title 29, Article XX of the Constitution of the State of Colorado and section 31-23-301, Colorado Revised Statutes, the City of Westminster has the authority to adopt flood control regulations designed to promote the public health, safety and general welfare of its citizenry.

11-8-2: FINDINGS OF FACT: (2534)

(A) The flood hazard areas of the City of Westminster are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which would adversely affect the public health, safety and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in floodplains hazard areas which increase flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage. ~~when inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.~~

11-8-3: STATEMENT OF PURPOSE: (2534) It is the purpose of this ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

(A) To protect human life and health;

(B) To minimize expenditure of public money for costly flood control projects;

(C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(D) To minimize prolonged business interruptions;

(E) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood hazard areas;

(F) To help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize future flood blight areas;

(G) To ensure that potential buyers are notified that property is in a flood hazard area;

(H) To ensure that those who occupy the flood hazards areas assume responsibility for their actions; and,

(I) Encourage and facilitate urban water resources management techniques for the reduction of pollution and the enhancement of the urban environment.

11-8-4: METHODS OF REDUCING FLOOD LOSSES: (2534) In order to accomplish its purposes, this ordinance includes methods and provisions for:

(A) Restricting or prohibiting uses which are dangerous to health, safety and property in times of flood due to water or erosion hazards, or which result in damaging or cause excessive increases in erosion or in flood heights or velocities.

(B) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(C) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;

(D) Controlling filling, grading, dredging and other development which may increase flood damage; and,

(E) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas/lands.

11-8-5: APPLICABILITY: (2534) This ordinance shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the City of Westminster, Colorado. ~~lands within the City, that are located within the 100-year floodplain, as indicated in the Official Flood Studies.~~

11-8-6: DEFINITIONS:

“100-YEAR FLOOD” - A flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

“100-YEAR FLOODPLAIN” - The area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

“500-YEAR FLOOD” - A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred years.

“500-YEAR FLOODPLAIN” - The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

“ADDITION” - Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

“AREA OF SHALLOW FLOODING” - A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“BASE FLOOD ELEVATION (BFE)” - The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

“BASEMENT” - Any area of a building having its floor sub-grade (below ground level) on all sides.

“BUILDING” – See “Structure”.

“CHANNEL” - The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

“CHANNELIZATION” - The artificial creation, enlargement or realignment of a stream channel.

“CODE OF FEDERAL REGULATIONS (CFR)” - The codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

“COMMUNITY” - Any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

“CONDITIONAL LETTER OF MAP REVISION (CLOMR)” - FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

“CRITICAL FACILITY” – A structure or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. The classification and definition of critical facilities shall be as specified in Rule 6 of the Department of Natural Resources, Colorado Water Conservation Board’s “Rules and Regulations for Regulatory Floodplains in Colorado,” dated November 17, 2010, or as amended.

“DEVELOPMENT” - Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

“DFIRM DATABASE” - Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

“DIGITAL FLOOD INSURANCE RATE MAP (DFIRM)” - FEMA digital floodplain map. These digital maps serve as “regulatory floodplain maps” for insurance and floodplain management purposes.

“ELEVATED BUILDING” - A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

“EXISTING MANUFACTURED HOME PARK OR SUBDIVISION” - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION”- The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“FEDERAL REGISTER” - The official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

“FEMA” - Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

“FLOOD OR FLOODING” - A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of water from channels and reservoir spillways;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

“FLOOD INSURANCE RATE MAP (FIRM)” – An official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

“FLOOD INSURANCE STUDY (FIS)” - The official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

“FLOODPLAIN OR FLOOD-PRONE AREA” - Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

“FLOODPLAIN ADMINISTRATOR” - The community official designated to administer and enforce the floodplain management regulations.

“FLOODPLAIN DEVELOPMENT PERMIT” – A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management ordinance.

“FLOODPLAIN MANAGEMENT” - The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

“FLOODPLAIN MANAGEMENT REGULATIONS” - Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, stormwater quality ordinance) and other applications of police power. The term describes such state or local

regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

“FLOOD CONTROL STRUCTURE” - A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

“FLOODPROOFING” - Any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“FLOODWAY (REGULATORY FLOODWAY)” - The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half (0.5) foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

“FREEBOARD” - The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

“HIGHEST ADJACENT GRADE” – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“HISTORIC STRUCTURE” - Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. "Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or;
 - b. Directly by the Secretary of the Interior in states without approved programs.

“LETTER OF MAP REVISION (LOMR)” - FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based

on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

“LETTER OF MAP REVISION BASED ON FILL (LOMR-F)” – FEMA’s modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

“LEVEE” – A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

“LEVEE SYSTEM” - A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

“LOWEST ADJACENT GRADE (LAG)” - The lowest elevation of the ground surface touching a structure.

“LOWEST FLOOR” - The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

“MANUFACTURED HOME” - A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

“MANUFACTURED HOME PARK OR SUBDIVISION” - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“MEAN SEA LEVEL” - For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

“NATIONAL FLOOD INSURANCE PROGRAM (NFIP)” – FEMA’s program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

“NEW MANUFACTURED HOME PARK OR SUBDIVISION” - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

“NO-RISE CERTIFICATION” – A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

“PHYSICAL MAP REVISION (PMR)” - FEMA’s action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

“RECREATIONAL VEHICLE” - means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“SPECIAL FLOOD HAZARD AREA” – The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

“START OF CONSTRUCTION” - The date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“STRUCTURE” - A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

“SUBSTANTIAL DAMAGE” - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

“SUBSTANTIAL IMPROVEMENT” - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

“VARIANCE” - A grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations).

“VIOLATION” - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

“WATER SURFACE ELEVATION (WSEL)” - The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

11-8-67: BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREA FLOODPLAINS AND FLOODWAYS: (2534)

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Jefferson County, Colorado" dated February 5, 2014, with accompanying Flood Insurance Rate Maps (FIRM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this ordinance and may be supplemented by studies designated and approved by the City of Westminster. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs and FIRMs on file and available for public inspection.

~~Westminster hereby establishes floodplains and floodways whose boundaries are those of the designated 100-year floodplain, special flood hazard areas and the designated floodways as are shown or tabulated in the Official Flood Studies.~~

11-8-78: BASIS FOR DETERMINING THE EXACT LOCATIONS OF THE 100-YEAR FLOODPLAIN AND FLOODWAY: (2534)

(A) The boundaries of the 100-year floodplain and the floodway shall be determined from information presented in the Flood Insurance Study (FIS)~~Official Flood Studies~~. In the absence of other information

(i.e., site specific studies as provided by the property owner), boundaries shall be determined by scaling distances on the maps provided in the ~~FIS~~Official Flood Studies. Where interpretation is needed as to the exact location of the boundaries, the ~~Floodplain Administrator~~ Director of Community Development shall make the necessary interpretation. In all cases, the 100-year flood elevation as provided in the ~~FIS~~Official Flood Studies shall be the governing factor in locating the boundary on any property.

(B) If the ~~Official Flood Studies~~Flood Insurance Study does not provide 100-year flood elevations, then the ~~Floodplain Administrator~~ Director of Community Development shall obtain, review and reasonably utilize any 100-year flood elevation and floodway data available from any federal, state, local or other source as criteria for requiring that new construction, substantial improvements or other developments in floodplain areas are administered in accordance with section 11-8-14, Floodplain Regulations, of this ordinance.

~~11-8-8: OFFICIAL FLOOD STUDIES:~~ (2534) ~~Site specific drainage and floodplain studies are not Official Flood Studies unless specifically adopted as such by Council. All Official Flood Studies shall, at a minimum, meet all of the Federal Emergency Management Agency's rules and regulations for the National Flood Insurance Program. All flood studies previously adopted by City Council by resolution prior to the effective date of this ordinance shall be deemed Official Flood Studies of the City until such time as City Council may determine to repeal any such resolution.~~

11-8-9: COMPLIANCE: (2534) No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations. Nothing herein shall prevent the City of Westminster from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

11-8-10: ABROGATION AND GREATER RESTRICTIONS: (2534) This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

11-8-11: INTERPRETATION: (2534) In the interpretation and application of this ordinance, all provisions shall be:

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body; and,

(C) Deemed neither to limit nor repeal any other powers granted under State statutes.

11-8-12: WARNING AND DISCLAIMER OF LIABILITY: (2534) The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of the 100-year floodplains or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Westminster, any officer or employee thereof or Federal Emergency Management Agency for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

11-8-13: FLOODPLAIN REGULATIONS: (2534) The following regulations shall apply to all lands located within the 100-year floodplain:

(A) General Standards.

1. All proposed developments within the Special Flood Hazard Area~~100-year floodplain~~ shall be designed and constructed in accordance with this ordinance and shall not adversely affect any upstream, downstream or adjacent properties.

2. No development, use, fill, construction or alteration on or over any portion of a designated floodplain shall be permitted which would cause or result in any of the following:

- (a) The storage or processing of materials that in times of flooding are buoyant, flammable, explosive or otherwise potentially injurious to human, animal or plant life.
- (b) The disposal of garbage or other solid waste materials.
- (c) Substantial solid debris being carried downstream by flood waters.
- (d) Any obstruction which would impair the flow capacity of a designated floodplain so as to cause foreseeable damage to others, wherever located.

3. All new construction, lateral additions and substantial improvements (including the placement of prefabricated buildings and manufactured homes) shall be:

- (a) Designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure,
- (b) Designed and ~~C~~constructed with materials and utility equipment resistant to flood damage, and
- (c) Designed and ~~C~~constructed by methods and practices that minimize flood damage,
- (d) Designed and constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (~~e~~) Designed and ~~C~~constructed in conformance with all sections of this ordinance.

(B) Residential Structures.

1. In floodplain areas in which the 100-year flood elevations are not known, all new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated two feet (2') above the gutter flowline of the nearest street.

2. In floodplain areas in which the 100-year Flood Elevations are known, ~~or in areas where depth numbers for areas of shallow flooding are available,~~ all new construction and substantial improvements of residential construction shall have the lowest floor, including basement, elevated one foot (1') above the 100-year Flood Elevation as indicated in the appropriate ~~Official Flood~~Flood Insurance Study.

3. Require within any AO Zone that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated three feet above the highest adjacent grade, if no depth number is specified, or at least one foot higher than the depth number specified (in feet) on the Flood Insurance Study.

4. Within Zones AH or Zone AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures.

(C) Non-Residential Structures.

1. In floodplain areas in which the 100-year flood elevations are not known, all new construction and substantial improvements of non-residential structures shall have the lowest floor, including basement, elevated two feet (2') above the gutter flow line of the nearest street.

2. In floodplain areas in which the 100-year Flood Elevations are known, ~~or in areas where depth numbers for areas of shallow flooding are available,~~ all new construction and substantial improvements of non-residential construction shall have the lowest floor, including basement, elevated one foot (1') above the 100-year Flood Elevation as indicated in the appropriate ~~Official Flood~~Flood Insurance Study.

3. Require within any AO Zone that all new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated ~~two~~three feet above the highest adjacent grade, if no depth number is specified, or at least one foot higher than the depth number specified (in feet) on the ~~Official Flood~~Flood Insurance Study or, together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standards specified below.

4. Within Zones AH or Zone AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures.

45. As an alternative for non-residential structures only, the structure, including utility and sanitary facilities, can be completely floodproofed to the levels mentioned above. The walls and basement floor shall be completely waterproofed and they shall be built to withstand lateral and uplift water pressure, and

(a) be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

(b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certification shall be provided to the official as set forth in section 11-8-19.

56. When floodproofing is used for non-residential structures, a registered professional engineer or licensed architect shall certify that the floodproofing methods are adequate to withstand the flood pressures, velocities, impact and uplift forces, and other factors caused by the 100-year flood. A record of this certification shall be maintained on file with the building permit by the Building Official. The elevation to which the structure is floodproofed (based on mean sea level) shall be attached to certification.

(D) Enclosures.

1. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

2. Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

- (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (b) The bottom of all openings shall be no higher than one foot above grade.
- (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(DE) Manufactured Homes.

1. All new individual manufactured homes or other new manufactured structures, new manufactured home parks, expansions of manufactured home parks and manufactured home parks where the repair, reconstruction or improvements of the streets, utilities and pads equal or exceed 50 percent of their value before the repair, reconstruction or improvements was started, shall have stands or lots that are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be two feet (2') above the 100-year Flood Elevation as indicated in the appropriate Official Flood Study and adequate surface drainage and access for a hauler are provided. When manufactured homes are put on pilings, the pilings shall be designed and certified by a Registered Professional Engineer and shall be installed in conformance with that design.

2. All new manufactured homes and substantially improved manufactured homes located in the 100-year floodplain shall be anchored to resist flotation, collapse or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads. The anchoring shall be designed and certified by a registered professional engineer. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

- (a) Over-the-top ties provided at each of the four corners with one mid-point tie on each side of the manufactured home shorter than fifty feet (50'). Manufactured homes longer than fifty feet (50') shall have two ties at intermediate points on each side.
- (b) Frame ties provided at each corner with four (4) additional ties on each side of manufactured homes shorter than fifty feet (50'). Longer manufactured homes shall have five (5) ties on each side.
- (c) All components of the anchoring system shall have a minimum strength of 4,800 pounds.
- (d) Any additions to manufactured homes shall be anchored in the same way.

(EF) Recreational Vehicles. It is a requirement that all recreational vehicles either:

- 1. Be on the site for fewer than 180 consecutive days;
- 2. Be fully licensed and ready for highway use;
- 3. Meet the permit requirements and elevation and anchoring requirements for resisting wind forces.

(FG) New Development Proposals. All new development proposals, including subdivision proposals, shall be designed to minimize flooding potential. If all, or part of a proposed development is located within a 100-year floodplain, then the corresponding proposal shall conform to the following guidelines:

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage facilities provided to reduce exposure to flood damage.
4. Base Flood Elevation data shall be provided for all subdivision proposals and any other proposed developments.

(GH) Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(HI) Utilities.

1. All new replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(IJ) Establishment of Floodplain Development Permit. A Floodplain Development Permit shall be obtained before construction or development begins within any 100-year floodplain area as established in the appropriate Official Flood Study. Application for a Floodplain Development Permit shall be made on forms furnished by the City of Westminster and may include, but are not limited to: Plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been floodproofed;

3. Certification by a registered professional engineer or certified architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in section 11-8-13(C);

4. Description and analysis prepared by a registered professional engineer of the extent to which any watercourse, floodplain or floodway will be altered or relocated as a result of proposed development.

(JK) Review of Floodplain Development Permits. The City of Westminster will:

1. Review all Floodplain Development Permit applications to determine that the permit requirements of this ordinance have been satisfied.

2. Review all Floodplain Development Permit applications to determine that all necessary permits (e.g., 404 permit, storm sewer outfall permit, FEMA permits, etc.) have been obtained by the applicant from Federal, State or local governmental agencies from which approval is required prior to the City of Westminster's approval of the Floodplain Development Permit.

3. Review all Floodplain Development Permit applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the provisions as set forth in section 11-8-14 have been met.

4. Review all building permit applications to determine whether proposed building sites will be reasonably safe from flooding.

5. Require every applicant to submit certification from a registered land surveyor identifying the elevation of the lowest floor including basement.

11-8-14: FLOODWAY REGULATIONS: (2534)

(A) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

(B) There shall be no encroachment of fill, new construction, substantial improvements or any other development within or above a floodway unless certification by a professional engineer is provided demonstrating that encroachments shall not result in any increase in the 100-year Flood Elevations (No-Rise Certification) or any negative impacts on upstream, downstream or adjacent properties. If the above requirement is satisfied, then all new construction and substantial improvements shall comply with the following permitted uses in the floodway:

1. General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm and other similar agricultural, wildlife and related uses.

2. Lawns, gardens, play areas, bikeways, pedestrian pathways and other similar uses.

3. Portions of golf courses, driving ranges, archery ranges, pier grounds, parks, hiking or horseback riding trails, open space and other similar private and public recreational uses not involving structures.

11-8-15: PROCEDURES FOR MODIFYING THE OFFICIAL FLOOD STUDIES:

(2534) ALTERATION OF A WATERCOURSE: For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

(A) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

(B) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

(C) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.

(D) Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.

(E) All activities within the regulatory floodplain shall meet all applicable Federal, State and the City of Westminster floodplain requirements and regulations.

(F) Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with Section D of this Article.

(G) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

~~(A) 100-year floodplain elevations may increase or decrease resulting from physical changes, hydrologic changes, or criteria changes that directly affect flooding conditions. Within six months of the date that such information becomes available to the City, the City shall notify the Federal Emergency Management Agency of changes by submitting technical or scientific data that the Official Flood Studies do not accurately reflect flood risks as they currently exist. When these changes are the result of new developments, the developer shall be responsible for submitting all required technical and scientific data necessary to identify and delineate the new floodplain elevation and floodway boundaries.~~

~~(B) The City shall notify adjacent communities, when affected, and the Federal Emergency Management Agency prior to any alteration or relocation of a watercourse on which the 100-year flood elevations have been provided by the Federal Emergency Management Agency. This notice will verify that the flood carrying capacity within the altered or relocated portion of the watercourse has been maintained.~~

~~(C) Any submissions that result in changes or corrections to the existing 100-year Flood Elevations as shown in the Official Flood Studies will not be officially approved by the City until after the Federal Emergency Management Agency has approved such changes or corrections.~~

11-8-16: PROPERTIES REMOVED FROM THE FLOODPLAIN BY FILL: A Floodplain

Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), with a lowest floor elevation placed below the Base Flood Elevation with one foot of freeboard that existed prior to the placement of fill.

11-8-167: NON-CONFORMING STRUCTURES: (2534) A structure which was lawful before becoming subject to this article but which is not in conformity with the provisions of this article may be continued subject to the following conditions:

(A) Such structure shall not be expanded, changed, enlarged or altered in a way which increases its non-conformity.

(B) If any non-conforming structure is destroyed by any means, including floods, to the extent that the cost of restoration would equal or exceed 50 percent of the market value of the structure before the structure was damaged; the following regulations shall apply:

1. If the non-conforming structure is in the Floodway, the structure may be rebuilt; however, it shall not be expanded, changed, enlarged or altered in any way which would create an obstruction to water flow greater than that which existed before damage to the structure occurred. Upon reconstruction, nonresidential and residential structures shall be elevated two feet (2') above the 100-year Flood Elevation as indicated in the appropriate ~~Official Flood~~Flood Insurance Study. As an alternative nonresidential facilities can be completely floodproofed two feet (2') above the 100-year Flood Elevation as indicated in the appropriate ~~Official Flood~~Flood Insurance Study. The walls and basement floor shall be completely floodproofed and they shall be built to withstand lateral and uplift water pressure.

2. If the structure is located in the flood storage area, it may be reconstructed provided nonresidential and residential structures are elevated two feet (2') above the 100-year Flood Elevation as indicated in the appropriate Flood Insurance ~~Official Flood~~ Study.

3. As an alternative for nonresidential structures only, the structure, including utility and sanitary facilities, can be completely floodproofed two feet (2') above the 100-year Flood Elevation as indicated in the appropriate Flood Insurance ~~Official Flood~~ Study. The walls and basement floor shall completely floodproofed and they shall be built to withstand lateral and uplift water pressure.

4. If any manufactured home or home park is destroyed by any means such that the cost of restoration would exceed 50 percent of the market value of the structure prior to damage; then such manufactured home or manufactured home park shall not be rebuilt if it is located in the Floodway, and if it is located ~~in~~outside the ~~Floodway-Storage Area~~, it shall be rebuilt in conformance with this ordinance.

11-8-18: STANDARDS FOR CRITICAL FACILITIES: A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

(A) CLASSIFICATION OF CRITICAL FACILITIES

It is the responsibility of the City of Westminster to identify and confirm that specific structures in their community meet the following criteria:

Critical Facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.

- a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

These facilities consist of:

- i. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
- ii. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions);
- iii. Designated emergency shelters;
- iv. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
- v. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
- vi. Air Transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the City of Westminster that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the City of Westminster on an as-needed basis upon request.

- b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

These facilities may include:

- i. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
- ii. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- iii. Refineries;
- iv. Hazardous waste storage and disposal sites; and
- v. Above ground gasoline or propane storage or sales centers.

Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation “Designation, Reportable Quantities, and Notification,” 40 C.F.R. § 302 (2010) and OSHA regulation “Occupational Safety and Health Standards,” 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this ordinance, but exclude later amendments to or editions of the regulations

Specific exemptions to this category include:

- i. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
- ii. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
- iii. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Article.

- c. At-risk population facilities include medical care, congregate care, and schools.

These facilities consist of:

- i. Elder care (nursing homes);
- ii. Congregate care serving 12 or more individuals (day care and assisted living);
- iii. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);

d. Facilities vital to restoring normal services including government operations.

These facilities consist of:

- i. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
- ii. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the City of Westminster that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this ordinance, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the City of Westminster on an as-needed basis upon request.

2. PROTECTION FOR CRITICAL FACILITIES

All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this ordinance, protection shall include one of the following:

- a. Location outside the Special Flood Hazard Area; or
- b. Elevation or floodproofing of the structure to at least two feet above the Base Flood Elevation.

3. INGRESS AND EGRESS FOR NEW CRITICAL FACILITIES

New Critical Facilities shall, when practicable as determined by the City of Westminster, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

11-8-179: FLOODPLAIN MANAGEMENT ORDINANCE ADMINISTRATOR: (2534) This ordinance shall be administered and enforced by the Director of Community Development or his designee.

(A) Duties and Responsibilities of the Floodplain Ordinance Administrator:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate.
2. Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this ordinance.

3. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this ordinance, including proper elevation of the structure.
6. Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
7. When Base Flood Elevation data has not been provided in accordance with ~~Article 3-Section 11-8-7 B~~, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, in order to administer the provisions of ~~Article 511-8-13~~.
8. For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.
9. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.
10. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
11. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

11-8-1820: VARIANCES: (2534)

(A) Appeal Board.

1. The Director of Community Development, shall hear and decide requests for variances from the requirements of this ordinance.

2. The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Director of Community Development in the enforcement or administration of this ordinance.

3. Those aggrieved by the decision of the City Council or any taxpayer, may appeal such decisions to a court of competent jurisdiction.

4. In passing upon such applications, the Director of Community Development and the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- (a) the danger that materials may be swept onto other lands to the injury of others;
- (b) the danger to life and property due to flooding or erosion damage;
- (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- (d) the importance of the services provided by the proposed facility to the community;
- (e) the necessity to the facility of a waterfront location, where applicable;
- (f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (g) the compatibility of the proposed use with the existing and anticipated development;
- (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (k) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

5. Upon consideration of the factors of section 11-8-1820(A)4. and the purposes of this ordinance, the Director of Community Development or the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

6. The City of Westminster shall maintain the records of all appeals actions, including technical information and report any variances to the Federal Emergency Management Agency.

(B) Conditions for Variances.

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, providing items (a)-(k) in section ~~11-8-1820(A)4~~ [JB1] have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases.

2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. ~~without regard to the procedures set forth in the remainder of this section.~~

3. Variances shall not be issued within any designated floodway if any increase in the 100-year Flood Elevation would result.

4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon:

(a) a showing of good and sufficient cause;

(b) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(c) a determination that the granting of a variance will not result in increased flood heights, increased velocities, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section ~~11-8-1820(A)4~~, or conflict with existing local laws or ordinances.

6. Any applicant to whom a variance is granted shall be given written notice that the cost of flood insurance will be commensurate with the increased risk from the granting of the variance.

~~11-8-1921~~: RECORDS: (2534) The City of Westminster shall obtain, maintain, and have available for public inspection:

(A) All of the ~~Official Flood~~ Flood Insurance Studies.

(B) Certificates of floodproofing and a statement whether a structure has been floodproofed and to what elevation (with Building Permits as applicable).

(C) For structures in the Floodplain:

1. Information on the elevation of the lowest floor, including basement, for all new or substantially improved structures.

2. A statement whether a new or substantially improved structure contains a basement.

~~11-8-20: ANNEXATION NOTIFICATION OF FEDERAL INSURANCE:~~ (2534) ~~The City will annually notify the Federal Emergency Management Agency whenever the boundaries of~~

~~Westminster have been added to by annexation or decreased by disconnection. With the notification, the City will include a copy of the map of the community suitable for reproduction, clearly delineating the new corporate limits.~~

~~**11-8-21: BIENNIAL REPORT TO FEDERAL EMERGENCY MANAGEMENT AGENCY: (2534)**~~

~~The City shall submit a biennial report to the Federal Emergency Management Agency Administrator, utilizing a biennial report form designated by the Federal Emergency Management Agency.~~

**CHAPTER 8
FLOODPLAIN REGULATIONS**

- 11-8-1: AUTHORIZATION**
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11-8-21: RECORDS BIENNIAL REPORT TO FEDERAL EMERGENCY MANAGEMENT AGENCY

11-8-1: AUTHORIZATION: (2534) Pursuant to Title 29, Article XX of the Constitution of the State of Colorado and section 31-23-301, Colorado Revised Statutes, the City of Westminster has the authority to adopt flood control regulations designed to promote the public health, safety and general welfare of its citizenry.

11-8-2: FINDINGS OF FACT: (2534)

(A) The flood hazard areas of the City of Westminster are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which would adversely affect the public health, safety and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in floodplains hazard areas which increase flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage. ~~when inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.~~

11-8-3: STATEMENT OF PURPOSE: (2534) It is the purpose of this ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

(A) To protect human life and health;

(B) To minimize expenditure of public money for costly flood control projects;

(C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(D) To minimize prolonged business interruptions;

(E) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood hazard areas;

(F) To help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize future flood blight areas;

(G) To ensure that potential buyers are notified that property is in a flood hazard area;

(H) To ensure that those who occupy the flood hazards areas assume responsibility for their actions; and,

(I) Encourage and facilitate urban water resources management techniques for the reduction of pollution and the enhancement of the urban environment.

11-8-4: METHODS OF REDUCING FLOOD LOSSES: (2534) In order to accomplish its purposes, this ordinance includes methods and provisions for:

(A) Restricting or prohibiting uses which are dangerous to health, safety and property in times of flood due to water or erosion hazards, or which result in damaging or cause excessive increases in erosion or in flood heights or velocities.

(B) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(C) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;

(D) Controlling filling, grading, dredging and other development which may increase flood damage; and,

(E) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas/lands.

11-8-5: APPLICABILITY: (2534) This ordinance shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the City of Westminster, Colorado. ~~lands within the City, that are located within the 100-year floodplain, as indicated in the Official Flood Studies.~~

11-8-6: DEFINITIONS:

“100-YEAR FLOOD” - A flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

“100-YEAR FLOODPLAIN” - The area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

“500-YEAR FLOOD” - A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred years.

“500-YEAR FLOODPLAIN” - The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

“ADDITION” - Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

“AREA OF SHALLOW FLOODING” - A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“BASE FLOOD ELEVATION (BFE)” - The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

“BASEMENT” - Any area of a building having its floor sub-grade (below ground level) on all sides.

“BUILDING” – See “Structure”.

“CHANNEL” - The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

“CHANNELIZATION” - The artificial creation, enlargement or realignment of a stream channel.

“CODE OF FEDERAL REGULATIONS (CFR)” - The codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

“COMMUNITY” - Any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

“CONDITIONAL LETTER OF MAP REVISION (CLOMR)” - FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

“CRITICAL FACILITY” – A structure or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. The classification and definition of critical facilities shall be as specified in Rule 6 of the Department of Natural Resources, Colorado Water Conservation Board’s “Rules and Regulations for Regulatory Floodplains in Colorado,” dated November 17, 2010, or as amended.

“DEVELOPMENT” - Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

“DFIRM DATABASE” - Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

“DIGITAL FLOOD INSURANCE RATE MAP (DFIRM)” - FEMA digital floodplain map. These digital maps serve as “regulatory floodplain maps” for insurance and floodplain management purposes.

“ELEVATED BUILDING” - A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

“EXISTING MANUFACTURED HOME PARK OR SUBDIVISION” - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION”- The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“FEDERAL REGISTER” - The official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

“FEMA” - Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

“FLOOD OR FLOODING” - A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of water from channels and reservoir spillways;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

“FLOOD INSURANCE RATE MAP (FIRM)” – An official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

“FLOOD INSURANCE STUDY (FIS)” - The official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

“FLOODPLAIN OR FLOOD-PRONE AREA” - Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

“FLOODPLAIN ADMINISTRATOR” - The community official designated to administer and enforce the floodplain management regulations.

“FLOODPLAIN DEVELOPMENT PERMIT” – A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management ordinance.

“FLOODPLAIN MANAGEMENT” - The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

“FLOODPLAIN MANAGEMENT REGULATIONS” - Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, stormwater quality ordinance) and other applications of police power. The term describes such state or local

regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

“FLOOD CONTROL STRUCTURE” - A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

“FLOODPROOFING” - Any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“FLOODWAY (REGULATORY FLOODWAY)” - The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half (0.5) foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

“FREEBOARD” - The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

“HIGHEST ADJACENT GRADE” – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“HISTORIC STRUCTURE” - Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. "Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or;
 - b. Directly by the Secretary of the Interior in states without approved programs.

“LETTER OF MAP REVISION (LOMR)” - FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based

on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

“LETTER OF MAP REVISION BASED ON FILL (LOMR-F)” – FEMA’s modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

“LEVEE” – A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

“LEVEE SYSTEM” - A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

“LOWEST ADJACENT GRADE (LAG)” - The lowest elevation of the ground surface touching a structure.

“LOWEST FLOOR” - The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

“MANUFACTURED HOME” - A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

“MANUFACTURED HOME PARK OR SUBDIVISION” - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“MEAN SEA LEVEL” - For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

“NATIONAL FLOOD INSURANCE PROGRAM (NFIP)” – FEMA’s program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

“NEW MANUFACTURED HOME PARK OR SUBDIVISION” - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

“NO-RISE CERTIFICATION” – A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

“PHYSICAL MAP REVISION (PMR)” - FEMA’s action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

“RECREATIONAL VEHICLE” - means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“SPECIAL FLOOD HAZARD AREA” – The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

“START OF CONSTRUCTION” - The date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“STRUCTURE” - A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

“SUBSTANTIAL DAMAGE” - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

“SUBSTANTIAL IMPROVEMENT” - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

“VARIANCE” - A grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations).

“VIOLATION” - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

“WATER SURFACE ELEVATION (WSEL)” - The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

11-8-67: BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREA FLOODPLAINS AND FLOODWAYS: (2534)

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Jefferson County, Colorado" dated February 5, 2014, with accompanying Flood Insurance Rate Maps (FIRM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this ordinance and may be supplemented by studies designated and approved by the City of Westminster. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs and FIRMs on file and available for public inspection.

~~Westminster hereby establishes floodplains and floodways whose boundaries are those of the designated 100-year floodplain, special flood hazard areas and the designated floodways as are shown or tabulated in the Official Flood Studies.~~

11-8-78: BASIS FOR DETERMINING THE EXACT LOCATIONS OF THE 100-YEAR FLOODPLAIN AND FLOODWAY: (2534)

(A) The boundaries of the 100-year floodplain and the floodway shall be determined from information presented in the Flood Insurance Study (FIS)~~Official Flood Studies~~. In the absence of other information

(i.e., site specific studies as provided by the property owner), boundaries shall be determined by scaling distances on the maps provided in the ~~FIS~~Official Flood Studies. Where interpretation is needed as to the exact location of the boundaries, the ~~Floodplain Administrator~~ Director of Community Development shall make the necessary interpretation. In all cases, the 100-year flood elevation as provided in the ~~FIS~~Official Flood Studies shall be the governing factor in locating the boundary on any property.

(B) If the ~~Official Flood Studies~~Flood Insurance Study does not provide 100-year flood elevations, then the ~~Floodplain Administrator~~ Director of Community Development shall obtain, review and reasonably utilize any 100-year flood elevation and floodway data available from any federal, state, local or other source as criteria for requiring that new construction, substantial improvements or other developments in floodplain areas are administered in accordance with section 11-8-14, Floodplain Regulations, of this ordinance.

~~11-8-8: OFFICIAL FLOOD STUDIES:~~ (2534) ~~Site specific drainage and floodplain studies are not Official Flood Studies unless specifically adopted as such by Council. All Official Flood Studies shall, at a minimum, meet all of the Federal Emergency Management Agency's rules and regulations for the National Flood Insurance Program. All flood studies previously adopted by City Council by resolution prior to the effective date of this ordinance shall be deemed Official Flood Studies of the City until such time as City Council may determine to repeal any such resolution.~~

11-8-9: COMPLIANCE: (2534) No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations. Nothing herein shall prevent the City of Westminster from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

11-8-10: ABROGATION AND GREATER RESTRICTIONS: (2534) This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

11-8-11: INTERPRETATION: (2534) In the interpretation and application of this ordinance, all provisions shall be:

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body; and,

(C) Deemed neither to limit nor repeal any other powers granted under State statutes.

11-8-12: WARNING AND DISCLAIMER OF LIABILITY: (2534) The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of the 100-year floodplains or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Westminster, any officer or employee thereof or Federal Emergency Management Agency for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

11-8-13: FLOODPLAIN REGULATIONS: (2534) The following regulations shall apply to all lands located within the 100-year floodplain:

(A) General Standards.

1. All proposed developments within the Special Flood Hazard Area~~100-year floodplain~~ shall be designed and constructed in accordance with this ordinance and shall not adversely affect any upstream, downstream or adjacent properties.

2. No development, use, fill, construction or alteration on or over any portion of a designated floodplain shall be permitted which would cause or result in any of the following:

- (a) The storage or processing of materials that in times of flooding are buoyant, flammable, explosive or otherwise potentially injurious to human, animal or plant life.
- (b) The disposal of garbage or other solid waste materials.
- (c) Substantial solid debris being carried downstream by flood waters.
- (d) Any obstruction which would impair the flow capacity of a designated floodplain so as to cause foreseeable damage to others, wherever located.

3. All new construction, lateral additions and substantial improvements (including the placement of prefabricated buildings and manufactured homes) shall be:

- (a) Designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure,
- (b) Designed and ~~C~~constructed with materials and utility equipment resistant to flood damage, and
- (c) Designed and ~~C~~constructed by methods and practices that minimize flood damage,
- (d) Designed and constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (~~e~~) Designed and ~~C~~constructed in conformance with all sections of this ordinance.

(B) Residential Structures.

1. In floodplain areas in which the 100-year flood elevations are not known, all new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated two feet (2') above the gutter flowline of the nearest street.

2. In floodplain areas in which the 100-year Flood Elevations are known, ~~or in areas where depth numbers for areas of shallow flooding are available,~~ all new construction and substantial improvements of residential construction shall have the lowest floor, including basement, elevated one foot (1') above the 100-year Flood Elevation as indicated in the appropriate ~~Official Flood~~Flood Insurance Study.

3. Require within any AO Zone that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated three feet above the highest adjacent grade, if no depth number is specified, or at least one foot higher than the depth number specified (in feet) on the Flood Insurance Study.

4. Within Zones AH or Zone AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures.

(C) Non-Residential Structures.

1. In floodplain areas in which the 100-year flood elevations are not known, all new construction and substantial improvements of non-residential structures shall have the lowest floor, including basement, elevated two feet (2') above the gutter flow line of the nearest street.

2. In floodplain areas in which the 100-year Flood Elevations are known, ~~or in areas where depth numbers for areas of shallow flooding are available,~~ all new construction and substantial improvements of non-residential construction shall have the lowest floor, including basement, elevated one foot (1') above the 100-year Flood Elevation as indicated in the appropriate ~~Official Flood~~Flood Insurance Study.

3. Require within any AO Zone that all new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated ~~two~~three feet above the highest adjacent grade, if no depth number is specified, or at least one foot higher than the depth number specified (in feet) on the ~~Official Flood~~Flood Insurance Study or, together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standards specified below.

4. Within Zones AH or Zone AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures.

45. As an alternative for non-residential structures only, the structure, including utility and sanitary facilities, can be completely floodproofed to the levels mentioned above. The walls and basement floor shall be completely waterproofed and they shall be built to withstand lateral and uplift water pressure, and

(a) be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

(b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certification shall be provided to the official as set forth in section 11-8-19.

56. When floodproofing is used for non-residential structures, a registered professional engineer or licensed architect shall certify that the floodproofing methods are adequate to withstand the flood pressures, velocities, impact and uplift forces, and other factors caused by the 100-year flood. A record of this certification shall be maintained on file with the building permit by the Building Official. The elevation to which the structure is floodproofed (based on mean sea level) shall be attached to certification.

(D) Enclosures.

1. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

2. Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

- (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (b) The bottom of all openings shall be no higher than one foot above grade.
- (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(DE) Manufactured Homes.

1. All new individual manufactured homes or other new manufactured structures, new manufactured home parks, expansions of manufactured home parks and manufactured home parks where the repair, reconstruction or improvements of the streets, utilities and pads equal or exceed 50 percent of their value before the repair, reconstruction or improvements was started, shall have stands or lots that are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be two feet (2') above the 100-year Flood Elevation as indicated in the appropriate Official Flood Study and adequate surface drainage and access for a hauler are provided. When manufactured homes are put on pilings, the pilings shall be designed and certified by a Registered Professional Engineer and shall be installed in conformance with that design.

2. All new manufactured homes and substantially improved manufactured homes located in the 100-year floodplain shall be anchored to resist flotation, collapse or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads. The anchoring shall be designed and certified by a registered professional engineer. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

- (a) Over-the-top ties provided at each of the four corners with one mid-point tie on each side of the manufactured home shorter than fifty feet (50'). Manufactured homes longer than fifty feet (50') shall have two ties at intermediate points on each side.
- (b) Frame ties provided at each corner with four (4) additional ties on each side of manufactured homes shorter than fifty feet (50'). Longer manufactured homes shall have five (5) ties on each side.
- (c) All components of the anchoring system shall have a minimum strength of 4,800 pounds.
- (d) Any additions to manufactured homes shall be anchored in the same way.

(EF) Recreational Vehicles. It is a requirement that all recreational vehicles either:

- 1. Be on the site for fewer than 180 consecutive days;
- 2. Be fully licensed and ready for highway use;
- 3. Meet the permit requirements and elevation and anchoring requirements for resisting wind forces.

(FG) New Development Proposals. All new development proposals, including subdivision proposals, shall be designed to minimize flooding potential. If all, or part of a proposed development is located within a 100-year floodplain, then the corresponding proposal shall conform to the following guidelines:

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage facilities provided to reduce exposure to flood damage.
4. Base Flood Elevation data shall be provided for all subdivision proposals and any other proposed developments.

(GH) Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(HI) Utilities.

1. All new replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(IJ) Establishment of Floodplain Development Permit. A Floodplain Development Permit shall be obtained before construction or development begins within any 100-year floodplain area as established in the appropriate Official Flood Study. Application for a Floodplain Development Permit shall be made on forms furnished by the City of Westminster and may include, but are not limited to: Plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been floodproofed;

3. Certification by a registered professional engineer or certified architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in section 11-8-13(C);

4. Description and analysis prepared by a registered professional engineer of the extent to which any watercourse, floodplain or floodway will be altered or relocated as a result of proposed development.

(JK) Review of Floodplain Development Permits. The City of Westminster will:

1. Review all Floodplain Development Permit applications to determine that the permit requirements of this ordinance have been satisfied.

2. Review all Floodplain Development Permit applications to determine that all necessary permits (e.g., 404 permit, storm sewer outfall permit, FEMA permits, etc.) have been obtained by the applicant from Federal, State or local governmental agencies from which approval is required prior to the City of Westminster's approval of the Floodplain Development Permit.

3. Review all Floodplain Development Permit applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the provisions as set forth in section 11-8-14 have been met.

4. Review all building permit applications to determine whether proposed building sites will be reasonably safe from flooding.

5. Require every applicant to submit certification from a registered land surveyor identifying the elevation of the lowest floor including basement.

11-8-14: FLOODWAY REGULATIONS: (2534)

(A) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

(B) There shall be no encroachment of fill, new construction, substantial improvements or any other development within or above a floodway unless certification by a professional engineer is provided demonstrating that encroachments shall not result in any increase in the 100-year Flood Elevations (No-Rise Certification) or any negative impacts on upstream, downstream or adjacent properties. If the above requirement is satisfied, then all new construction and substantial improvements shall comply with the following permitted uses in the floodway:

1. General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm and other similar agricultural, wildlife and related uses.

2. Lawns, gardens, play areas, bikeways, pedestrian pathways and other similar uses.

3. Portions of golf courses, driving ranges, archery ranges, pier grounds, parks, hiking or horseback riding trails, open space and other similar private and public recreational uses not involving structures.

11-8-15: PROCEDURES FOR MODIFYING THE OFFICIAL FLOOD STUDIES:

(2534) ALTERATION OF A WATERCOURSE: For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

(A) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

(B) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

(C) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.

(D) Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.

(E) All activities within the regulatory floodplain shall meet all applicable Federal, State and the City of Westminster floodplain requirements and regulations.

(F) Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with Section D of this Article.

(G) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

~~(A) 100-year floodplain elevations may increase or decrease resulting from physical changes, hydrologic changes, or criteria changes that directly affect flooding conditions. Within six months of the date that such information becomes available to the City, the City shall notify the Federal Emergency Management Agency of changes by submitting technical or scientific data that the Official Flood Studies do not accurately reflect flood risks as they currently exist. When these changes are the result of new developments, the developer shall be responsible for submitting all required technical and scientific data necessary to identify and delineate the new floodplain elevation and floodway boundaries.~~

~~(B) The City shall notify adjacent communities, when affected, and the Federal Emergency Management Agency prior to any alteration or relocation of a watercourse on which the 100-year flood elevations have been provided by the Federal Emergency Management Agency. This notice will verify that the flood carrying capacity within the altered or relocated portion of the watercourse has been maintained.~~

~~(C) Any submissions that result in changes or corrections to the existing 100-year Flood Elevations as shown in the Official Flood Studies will not be officially approved by the City until after the Federal Emergency Management Agency has approved such changes or corrections.~~

11-8-16: PROPERTIES REMOVED FROM THE FLOODPLAIN BY FILL: A Floodplain

Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), with a lowest floor elevation placed below the Base Flood Elevation with one foot of freeboard that existed prior to the placement of fill.

11-8-167: NON-CONFORMING STRUCTURES: (2534) A structure which was lawful before becoming subject to this article but which is not in conformity with the provisions of this article may be continued subject to the following conditions:

(A) Such structure shall not be expanded, changed, enlarged or altered in a way which increases its non-conformity.

(B) If any non-conforming structure is destroyed by any means, including floods, to the extent that the cost of restoration would equal or exceed 50 percent of the market value of the structure before the structure was damaged; the following regulations shall apply:

1. If the non-conforming structure is in the Floodway, the structure may be rebuilt; however, it shall not be expanded, changed, enlarged or altered in any way which would create an obstruction to water flow greater than that which existed before damage to the structure occurred. Upon reconstruction, nonresidential and residential structures shall be elevated two feet (2') above the 100-year Flood Elevation as indicated in the appropriate ~~Official Flood~~Flood Insurance Study. As an alternative nonresidential facilities can be completely floodproofed two feet (2') above the 100-year Flood Elevation as indicated in the appropriate ~~Official Flood~~Flood Insurance Study. The walls and basement floor shall be completely floodproofed and they shall be built to withstand lateral and uplift water pressure.

2. If the structure is located in the flood storage area, it may be reconstructed provided nonresidential and residential structures are elevated two feet (2') above the 100-year Flood Elevation as indicated in the appropriate Flood Insurance ~~Official Flood~~ Study.

3. As an alternative for nonresidential structures only, the structure, including utility and sanitary facilities, can be completely floodproofed two feet (2') above the 100-year Flood Elevation as indicated in the appropriate Flood Insurance ~~Official Flood~~ Study. The walls and basement floor shall completely floodproofed and they shall be built to withstand lateral and uplift water pressure.

4. If any manufactured home or home park is destroyed by any means such that the cost of restoration would exceed 50 percent of the market value of the structure prior to damage; then such manufactured home or manufactured home park shall not be rebuilt if it is located in the Floodway, and if it is located ~~in outside~~ the Floodway-Storage Area, it shall be rebuilt in conformance with this ordinance.

11-8-18: STANDARDS FOR CRITICAL FACILITIES: A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

(A) CLASSIFICATION OF CRITICAL FACILITIES

It is the responsibility of the City of Westminster to identify and confirm that specific structures in their community meet the following criteria:

Critical Facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.

- a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

These facilities consist of:

- i. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
- ii. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions);
- iii. Designated emergency shelters;
- iv. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
- v. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
- vi. Air Transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the City of Westminster that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the City of Westminster on an as-needed basis upon request.

- b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

These facilities may include:

- i. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
- ii. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- iii. Refineries;
- iv. Hazardous waste storage and disposal sites; and
- v. Above ground gasoline or propane storage or sales centers.

Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation “Designation, Reportable Quantities, and Notification,” 40 C.F.R. § 302 (2010) and OSHA regulation “Occupational Safety and Health Standards,” 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this ordinance, but exclude later amendments to or editions of the regulations

Specific exemptions to this category include:

- i. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
- ii. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
- iii. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Article.

- c. At-risk population facilities include medical care, congregate care, and schools.

These facilities consist of:

- i. Elder care (nursing homes);
- ii. Congregate care serving 12 or more individuals (day care and assisted living);
- iii. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);

d. Facilities vital to restoring normal services including government operations.

These facilities consist of:

- i. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
- ii. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the City of Westminster that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this ordinance, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the City of Westminster on an as-needed basis upon request.

2. PROTECTION FOR CRITICAL FACILITIES

All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this ordinance, protection shall include one of the following:

- a. Location outside the Special Flood Hazard Area; or
- b. Elevation or floodproofing of the structure to at least two feet above the Base Flood Elevation.

3. INGRESS AND EGRESS FOR NEW CRITICAL FACILITIES

New Critical Facilities shall, when practicable as determined by the City of Westminster, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

11-8-179: FLOODPLAIN MANAGEMENT ORDINANCE ADMINISTRATOR: (2534) This ordinance shall be administered and enforced by the Director of Community Development or his designee.

(A) Duties and Responsibilities of the Floodplain Ordinance Administrator:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate.
2. Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this ordinance.

3. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this ordinance, including proper elevation of the structure.
6. Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
7. When Base Flood Elevation data has not been provided in accordance with ~~Article 3-Section 11-8-7 B~~, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, in order to administer the provisions of ~~Article 511-8-13~~.
8. For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.
9. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.
10. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
11. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

11-8-1820: VARIANCES: (2534)

(A) Appeal Board.

1. The Director of Community Development, shall hear and decide requests for variances from the requirements of this ordinance.

2. The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Director of Community Development in the enforcement or administration of this ordinance.

3. Those aggrieved by the decision of the City Council or any taxpayer, may appeal such decisions to a court of competent jurisdiction.

4. In passing upon such applications, the Director of Community Development and the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- (a) the danger that materials may be swept onto other lands to the injury of others;
- (b) the danger to life and property due to flooding or erosion damage;
- (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- (d) the importance of the services provided by the proposed facility to the community;
- (e) the necessity to the facility of a waterfront location, where applicable;
- (f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (g) the compatibility of the proposed use with the existing and anticipated development;
- (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (k) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

5. Upon consideration of the factors of section 11-8-1820(A)4. and the purposes of this ordinance, the Director of Community Development or the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

6. The City of Westminster shall maintain the records of all appeals actions, including technical information and report any variances to the Federal Emergency Management Agency.

(B) Conditions for Variances.

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, providing items (a)-(k) in section ~~11-8-1820(A)4~~ [JB1] have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases.

2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. ~~without regard to the procedures set forth in the remainder of this section.~~

3. Variances shall not be issued within any designated floodway if any increase in the 100-year Flood Elevation would result.

4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon:

(a) a showing of good and sufficient cause;

(b) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(c) a determination that the granting of a variance will not result in increased flood heights, increased velocities, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section ~~11-8-1820(A)4~~, or conflict with existing local laws or ordinances.

6. Any applicant to whom a variance is granted shall be given written notice that the cost of flood insurance will be commensurate with the increased risk from the granting of the variance.

~~11-8-1921~~: RECORDS: (2534) The City of Westminster shall obtain, maintain, and have available for public inspection:

(A) All of the ~~Official Flood~~ Flood Insurance Studies.

(B) Certificates of floodproofing and a statement whether a structure has been floodproofed and to what elevation (with Building Permits as applicable).

(C) For structures in the Floodplain:

1. Information on the elevation of the lowest floor, including basement, for all new or substantially improved structures.

2. A statement whether a new or substantially improved structure contains a basement.

~~11-8-20: ANNEXATION NOTIFICATION OF FEDERAL INSURANCE:~~ (2534) ~~The City will annually notify the Federal Emergency Management Agency whenever the boundaries of~~

~~Westminster have been added to by annexation or decreased by disconnection. With the notification, the City will include a copy of the map of the community suitable for reproduction, clearly delineating the new corporate limits.~~

~~**11-8-21: BIENNIAL REPORT TO FEDERAL EMERGENCY MANAGEMENT AGENCY: (2534)**~~

~~The City shall submit a biennial report to the Federal Emergency Management Agency Administrator, utilizing a biennial report form designated by the Federal Emergency Management Agency.~~



Staff Report

City Council Study Session Meeting
January 6, 2014



SUBJECT: Proposed Update to Westminster Municipal Code Title XI, Chapter 8 –
Floodplain Regulations

PREPARED BY: John Burke, Senior Engineer

Recommended City Council Action

City Council is requested to review the attached proposed amendments to the City's existing floodplain regulations and provide feedback to Staff prior to taking formal action on the proposed updates to the Westminster Municipal Code Title XI, Chapter 8 by February 5, 2014.

Summary Statement

- The Colorado Water Conservation Board (CWCB) is authorized to serve as the State of Colorado's regulatory floodplain agency per Colorado Revised Statutes §37-60-106(1)(c).
- The CWCB adopted updated floodplain regulations that requires all jurisdictions across the State to adopt floodplain ordinances that meet or exceed the new minimum criteria. The attached draft revisions to the Westminster Municipal Code (W.M.C.) Title XI, Chapter 8 – Floodplain Regulations meet the current minimum criteria of the CWCB regulations.
- The following is a brief summary of the major changes:
 - Addition of various definitions, including a new one-half foot rise criteria for establishing the regulatory floodway. Though more restrictive than the current one-foot rise criteria, this new regulation will not have a significant impact on development in Westminster.
 - Specific adoption of the recently published "Flood Insurance Study for Jefferson County, Colorado" with an effective date of February 5, 2014 and accompanying Flood Insurance Rate Maps (FIRM).
 - New definition to protect Critical Facilities (police and fire stations, emergency medical facilities, hospitals, hazardous materials facilities, schools, government operations such as community administration, building permits, courts, jails, etc.).
- The City currently has 26 properties that fall within the 100 year floodplain and are impacted by the floodplain regulations.
- Additionally, the Federal Emergency Management Agency (FEMA) has been in the process of updating the City of Westminster's Flood Insurance Rate Maps (FIRM) in accordance with the findings of the Jefferson County Flood Insurance Study. The new maps are helpful to Staff as they incorporate various map revisions that have occurred since the last map update.

These updated FIRMs need to be officially adopted by the City prior to February 5, 2014, or the City will be suspended from the National Flood Insurance Program (NFIP).

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City adopt the proposed amendments to the floodplain regulations?

Alternative

An alternative to the recommended action is for Council to direct Staff to leave the current code in place and not make the revisions. This alternative is not recommended since that action would cause the City of Westminster to be suspended from the National Flood Insurance Program (NFIP), which will make the City and its residents ineligible for flood insurance through the NFIP.

Background Information

The CWCB adopted updated floodplain regulations that requires all jurisdictions across the State to adopt floodplain ordinances that meet or exceed the new minimum criteria. City staff reviewed the new regulations and found them to be acceptable for the protection of Westminster residents and their properties from flooding. It is important to note that the City opposed some of the more restrictive regulations the CWCB was initially proposing, such as a regulatory 500-year floodplain and the inclusion of waste water treatment plants in the Critical Facilities definition. The CWCB conceded and the current regulations reflect a collaborative approach to floodplain management.

The following is a general summary of the proposed floodplain regulation changes:

- Addition of various definitions, including a new one-half foot rise criteria for establishing the regulatory floodway. Though more restrictive than the current one-foot rise criteria, this new regulation will not have a significant impact on development in Westminster because the City already has standards in place that require developments to meet this level of floodplain mitigation.
- Specific adoption of the recently published "Flood Insurance Study for Jefferson County, Colorado" with an effective date of February 5, 2014, with accompanying Flood Insurance Rate Maps (FIRM). The newly published maps are helpful to Staff as they incorporate many of the changes the City has made with road, drainage and development projects.
- New definition to protect Critical Facilities (police and fire stations, emergency medical facilities, hospitals etc.); hazardous materials facilities (chemical plants, pharmaceuticals, refineries etc.); at risk populations (elder care, congregate care, schools, etc.); and government operations (community administration, building permits, courts, jails, etc.). Staff believes the identification and better protection of Critical Facilities is a good addition to the floodplain regulations.
- Addition of the section "Alteration of Watercourse." This is a good addition as the City generally implemented this by requiring developers to follow Urban Drainage and Flood Control District Criteria Manuals. The proposed floodplain ordinance will now codify the general conditions associated with watercourse construction.

The Federal Emergency Management Agency (FEMA) has been in the process of updating the City of Westminster's Flood Insurance Rate Maps (FIRM) through the Jefferson County Flood Insurance Study. These updated FIRMs were issued on September 25, 2013, and need to be officially adopted by the City prior to February 5, 2014, or the City will be suspended from the National Flood Insurance Program (NFIP). Suspension from the NFIP would make it impossible, for residents and businesses

Staff Report – Proposed Update to Westminster Municipal Code Title XI, Chapter 8 – Floodplain
Regulations

January 6, 2014

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of the City to purchase flood insurance to protect their properties. This impacts 104 properties with approximately \$27 million in coverage. If not a member of NFIP, if the City had a major flood event, the City (including residents and businesses) would not be eligible for federal funds to assist in any flood mitigation and recovery.

The proposed revisions to the floodplain ordinance meet the minimum standards set by the CWCB and also specifically adopt the new FIRMs prepared by FEMA. The proposed revisions will satisfy both the CWCB and FEMA requirements.

Due to the complexity of the floodplain regulations, Staff will be available during the Study Session to answer any questions Council may have.

The attached draft code modifications may incur additional modifications prior to returning to City Council for final consideration. Staff will highlight any significant adjustments to the code when the final proposed document is submitted to council for official consideration.

Adoption of the attached proposed revisions to the W.M.C. Title XI, Chapter 8 – Floodplain Regulations will assist City Council in advancing the Strategic Plan goal of having a Safe and Healthy Community by protecting residents, homes and buildings from flooding through an effective storm water management program.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments

Attachment A – Proposed revisions to Title XI Chapter VIII of the Westminster Municipal Code.



WESTMINSTER

Staff Report

City Council Study Session Meeting
January 6, 2014



SUBJECT: Information Technology Department Overview

PREPARED BY: David Puntteney, Information Technology Director

Recommended City Council Action

City Council is requested to listen to Staff's overview of department operations, responsibilities and potential upcoming issues that might be coming to City Council for direction in the future.

Summary Statement

Information Technology Director David Puntteney, Software Engineer Manager Art Rea, and Information Systems Manager Scott Rope will be in attendance at the January 6 City Council Study Session to provide City Council with an overview of the IT Department. Discussion topics will include:

- Department structure
- Divisions supported and services provided
- Major accomplishments in 2013
- Major projects for 2014
- Why the City of Westminster is recognized as a national leader in technology

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None at this time.

Alternative

None at this time.

Background Information

INFORMATION TECHNOLOGY DEPARTMENT STRUCTURE

The department is structured into two divisions – Software Engineering and Systems Management. A total of 25.3 FTE Council authorized permanent positions plus one Intern provide services to all departments. An organization chart attached.

Divisions Supported and Services Provided

The Software Engineering Division, led by Software Engineer Manager Art Rea, consists of 9.8 FTE. The team is responsible for Internet, Intranet, application design and software development, support for major canned software applications and database administration. The team works closely with departments to evaluate software requirements and participates in the assessment and selection of cloud or canned based software solutions. When such solutions are unavailable or inadequate to meet functional requirements, the team will develop custom applications or modules to help in meeting departmental requirements. The team also develops software tools to integrate and share information between various applications including finance, budget, police, computer aided dispatch (CAD) and records, document management, purchase orders, utility billing and sales tax systems. The City has a number of major software applications supported by the Software Engineering team which include the following:

- Utility Maintenance Management (Accela)
- Sales Tax administration and collection (Custom in-house)
- Enterprise resource planning (Financials, payroll, accounts payable, fixed asset, etc.) (JD Edwards)
- Municipal Court (Justice Systems)
- Document Management (Laserfiche)
- Interactive Voice Response and Web payment system (Teleworks)
- Police and Fire Computer Aided Dispatch (CAD) (Intergraph)
- Fire Records Management (Alpine)
- Geographic Information System (ESRI)
- Recreation registration and administration (RecTrac)
- Utility account management and billing (Advanced Utilities)
- The City's Web presence and the internal intranet

The team also supports a large number of smaller custom applications for operations across all departments.

The Systems Management Division, led by Systems Manager Scott Rope, consists of 13 staff members. Responsibilities of the team include the following:

- Install, configure, administer, troubleshoot and provide security and data integrity for over 100 Windows servers and 1060 Windows computers and laptops in over 30 City facilities.
- Provide consulting services for all departments on existing technologies and strategic direction and project management services for the acquisition, implementation and use of new technologies.
- Administer 1,141 Windows user accounts and 1,216 Exchange email accounts.
- Maintain a warm site disaster recovery/business continuity facility.
- Support wireless hardware and software used by the City's Public Safety departments for all mobile applications including Dispatch, Field Reporting, LPR (License Plate Reader) and AVL (Auto Vehicle Locator).
- Administer the program for the replacement of City personal computer hardware.
- Manage software compliance and licenses.
- Manage systems security including virus protection, content screening and spam filtering.
- Provide an IT Service Center for all City employees who access any of the City's computerized systems.
- Design, install and support city-wide voice communications networks consisting of six Avaya PPXs, unified messaging, 1,579 extensions, and 21 Avaya remote gateways.
- Design, install and support city-wide data communications networks providing a high speed wide area network between more than 30 city facilities. The majority of connections between facilities is achieved through a City owned fiber optic network with loop redundancy. A few facilities have City owned point to point wireless networking equipment installed where fiber is not available.
- Support mission-critical systems, 24 hours a day, 7 days a week, 365 days a year.
- Perform data backups and recovery services for all centralized systems.
- Track and handle an average support calls volume in excess of 1,200 requests per month.
- Assist departments with the evaluation, selection, purchase, installation and support of personal computer hardware and software.

The department provides a number of additional mission critical services that support City Council and department goals. Examples include:

- Evaluate emerging technologies and provide recommendations on how the organization can fully exploit the capabilities of such technologies to expand service to businesses and citizens, enhance employee productivity and increase organization efficiency.
- Assist departments with developing RFPs for technology related projects, assessing proposals, vendor negotiations, technical contract and license reviews, and project implementations.

Major Accomplishments in 2013

- Microsoft Office 2013 upgrade
- Core network switch replacement
- New Uninterrupted Power Supply (UPS) for primary data center
- Phase I JDE ERP system upgrade
- Storage Area Network replacement
- Comcast franchise agreement renewal

Major Projects in 2014

- Develop mobile strategy, evaluate devices, and implement development strategies and tools
- Phase II JDE ERP system upgrades
- Enhance disaster recovery facility and infrastructure upgrades
- Assess email infrastructure and upgrade of Microsoft Exchange or alternate solution

Why the City of Westminster is recognized as a National Leader in Technology

The City of Westminster Information Technology Department prides itself on the success achieved in providing the technology infrastructure and services to support departments and City Council goals and objectives. A proven track record has been confirmed through both internal and external recognition and awards. Internally, the department has been recognized and received multiple teams in action awards for interdepartmental projects. Externally, the department has been recognized by the Center for Digital Government as a national top 10 leader in 11 of the past 12 years for technology strategic planning, infrastructure design, and technology use to enhance organization productivity and services to citizens. In 2013, the Department was also the recipient of the 2013 Colorado Government Association of Information Technology customer service award.

From a high level view, Westminster's IT Department success and national recognition as a leader can be attributed to seven major key areas. Those are:

- 1) Proper IT organization and support
- 2) Hire, train, mentor and retain the best IT staff
- 3) Construct and maintain the right IT infrastructure
- 4) Recognize and manage risks
- 5) Develop and update IT Department Strategic Plan on an annual basis
- 6) Establish internal and external partnerships
- 7) Develop performance measures, set goals, and measure success

Attached to this document is the department description & responsibilities and an organizational chart for this department. Both of these documents are included in the New Councillor's Guidebook and provided here as a reference to City Council as part of tonight's presentation.

The Information Technology Department supports all five of the City's Strategic Plan goals: Strong, Balanced Local Economy; Safe and Healthy Community; Financially Sustainable City Government Providing Exceptional Services; Vibrant Neighborhoods in One Livable Community; and Beautiful and Environmentally Sensitive City.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

- Attachments - Department Description and Responsibilities
- Department Organizational Chart

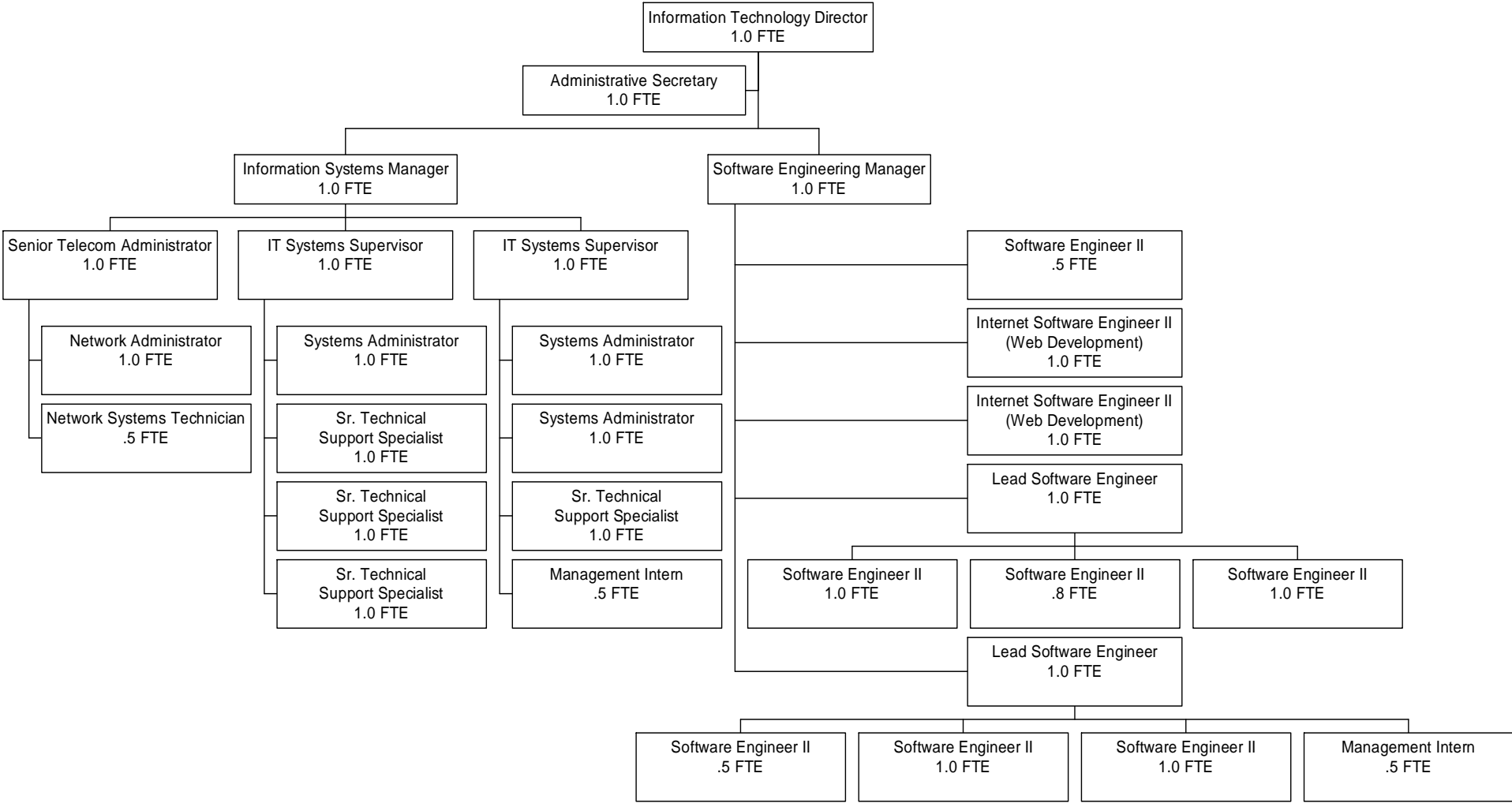
Department Descriptions & Responsibilities

INFORMATION TECHNOLOGY

The Information Technology Department addresses the growing technological demands within the City.

- Evaluates emerging technologies and provides recommendations on how the organization can fully exploit the capabilities of such technologies to expand service to businesses and citizens, enhance employee productivity and increase organization efficiency.
- Provides timely, efficient technical support for all City Departments using centralized and decentralized computer systems.
- Assists departments with the evaluation, selection, purchase, installation and support of personal computer hardware and software.
- Assists departments with evaluation, selection, vendor negotiations and implementation of new major systems to support City operations.
- Provides data network hardware installation and administration for the City's local area network (LAN) and wide area network (WAN). These networks provide employees throughout all City facilities with access to centralized systems and files.
- Develops software tools to integrate and share information between various applications including finance, budget, police computer aided dispatch (CAD) and records, document management, purchase orders, utility billing and sales tax systems.
- Develops and supports Internet (City website) and Intranet (employee website) applications to provide comprehensive information and services for citizens, businesses, employees and others.
- Implements and manages City-wide telephone and voice-mail systems and associated infrastructure.

**City Of Westminster
Information Technology Department
November, 2013**





WESTMINSTER

Staff Report

City Council Study Session Meeting
January 6, 2014



SUBJECT: Finance Department Briefing: Functions, Responsibilities and Issues

PREPARED BY: Tammy Hitchens, Finance Director

Recommended City Council Action

City Council is requested to listen to Staff's overview of department operations, responsibilities and potential upcoming issues that might be coming to City Council for direction in the future.

The Finance Department is made up of four Divisions. The following staff will be in attendance to present the overview.

Administration: Finance Director Tammy Hitchens, Retirement Administrator Kim McDaniel and Purchasing Officer, Joe Lachermeier

Accounting: Accounting Manager Cherie Sanchez

Sales Tax: Sales Tax Manager Barb Dolan

Treasury: Treasury Manager Bob Byerhof

Policy Issue

None at this time.

Alternative

None at this time.

Background Information

Administration

The Administration Division is responsible for the oversight and administration of the Finance Department. The Finance Director is charged with setting the strategic direction of the Department as well as financial direction for major projects that might utilize debt financing. Retirement Administration and Purchasing are part of the Administration Division. The Division has five employees filling 4.5 FTE positions (3 exempt and 1.5 non-exempt).

Purchasing

Purchasing's core function is to assist City staff with the acquisition of goods and services through a fair and transparent process that complies with the City's purchasing ordinance. The City utilizes a decentralized purchasing model, which means that each department budgets for, initiates, develops, solicits, reviews, and selects the vendor to provide the goods or services they need. The Purchasing Officer is a resource and assists staff as they go through this process. The Purchasing Officer is a member of, and meets regularly with, the Multiple Assembly of Procurement Officials (M.A.P.O.) and the Rocky Mountain Government Purchasing Association (R.M.G.P.A.) developing networks and sharing information related to governmental purchasing practices that can benefit the City. One example is the review and sharing of existing contracts that have been publicly solicited that are available for the City to utilize for purchases. For example, the State of Colorado does a large solicitation each year for vehicles. Instead of spending staff time and resources doing the same solicitation, the City purchases vehicles based on pricing that resulted from the State of Colorado's solicitation. The Purchasing Officer is a resource and assists with the building of a formal request known as a Request for Proposal (RFP) or a Request for Bid (RFB) in concert with the City Attorney's Office. The Purchasing Officer conducts audits of purchase orders to ensure compliance. Finally, the Purchasing Officer is in charge of disposing of any City equipment that is outdated and/or no longer needed at public auction.

Pension

Pension's core function is the administration of the City's retirement plans, which includes the supervision of plan operations, the investing of funds, employee education and plan compliance. Pension utilizes a number of external professionals that provide expertise and consulting. Examples of external service providers include banking, investment consulting, record keepers, and pension attorneys. Pension consists of one exempt employee and one non-exempt 0.50 FTE employee.

All benefited employees, except firefighters, participate in the defined contribution 401(a) City of Westminster Pension Plan in lieu of Social Security. All sworn police officers participant in the Police Plan and all other benefited employees, except firefighters, participant in the General Employee Plan. Employees must contribute 10% of base pay. The City contributes 10.25% of base pay after completion of 22 months of continuous employment. The City's Pension Plan is a self-directed retirement plan where employees choose how to invest their pension funds from the investment offerings provided within the fund option line-up that includes pre-set investment portfolios. The City's Pension Plan has a Retirement Medical Savings Account (RMSA) feature that allows employees to save for future health care expenses on a tax-free basis. Employees may designate 1% to 25% of their existing employee and employer contributions. Each Pension Plan (General and Police) has a five-member board. Each board consists of the Trustee, which is the Finance Director, an appointed member and three elected members.

In addition to the City's Pension Plan, all employees may voluntarily contribute to a 457(b) deferred compensation plan either on a pre-tax basis and/or post-tax basis (Roth). This Plan is also self-directed and offers a wide array of investments including pre-set investment portfolio choices. The Deferred Compensation Committee consists of five members: Director of Finance, Director of Information Technology, Director of General Services, Retirement Administrator, and Retirement Accounting Technician.

The City's firefighters participate in the Fire and Police Pension Association's (FPPA) statewide benefit plan. Firefighters voted to convert to the FPPA plan during 2004. Firefighters hired after September 1, 2004, participate in FPPA where both the employee and employer contribution rate is 8%. The contribution rates for both employee and employer is 10% for those firefighters hired prior to September 1, 2004.

All non-benefited employees contribute 7.5% into the City of Westminster Non-Benefited Employees Deferred Compensation Plan in lieu of Social Security. Employee contributions are invested in a fixed account.

Accounting

The Accounting Division's core functions include the centralized processing, recording and reporting of financial transactions, administration of the financial management system, management of the annual financial audit, payroll, accounts payable, accounts receivable, budget maintenance, and internal audit. The division is comprised of 11 personnel (5 exempt employees and 6 nonexempt employees – 10.5 FTE).

JD Edwards is the City's financial management system that houses the General Ledger, the repository for all financial transactions as well as the adopted budget. The City accounts for the financial transactions of 29 funds, some of which are combined for external financial reporting. Accounting records all financial transactions to JD Edwards and ensures the integrity of system data by performing periodic reconciliations.

Accounting prepares monthly financial reports for Council that include the General; Sales Tax; Parks, Open Space and Trails; Utility Enterprise; and Golf Course Enterprise Funds. The audit team has responsibility for producing the Comprehensive Annual Financial Report (CAFR), which includes financial information on all funds and is prepared for the public in accordance with Generally Accepted Accounting Principles.

The City's independent, professional auditing firm is BKD, LLP. BKD performs the annual financial audit and federally mandated Single Audit on expenditures of federal awards. The auditors are required by auditing standards to communicate with Council at the beginning of the financial audit to provide an opportunity for two-way communication and at its conclusion to report the audit outcome.

Accounting administers a bi-weekly payroll averaging 1,250 employees each pay period, and has responsibility for W2 reporting. Accounts Payable processes purchase orders, invoices, and semi-weekly vendor payments, as well as generates 1099 tax forms and performs travel expense reviews. Accounts Receivable generates customer invoices for a variety of miscellaneous City services. The internal audit function is designed to ensure appropriate financial policies are developed and monitored for compliance and that adequate internal controls are in place with the City's financial systems and processes. The internal audit team serves the organization as policy consultants and educators of best financial practices.

Budget maintenance involves monitoring and updating the adopted budget in JD Edwards to reflect changes approved by Council and intra-departmental reallocations approved by management. Accounting prepares supplemental appropriation ordinances and contingency transfer resolutions for Council's approval.

In tandem with the Information Technology Department and Human Resources, Accounting has significant responsibility for JD Edwards system report writing, issues resolution, application development and software upgrades.

Potential Action Items that may be brought forth for Council's consideration include the following in 2014:

- review and acceptance of the monthly financial statements;
- review and acceptance of the quarterly housekeeping supplemental budget appropriation ordinances; and
- review and acceptance of the annual financial audit, management letter and CAFR.

Sales Tax

The Sales Tax Division's core functions include the processing, auditing, and collection of Westminster sales, use, admissions, and accommodations tax, as well as oversight and administration of Special Districts within the City. The Division is comprised of 9 personnel (8 exempt employees and one non-exempt employee – 8.5 FTE).

Return Processing:

As a home rule city, Westminster administers and collects its own sales and use tax. There are currently over 5,500 businesses licensed to collect and remit City taxes. These include in-city commercial establishments, home-based businesses, and businesses that are engaged in business in the City but do not have a physical location here. The Sales Tax Technician processes over 31,000 sales and use tax returns and collects over \$79 million in tax revenue annually.

The Sales Tax Division strives to make the tax filing process as user friendly and efficient as possible for our business community. To that end, the following services to taxpayers are offered:

- ACH Debit (City initiated funds transfer) electronic filing and payment;
- ACH Credit (Taxpayer initiated funds transfer) electronic payment;
- Online Tax Compliance Guides, including specific information on a variety of tax topics and industries;
- An array of downloadable forms, including tax returns, business license applications, request for refund, exemption and construction tax forms;
- A robust general tax information section on the City's Internet web page; and
- Personal assistance during regular business hours.

Audit:

Our audit supervisor oversees four auditors who conduct field audits of businesses to determine the accuracy of the taxes that they have reported and paid. The audit function completes over 70 audits per year and regularly collects between \$1 million and \$5 million per year in sales and use tax revenue of taxes that were under reported by businesses.

Enforcement:

Our Revenue Agent oversees the enforcement function. He handles the collection of delinquent returns and short checks, monitors business activity in the City, and represents the City in Municipal Court tax cases. The Revenue Agent regularly collects between \$500,000 and \$1 million in sales and use tax revenue of delinquent taxes and insuring licensing compliance.

Special District Administration:

The City's Special District Accountant and Accounting Technician oversee administration of seven General Improvement Districts, seven Urban Renewal Areas, one Special Improvement District, and a variety of Intergovernmental and other contractual agreements. They work closely with other Divisions and Departments to insure that the accounting, budgeting and operation of these Districts complies with State statutes, bond and other debt requirements, and other contractual agreements.

Potential action items that may be brought forth for Council consideration include the following in 2014:

- Amendments to the Westminster Municipal Code related to clarifying sales and use tax provisions, or adopting standardized definitions and administrative provisions.
- Intergovernmental cooperation agreements, between the City and overlapping special districts, as well as district budgets and budget amendments.

Treasury

The Treasury Division's core functions include Treasury related tasks, such as cash management, financial analysis, and debt management as well as managing utility billing responsibilities. The Division is comprised of nine personnel (four exempt employees and five non-exempt employees – 8.0 FTE). Treasury utilizes a number of external professionals to assist in the operation of core functions and provide professional expertise, consulting and operational efficiencies. Examples of external service providers include banking, lockbox, purchasing card, armored car, investment advisory, credit card processing, and utility bill printing and mailing services.

When debt is issued, the City organizes a Finance Team comprised of City Staff and external professionals, such as bond counsel, an underwriter to market bonds, a trustee, and a financial advisor when deemed necessary. These external professionals ensure bonds are issued legally, cost effectively, responsibly and given the complex nature of debt issuance and tax law.

Potential action items that may be brought forth for Council consideration include the following in 2014:

- Debt financing for the Westminster Center Urban Renewal Project and South Westminster transit oriented development redevelopment projects.
- Professional service contracts for the Purchasing Card program, underwriter, and financial advisor.

Attached to this document is the Department Description & Responsibilities and an organizational chart for this department. Both of these documents are included in the New Councillor's Guidebook and provided here as a reference to City Council as part of tonight's presentation.

This Staff Report supports all five of City Council's Strategic Plan goals: Strong, Balanced Local Economy; Financially Sustainable City Government Providing Exceptional Services; Safe and Healthy Community; Vibrant Neighborhoods in One Livable Community; and Beautiful and Environmentally Sensitive City.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments - Finance Department Descriptions and Responsibilities
- Finance Department Organizational Chart

Department Descriptions & Responsibilities

FINANCE DEPARTMENT

The Finance Department is comprised of four divisions. The Administration, Accounting and Sales Tax Divisions are budgeted in the General Fund. The Treasury/Utility Billing Division is budgeted in the General and Utility Fund. Retirement Administration and Purchasing are included in the Administration Division.

Administration Division

- Assists in the development of strategic financial goals and management of the City.
- Oversees the functions of the rest of the Finance Department and provides clerical support for all Finance divisions.
- Manages and administers the City's retirement plans.
- Provides financial management services to all City departments.
- Assists staff with the development and solicitation of request for proposal and invitation to bid documents, including managing the City's electronic bid platform.
- Monitors and audits purchases greater than \$5,000 but less than \$30,000, for compliance to policies and procedures related to the competitive purchasing process. Conducts an annual audit of all expenditures over \$50,000 for compliance related to City Council approval.
- Handles vendor inquiries on to how to do business with the City.
- Assists in ensuring City purchases are done through a competitive purchasing process.
- Handles disposal of City surplus through trade, sale public auction, or donation.
- Assists in the acquisition of vehicles and heavy equipment purchased by the City.

Accounting Division

- Administers the annual financial audit. Prepares and issues the Comprehensive Annual Financial Report (CAFR) in accordance with Generally Accepted Accounting Principles (GAAP).
- Ensures accounting and financial reporting compliance with applicable Federal and State statutes as well as Governmental Accounting Standards Board (GASB) rules and regulations.
- Processes, records and reports all financial transactions of the City. Prepares journal entries and budget revisions for processing. Performs various reconciliations including cash, investments, subsidiary systems and general ledger accounts. Prepares and distributes the monthly revenue and financial reports.
- Administers bi-weekly payroll for approximately 1,250 employees. Responds to payroll and general leave inquiries. Prepares purchase orders for payment of court ordered withholdings, insurance premiums, and other City authorized deductions. Processes W-2s.
- Processes Accounts Payable bi-weekly. Responsible for purchase order compliance and matching of purchase orders to invoices. Records all off system payments to the General Ledger. Processes 1099s. Reconciles the purchasing card statement and travel expense reports.
- Administers Accounts Receivable, including billing and payment activity. Verifies all revenues are received and recorded properly to the general ledger.
- Maintains fixed asset inventory records. Processes, records and reports changes in capital asset inventory based on financial transactions occurring throughout the year.
- Administers the internal audit function to ensure appropriate financial policies are developed and

monitored for compliance and that adequate internal controls are in place with the City's financial systems and processes.

- Administers general budget maintenance. Prepares supplemental appropriation ordinances and contingency transfers.
- Performs grant administration on all grant awards. Monitors all grants awards, expenses, reimbursements and budgets and ensures recording and financial reporting compliance. Provides grant information for the federally mandated Single Audit.
- Performs JD Edwards Financial Management System report writing, troubleshooting, and functional development in tandem with Information Technology.
- Monitors and accounts for the financial impact of legal agreements, including intergovernmental, lease, grant, debt, sale and purchase agreements.
- Completes various financial surveys.
- Provides procedural and compliance training, and customer service on all accounting matters to the organization.

Sales Tax Division

- Administers all the provisions of the Westminster Municipal Code pertaining to sales and use tax, admissions tax, accommodations tax, business occupation tax, and franchise fees.
- Monitors, analyzes and prepares reports related to City tax revenues.
- Assists the City Clerk with the business licensing functions.
- Monitors State and Federal legislative and judicial activity pertaining to taxes.
- Recommends possible changes to the City Code relating to taxes and handles special projects and requests in the tax area.
- Conducts field audits of businesses that are required to collect and remit City tax, which includes examining taxpayers' records, completing audit write-ups, making recommendations for issuance of tax assessments or refunds, and representing the City at informal meetings and formal hearings for protested assessments.
- Represents the City at Municipal Court appearances for tax.
- Seeks out and registers taxpayers who are engaged in business without a license.
- Collects delinquent taxes, including issuing assessments, filing liens, executing distraint warrants, and issuing summons to Municipal Court.
- Processes tax returns for approximately 5,400 licensed businesses, including entering returns in the sales tax system.
- Handles taxpayer phone and walk-in inquiries.
- Maintains tax records for each taxpayer.
- Administers Economic Development Agreements (EDA's), including monitoring tax receipts and issuing tax rebates.
- Works with the Treasury and Accounting Divisions to perform administrative, budgeting and accounting functions for certain Special Districts and component units, including General Improvement Districts (GIDs), Special Improvement Districts (SIDs), Urban Renewal Areas (URAs), and the Westminster Housing Authority WHA).

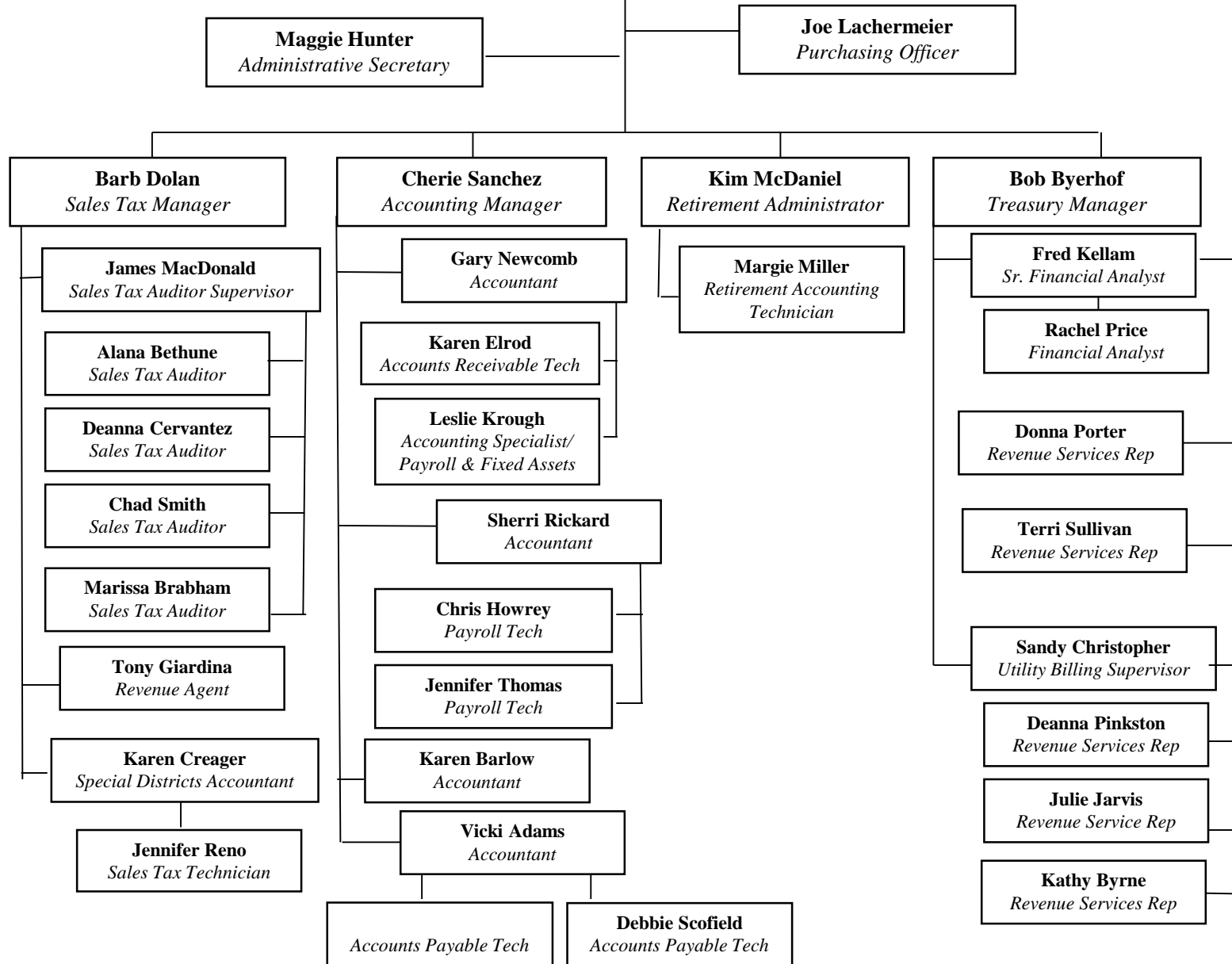
Treasury/Utility Billing Division

- Manages the investment of the City's \$160,000,000+ portfolio.
- Administers the City's banking relationships, including lockbox operations and centralized bank accounts to collect all revenues and make disbursements from the City's operating account.
- Administers the City-wide purchasing card program, including training new card holders and ongoing

assistance to users and supervisors.

- Provides centralized cash management, including managing contract for armored car pickup of cash from remote sites and cashiers who receive cash paid for City services, balance payments, and make daily deposits to the City's operating account at the bank.
- Manages the City's debt portfolio, including debt issuance and making debt service payments, debt covenant and arbitrage compliance, and ongoing disclosure reporting requirements.
- Manages other financing initiatives, such as equipment leasing and master leases.
- Provides City Manager's Office with revenue and expense projection updates for all of the Urban Renewal Areas semi-annually.
- Performs financial analysis of City projects to determine the economic viability of the public projects that support new commercial development in the City and evaluates alternative methods of financing these public improvement projects.
- Maintains accounts for about 32,000 utility customers, bills these customers on a monthly basis, and collects approximately \$50,000,000 per year for services the City's water-waste-storm water utility provides to its customers.
- Handles customer inquiries and concerns that any of the water utility's residential and commercial customers might have about their water bills, payment options, potential leaks, rebate programs, etc.
- Each year executes over 3,000 final reads to close out customer accounts and 2,400 service orders for field service staff to check on the operation of customers' water systems.
- Oversees the weekly disconnection of water service for accounts that are delinquent and the collection of amounts past due as necessary to restore service.
- Oversees the Water/Sewer Assistance Program for our citizens.

**City of Westminster
 Department of Finance
Tammy Hitchens
*Finance Director***





WESTMINSTER

Staff Report

City Council Study Session Meeting
January 6, 2014



SUBJECT: General Services Briefing: Functions, Responsibilities and Issues

PREPARED BY: Debbie Mitchell, Director of General Services
Jeff Bowman, Fleet Manager
Carol Barnhardt, Court Administrator
Lisa Chrisman, Employee Development and Benefits Manager
Jerry Cinkosky, Facilities Manager
Martee Erichson, Risk Manager
Dee Martin, Workforce Planning and Compensation Manager
Linda Yeager, City Clerk

Recommended City Council Action

City Council is requested to listen to Staff's overview of General Services' operations, responsibilities and potential upcoming issues that might be coming to City Council for direction in the future.

Summary Statement

General Services Staff will be in attendance at Monday's Study Session to provide a brief overview of the seven divisional operations and answer any questions.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None at this time.

Alternative

None at this time.

Background Information

The General Services Department is a diverse set of divisions united around the common mission of providing support and services to all City departments, employees, businesses and citizens. All employees in General Services helped develop our mission focused on partnership and collaboration. We have attached that document, developed in 2009, for your review.

General Services has the opportunity to interact with every department and a wide variety of community members. The department provides our employees with a broad perspective of organization-wide needs and plays a role in assisting with citywide initiatives. Those initiatives all support the ongoing ability of the City to deliver exceptional quality of life through Service, Pride, Integrity, Responsibility, Innovation and Teamwork (SPIRIT). The department's sustainability efforts include energy efficiency, safety, attraction and retention of quality employees, ongoing learning and development of employees, environmental stewardship and compliance, provision of competitive compensation and benefits, ensuring a quality workforce and environment, maintaining quality fleet and facilities, and provision of quality Court administration and record retention, passports, business licensing and elections.

As an introduction to General Services Staff members and their areas of responsibility, Staff has attached the City Service Inventory for the General Services Department by operational area, a department responsibilities summary and an organization chart. Amplification of the scope of each division's responsibilities will be provided during General Services Staff presentation time, allowing for any questions Council may have about our operations or projects.

The function of the Department of General Services supports all of City Council's Strategic Plan goals: Strong, Balanced Local Economy; Safe and Healthy Community; Financially Sustainable City Government Providing Exceptional Services; Vibrant Neighborhoods in One Livable Community; and Beautiful and Environmentally Sensitive City.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments

- Attachment A – General Services Partnership Concept
- Attachment B – General Services Department Responsibilities Summary
- Attachment C – General Services Organizational Chart

Mission Statement

Champion our City's Mission by providing quality support and services to City departments, employees and citizens.



Partnership Concept

We build partnerships through good communication, trust, establishment of shared goals and a joint commitment to problem solving. Our ongoing success is dependent upon our ability and willingness to build and sustain partnerships with those whom we interact.

We contribute to the growth of our partnerships and ensure exceptional customer service by:

- **Treating each individual with courtesy and respect**
- **Consistently striving for positive results**
- **Identifying common goals in all situations**
- **Proactively communicating at all times**

Partnerships are built on shared responsibility for successful outcomes by drawing on our diverse skills and abilities.



Service, Pride, Integrity, Responsibility, Innovation, Teamwork

Partnership Standards

As Ambassadors of the City of Westminster, we are accountable for:

- **Treating each individual with courtesy and respect**
 - ✓ Follow the “Golden Rule” --- treat others as you want to be treated

- **Consistently striving for positive results**
 - ✓ Be Proactive vs. Reactive
 - ✓ Present choices or options

- **Identifying common goals in all situations**
 - ✓ Maintain the SPIRIT values of our organization in all interactions and efforts

- **Proactively communicating at all times**
 - ✓ Maintain my Outlook calendar indicating appointments, meetings and time out of the office.
 - ✓ When answering the phone
 - state the department or division and my name.
 - ensure that the “Transfer Once Rule” is utilized by gathering as much information as possible to be certain the caller is being transferred to the appropriate employee.
 - respond to all phone calls and e-mail messages on the same business day or, if received after 3:00 p.m., by the next business morning or, in the case where I am not in the office, the next business day I am available.
 - ✓ When away from my workstation
 - one hour or more, notify others in my work area of where I will be and when I expect to return.
 - four hours or more, utilize voicemail greeting notifying when I anticipate returning to the office and directing callers to an alternate extension.
 - one business day or longer, I will prepare my Outlook “out-of-office assistant” and voicemail system to include my return time and who to contact during my absence.
 - during business-related absences beyond one day, I will check voicemail at least once a day and initiate follow-up.
 - ✓ When assisting customers in need of directions or guidance, I will
 - provide up-to-date and accurate information.
 - convey to the customer potential delays in gathering information.

- **Establishing trustworthy, professional relationships**
 - ✓ Create a strong “team” and have a “team” mentality
 - ✓ Try to speak with customers in person vs. e-mail
 - ✓ Recognize mutual accountability for completing tasks
 - ✓ Respectfully and assertively communicate within your partnerships
 - ✓ Afford others the opportunity to learn and grow

Department Descriptions & Responsibilities

GENERAL SERVICES

The Department of General Services is primarily an internal support department that serves all City departments and offices. The Department is comprised of eight divisions with a wide diversity of functions and operations. These divisions include: Administration, Building Operations & Maintenance, City Clerk's Office, Human Resources – Employee Development & Benefits, Human Resources – Risk Management, Human Resources – Workforce Planning & Compensation and Municipal Court; Fleet Maintenance.

Administration Division

- Oversees Human Resources, City Clerk's Office, Municipal Court, Building Operations and Maintenance and Fleet Maintenance Division functions.
- Administers the Employee Assistance Program.
- Oversees the Employee Advisory Committee.
- Coordinates organizational development and support organizational change initiatives.
- Coordinates employee communication strategies with Human Resources Divisions.
- Provides technical support to the City Manager's Office and other departments.
- Coordinates the Department's nearly \$13 million capital improvement and operating budgets.
- Coordinates the Department's performance measurement work.

Building Operations and Maintenance Division

- Performs preventative maintenance and repairs, including electrical, plumbing, HVAC, mechanical and structural repairs as well as oversees facility remodeling, construction, and capital improvement projects for a total of 40 City facilities, encompassing approximately 800,000 square feet.
- Provides maintenance and repair work using Division staff and coordinates the contracting of more specialized work such as elevator maintenance, large window replacement, major roofing repairs and replacement, HVAC systems, plumbing, and electrical systems of facility infrastructures.
- Assists other departments in the technical review of capital improvement projects and major remodeling projects.
- Provides contract custodial administration for the cleaning of 390,000 square feet of facilities, including special event cleaning services and additional contracted services such as window washing and carpet cleaning. 296,000 square feet is completed through contract custodial services and the other 60,000 square feet is completed by City custodial staff. In addition to contractual custodial services, the BO&M Division is responsible for contract custodial services and cleaning of the North Metro Drug Task Force building through an Intergovernmental Agreement with other metro area cities.
- Provides customer service representation and schedules after hour use of City Hall.
- Oversees lease agreements on facilities owned by the City and occupied by outside businesses and agencies.
- Reviews and coordinates CIP projects (with on-going energy consumption) citywide for Lifecycle Cost Analysis toward long-term cost reductions.
- Consults on long-term strategic planning activities citywide toward energy conservation, energy efficiency and alternative energy opportunities.

- Reviews, audits and approves all utility billing citywide by outside vendors. Identifies billing errors and significant changes in consumption.
- Identifies financing mechanisms and funding opportunities to facilitate energy efficiency improvements outside planned CIP activities.
- Comprehensively analyzes and reports on energy use, including liquid fuels, citywide.
- Investigates alternative energy opportunities citywide. Implements projects where practical.
- Coordinates citywide facilitation for energy reduction, cultural and conservation measures, and potential use of alternative fuel/energy sources.
- Oversees community recycling programs.
- Oversees contractual property maintenance services for landscaping, parking lot maintenance, security services, snow removal, and general property upkeep for the former Westminster Mall properties and remaining tenants.

City Clerk's Office

- Serves as Secretary to the City Council and Special Permit and License Board, preparing and distributing agendas, minutes and legal notices.
- Provides in-house codification of the City Code and City Charter.
- Administers boards and commissions recruitment, interview, and appointment process on behalf of City Council.
- Administers elections and serves as Chair of the Election Commission.
- Administers business, specialty and liquor licensing provisions of City and State Codes.
- Administers Laser fiche, develops and implements workflows to provide electronic content management tools for management's daily operational use in decision making, updates the Document Management & Retention Policy, maintains City's permanent records in both electronic and original paper formats, and maintains legislative history summary for internal interdepartmental access.
- Processes United States passports in cooperation with the U.S. Department of State, which includes annual certification requirements.
- Provides switchboard services, messenger services, and in-house printing services for all City departments and offices. Printing services include consultation about and cost inquiries for external printing projects, as well as preparing monthly billing of department paper usage for Finance to charge to departmental accounts.

Fleet Maintenance Division

- Supports City Departments/Divisions in the acquisition, maintenance and repair on over 500 City vehicles and equipment, including the Public Works & Utilities Department, Parks Recreation & Libraries Department, Police Department, Fire Department and Community Development Department.
- Maintains three fuel sites, pumping approximately 360,000 gallons of fuel per year, while tracking fuel consumption by vehicle.

Human Resources Division – Employee Development & Benefits

- Coordinates employee benefit administration.
- Coordinates employee recognition efforts with the assistance of the Employee Recognition Action Team (ERAT).
- Consults and develops concepts related to organizational growth and development, i.e., employee feedback mechanisms, performance reviews, opportunities to strengthen leadership and commitment to organizational values.

- Administers the Wellness Program.
- Oversees the Employee Wellness Clinic (The Center for Healthy Living).
- Provides and encourages growth and development opportunities for City employees through the Citywide Training Program.

Human Resources Division – Risk Management

- Administers the Workers’ Compensation and Property/Liability programs, including the oversight of the two self-insurance funds that support these programs.
- Works closely with the City Attorney’s Office on all litigated liability claims and coordinates funding for lawsuits against the City.
- Offers employee safety training and loss control services, including facility inspections and coordinates the Citywide Safety Committee.
- Purchases all insurance coverage for the City except health insurance coverage.
- Manages Environmental Services, which provides technical expertise to City departments on how to comply with local, State and Federal environmental laws. Work includes staff training, centralized disposal of operational hazardous and universal waste, technical environmental review of properties to be purchased, and support of any potential site cleanup measures necessary.
- Manages the household hazardous waste disposal program.

Human Resources Division – Workforce Planning & Compensation

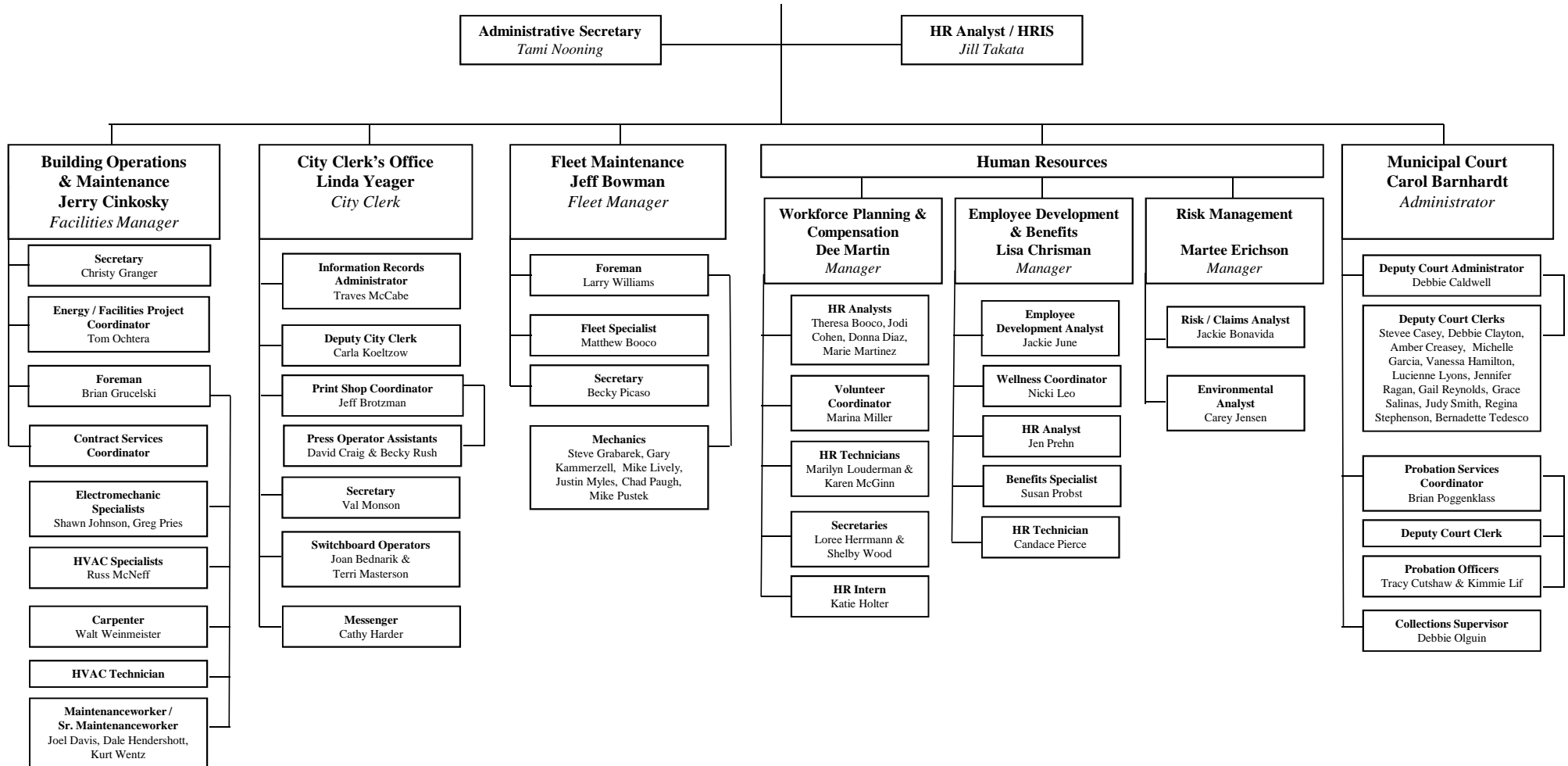
- Coordinates employee recruitment, selection and retention.
- Responsible for salary administration.
- Responsible for employee relations and grievances.
- Consults and develops concepts related to organizational growth and development, i.e., employee feedback mechanisms, performance reviews, opportunities to strengthen leadership and commitment to organizational values.
- Provides City departments with volunteer support valued at over \$1 million annually while offering residents and non-residents opportunities to serve the City and gain work experience.
- Serves as Staff Liaison to the Personnel Board.

Municipal Court Division

- Adjudicates traffic infractions and criminal cases that include domestic violence and municipal code violations.
- Utilizes alternatives in sentencing such as community service, diversion programs, various counseling and educational programs, in-home detention and delayed jail check-in dates and/or times.
- Monitors defendants’ compliance with Court Orders through Probation supervision or Court reviews.
- Collects restitution when ordered and disburses payments to victims.
- Collects fines and fees assessed.
- Monitors and summonses adequate jury pools as needed for jury trials.

City of Westminster - Department of General Services
Debbie Mitchell
Director

Attachment C





WESTMINSTER

Staff Report

City Council Study Session Meeting
January 6, 2014



SUBJECT: Public Works and Utilities Briefing: Functions, Responsibilities and Issues

PREPARED BY: Jody Andrews, Director of Public Works and Utilities

Recommended City Council Action

City Council is requested to listen to Staff's overview of the Public Works and Utilities Department's operations, responsibilities and potential upcoming issues that might be coming to City Council for direction in the future.

Summary Statement

Public Works and Utilities Staff has prepared an overview of the Department's operations to share with all of City Council. This will serve as an opportunity to orient new City Councillors as well as re-familiarize existing Council members on the wide variety of services and programs the Public Works and Utilities Department offers Westminster residents, businesses and visitors.

Public Works and Utilities Department Staff will be in attendance at Monday's Study Session to provide a brief overview of the Department's operations and answer any questions.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None at this time.

Alternative

None at this time.

Background Information

The Public Works and Utilities Department maintains and enhances the safety and well-being of the community by providing exceptional water and wastewater services and maintaining the City's extensive network of street infrastructure.

As one of the larger City departments with 132 employees, an annual budget of nearly \$30 million, and a two-year capital improvement budget of over \$45 million, the Department's goal is to deliver exceptional value and quality of life to Westminster residents, businesses and visitors by embodying the City's core SPIRIT values: Service, Pride, Integrity, Responsibility, Innovation, and Teamwork.

The Public Works and Utilities Department is comprised of four Divisions:

Director's Office and Administration – oversees the Department, including managing the Department's budgets and performance, public information, and collaboration with other City departments.

The Director's Office and the Administration Division are comprised of 3 staff located on the second floor of City Hall.

Street Operations – maintains the City's street network of 1,100 lane-miles of city streets including stormwater drainage, snow and ice control, bridge painting and over 17,000 signs. Each year the Division repairs over 3,500 potholes, applies 285,000 pounds of crackseal material, sweeps over 3,600 miles of streets, logs 48,000 miles of snow plowing/deicing miles and applies 3,600 tons of deicer. Street Operations also manages the Annual Street Improvement Program, the Adopt-A-Street Program, the Pavement Management Program, and the Public Facility Parking Lot Management Program.

The Street Operations Division is comprised of 24 staff located at the Municipal Services Center.

Utilities Operations – operates and maintains the City's water and wastewater collection, treatment and distribution systems including approximately 535 miles of potable water lines, 25 miles of reclaimed water lines, 25 miles of raw water lines, 404 miles of sanitary sewer lines, 8 treated water storage facilities, 11 water storage tanks, 2 water treatment facilities treating up to 59 million gallons per day (mgd), one reclaimed water treatment facility treating up to 10 mgd, and one wastewater treatment facility treating up to 11.9 mgd. The Division also coordinates water and sewer system improvement projects and programs, provides potable and reclaimed water meter reading services to approximately 32,246 customer accounts, oversees biosolids land application, runs the Department's maintenance, asset management program, geographic information system (GIS) and document management applications and performs snow and ice control in conjunction with Street Operations.

The Utilities Operations Division is comprised of 78 staff located at the Municipal Services Center, the Semper Water Treatment Facility, and the Big Dry Creek Wastewater Treatment Facility.

Utilities Planning and Engineering – responsible for planning, design, construction and oversight of the City’s potable water, reclaimed water and wastewater systems with a total asset replacement value of approximately \$2.7 billion, water resources and raw water acquisition with a water rights value of approximately \$1.0 billion, the operation of water quality laboratories for continuous testing of raw water and wastewater to ensure high water quality and compliance with State and Federal regulations, proactive watershed protection, management of the City’s Biosolids and Industrial Pre-Treatment programs, and water conservation.

The Division is implementing \$45.1 million of water and wastewater capital improvements in the 2013-2014 Capital Improvement Program, including improvements to the Wandering View Pump Station, construction of new Northridge Water Storage Tank #3, and construction of a bypass water pipeline to Standley Lake.

The Utilities Planning and Engineering Division is comprised of 27 staff located on the second floor of City Hall, the Semper Water Treatment Facility, and the Big Dry Creek Wastewater Treatment Facility.

Except for Street Operations, which is funded from the City’s General Fund, the Public Works and Utilities Department is funded from the City’s Enterprise Utility Fund, which includes the City’s Utilities Capital Improvement Program. The Enterprise Utility Fund receives most of its funding through water and wastewater rates and tap fees. The Department’s Description and Responsibilities document and Organizational Chart are attached for more detailed information.

Staff is planning to come back before City Council in 2014 with more detailed presentations on the following important issues:

- The City’s Comprehensive Water Supply Plan.
- The Enterprise Utility Fund, including long term financial sustainability, funding for utility capital projects, and rate and tap fees.
- The City’s Treated Water Storage Tank Repair and Rehabilitation Program.
- Construction of the sewer lift station at 87th Avenue and Wadsworth Boulevard.
- The City’s Pavement Management System, including current street condition ratings.

The Department of Public Works and Utilities supports all five of the City’s Strategic Plan goals: Strong, Balanced Local Economy; Safe and Healthy Community; Financially Sustainable City Government Providing Exceptional Services; Vibrant Neighborhoods in One Livable Community; and Beautiful and Environmentally Sensitive City.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments: Department of Public Works and Utilities Description & Responsibilities
Department of Public Works and Utilities Organization Chart

City of Westminster
DEPARTMENT DESCRIPTIONS & RESPONSIBILITIES

PUBLIC WORKS AND UTILITIES

The Public Works and Utilities Department maintains and enhances the safety and well-being of the community by providing exceptional water and wastewater services and maintaining the city's extensive network of street infrastructure.

The Department has two main funding sources:

- General Fund (street operations)
- Enterprise Utility Fund, which includes the Capital Improvement Program (water and wastewater operations and wastewater capital projects)

The Department's 2014 annual budget is \$29.4 million and its 2013-2014 Capital Improvement Program budget (for water and wastewater improvement projects) is \$45.1 million.

The Department consists of 132 staff in four divisions: the Director's Office and Administration Division, the Street Operations Division, the Utilities Planning and Engineering Division, and the Utilities Operations Division.

Director's Office and Administration Division

- Provides overall management of the Department and contributes to the effective management of the City through coordination and collaboration with other City departments.
- Directs Department programs and projects and prepares and oversees the Department's operating and capital project budgets, including taking overall responsibility for the fiscal sustainability of the Enterprise Utility Fund including financial planning, tap fee setting, water/wastewater rate setting and management of the financial reserves.
- Evaluates long-term water supply sources, plans for utilities to accommodate growth in the City, and works with key staff in matters of personnel, training and long-range planning.
- Coordinates with external agencies and authorities, represents the Department and the City at regional meetings, and monitors and comments on relevant legislation.
- Provides public information on Departmental operations and projects, and prepares reports as needed.

Street Operations Division

- Provides overall maintenance of streets, rights-of-way, lane marking, striping, signage and storm sewers.
- Utilizes the computerized Pavement Management System to inventory/monitor street improvements, manage the City's street network infrastructure investment and compile the 5 year Street Improvement Master Plan.
- Administers and oversees contractual pavement rehabilitation/maintenance projects, pavement resurfacing, reconstruction, sealcoating, crack sealing, concrete replacement, lane line re-painting, street sweeping and bridge railing repainting.

- Administers the In-House Pavement Rehabilitation Program, Public Facility Parking Lot Management Program, and the Adopt-a-Street Program.
- Provides efficient snow and ice control to assure safe driving conditions.
- Maintains storm sewers and open drainage to eliminate damage to private and public properties.
- Maintains the Traffic Sign Management Database.

Utilities Operations Division

- Maintains water distribution and wastewater collection systems and reclaimed water distribution system.
- Operates and maintains water treatment, wastewater treatment, and reclaimed water treatment facilities:
 - Treats the City's water at the 44 million gallon per day (mgd) Semper Water Treatment Facility at 8900 Pierce Street and the 15 mgd Northwest Water Treatment Facility at 8595 W. 104th Avenue.
 - Treats the City's wastewater at the 11.9 mgd Big Dry Creek Wastewater Treatment Facility at 13150 Huron Street.
 - Treats the City's reclaimed water at the 10 mgd Reclaimed Water Treatment Facility at 13070 Huron Street.
- Disposes of approximately 1,100 dry tons per year of biosolids through land application or composting.
- Replaces deteriorating water lines and rehabilitates deteriorating sanitary sewer lines.
- Administers the asset management, document management and GIS applications to effectively manage the performance, risks and expenditures related to maintaining city infrastructure.
- Operates and maintains sanitary sewer lift stations, water pumping stations, potable water storage facilities and one reclaimed water storage standpipe.
- Utilizes a mobile radio-read system to provide meter reading services to residents in the city.
- Provides high-quality drinking water through the City's treated water supply system ensuring regulatory compliance.
- Performs snow and ice control in conjunction with Street Operations.

Utilities Planning and Engineering Division

- Responsible for all aspects of water and wastewater capital projects including long-term planning, project design and construction, project tracking, oversight of external consultant work, and master plan coordination and review.
- Responsible for all aspects of raw water supply planning and acquisition for the City including monitoring the raw water resources of the City to assure physical and legal protection, quality and yield of water rights, and storage.

- Responsible for the protection and quality of Westminster's water resources including operation of water quality laboratories for continuous testing of raw water and wastewater to ensure high quality results and compliance with State and Federal regulations, technical support to the water, wastewater and reclaimed facilities, proactive watershed protection.
- Manages the city's Biosolids and Industrial Pre-Treatment programs.
- Administers the City's Reclaimed Water program including compliance with State regulations, master planning, managing Reclaimed water deliveries; providing service to existing customers, and prioritization of new customer connections to the Reclaimed Water System.
- Reviews and provides feedback on State regulations and legislation that have an impact on water supplies, water and wastewater operations and water quality.
- Ensures the delivery and maintenance of the City's water supply through participation on relevant Boards and Committees.
- Oversees development and implementation of water conservation programs including general customer education, conservation rebates, and improved water efficiencies for irrigation/industrial/commercial users.
- Provides staff involvement and current and timely information to City Council and Staff on issues related to the Rocky Flats National Wildlife Refuge.
- Provides Enterprise Utility Fund financial planning including rate and tap fees analysis and recommendations.

Public Works and Utilities Department

