

# **APPENDIX E**

# **PERMITTING**



## 1. PERMITTING

The purpose of requiring permits for development in the floodplain is to ensure all construction complies with federal, state, and local requirements specified in current codes, standards, flood ordinances and recommended construction techniques to help prevent damage in future flood events. If your property is located in a Federal Emergency Management Agency (FEMA) floodplain and you have a federally-backed mortgage loan, you are required by your lending institution to purchase flood insurance. Flood insurance is generally expensive or unavailable through private-sector insurance companies therefore the federal government has created the National Flood Insurance Program (NFIP) which is under the jurisdiction of FEMA, to provide property owners with flood insurance at subsidized rates. Participating communities must meet or exceed state and federal floodplain management regulations to remain in the NFIP.

In addition to the minimum standards set by the federal government through the NFIP, Colorado has adopted higher floodplain standards, which apply to all Colorado communities regardless of their participation status in the NFIP. The Colorado Water Conservation Board (CWCB) formally adopted higher standards that apply throughout the state under the 2010 Rules and Regulations for Regulatory Floodplains in Colorado.

Permitting processes, requirements and standards that guide development in the floodplain vary from jurisdiction to jurisdiction. Some communities have adopted ordinances that enforce more stringent standards than the minimums specified by FEMA and CWCB, while others have developed additional permits to help streamline relief efforts. The following narrative highlights common permits and certificates that may be required when (re)building in the floodplain, as well as a table that outlines local agency contact information for related permits. Permitting requirements vary according to the work being performed, therefore contact your local jurisdiction prior to commencing work or purchasing any materials for a complete list of requirements that are specific to your project.

## 2. LOCAL PERMITS

### Building Permit

In general, building permits are required if the work involves:

1. Structural repairs
2. Repairs to your electrical, mechanical (heating, cooling, HVAC) or plumbing system
3. Replacement of siding or re-roofs
4. New and replacement of bridges
5. Replacement of windows of the same size
6. Replacement of drywall

Most permits will likely require some type of planning process as well as building and grading permits. Applicant are strongly encouraged to meet with the planning staff in the County or municipalities where the work will be performed. Improvements related to restoration will require some or all of the following permits.

### Electrical Permit

If electrical work is being conducted, an electrical permit is required. The process by which one has to go to obtain an electrical permit varies by jurisdiction. See table below on how to obtain an electrical permit within your jurisdiction.

### Temporary and Emergency Building/Repair Permit

Emergency Building Permits are granted when immediate action is necessary to protect public health, safety, welfare, property and the environment. They are not intended to make a structure habitable, and are not considered permanent permits. They are limited to the minimum work necessary to prevent an imminent unsafe condition that may harm the environment or threaten people or property. These permits are issued in Boulder and Larimer Counties; Weld County does not issue emergency building permits. Temporary permits are issued in Boulder County for such work as emergency stabilization.

### Floodplain Development Permit

If you are located within or near a floodplain, you may need a Floodplain Development Permit in addition to a Building Permit. This permit must be obtained before construction commences and may require stamped drawings by a professional engineer. As part of the permit there may be associated requirements, such as drawings or reports created by a professional engineer, floodproofing certificates, and elevation certificates, and other related planning processes. Minor work or routine maintenance to homes, stores and other buildings may be exempt from obtaining a Floodplain Development Permit. Contact your local jurisdiction to see if you require a Floodplain Development Permit. Work performed that may require a Floodplain Development Permit includes:

1. New construction
2. Modifications, improvements, and repairs to homes, stores and other buildings
3. Excavation, filling and paving
4. Drilling, driving of piles, mining and dredging
5. Land clearing and grading
6. Permanent storage of materials and/or equipment
7. New and replacement of culverts measuring 30" in diameter

### 1041 Permit

A 1041 permit from Larimer, Weld or Boulder County may be required for the purposes of identifying, designating, and regulating areas and activities of state interest through their local permitting process. This would typically apply to larger projects covering multiple reaches.

### Septic

Prior to applying for a building permit, your septic system must be evaluated and approved by the Health Department. Based on state and county laws, all septic system repairs require repair permits. These permits need to be accompanied with a percolation test/ soil analysis with original stamp and signature from a registered professional engineer or geologist. Construction or repair of septic systems located in the floodplain require a floodplain development permit.

### Temporary and Emergency Building Permit

Emergency Building Permits are granted when immediate action is necessary to protect public health, safety, welfare, property and the environment. They are not intended to make a structure habitable, and are not considered permanent permits. They are limited to the minimum work necessary to prevent an imminent unsafe condition that may harm the environment or threaten people or property. These permits are issued in Boulder and Larimer Counties; Weld County does not issue emergency building permits. Temporary permits are issued in Boulder County for such work as emergency stabilization.

### Boulder County

Boulder County permits for flood-related work is summarized below. This information is available from the Boulder County Flood Rebuilding & Permit Information Center (FRPIC).

- *For minor flood repairs and restoration* - A Flood Recovery, Restoration and Repair Permit is available for flood repairs and restoration of flood-damaged (not destroyed or severely damaged) buildings to pre-flood configuration. Eligible flood-damaged components include replacement of drywall and insulation, doors, windows, siding, roof recovering, replacement of furnaces, boilers, water heaters, electrical wiring and equipment, gas piping, and plumbing.
- *To repair or rebuild private roads, driveways, culverts and bridges* - Residents, who need to repair or rebuild private roads or driveways to public roads, including culvert replacement and temporary waterway crossings, need to obtain a Flood Recovery Access Permit. Property owners who have repaired or rebuilt accesses to properties without a Flood Recovery Access Permit are encouraged to contact/come into the FRPIC.
- *For work in the floodplain* - Most work, including earthwork, in a floodplain requires a Floodplain Development Permit. Property owners who have moved earth or made repairs to a structure in a floodplain, or property owners who are considering these types of projects are encouraged to contact/come into the FRPIC for assistance.
- *Residents who did work during or after the flood event* - Boulder County recognizes that during a flood or other emergency and times of imminent danger property owners may decide to do what they determine is necessary to protect their property. An emergency does not remove the property owner's responsibility to obtain necessary permits following the immediate emergency situation. Please come in/contact the FRPIC to identify how to bring your property into compliance.
- *To rebuild or repair severely damaged or destroyed structures*, a Hazard Mitigation Review (HMR) is required. This includes structures impacted by flooding, debris flows, mudslides, slope instability, drainage channel shifts, drainage system impairments or failures, or other hazards. Hazard Mitigation Review will help property owners evaluate and design safer, more resilient redevelopment which takes into account probable hazards. To apply for Hazard Mitigation Review, contact the FRPIC.

See also:

<http://www.bouldercounty.org/doc/landuse/b73temporaryemergencypermit.pdf>

<http://www.bouldercounty.org/flood/property/pages/hmr.aspx>

<http://www.bouldercounty.org/flood/property/pages/rebuilding.aspx>

- *Stormwater Quality Management Permit*-Property owners that are located in Boulder County will need a Stormwater Quality Management Permit for construction related activities to control (reduce) stormwater-conveyed pollutants. This may be achieved through the installation of temporary and permanent stormwater runoff controls and best management practices (BMPs) to prevent the deterioration of water quality related to stormwater discharges from construction sites and activities. Monitoring and maintenance of the BMPs will be required. The County Engineer administers and enforces the provisions of the stormwater permit and should be consulted during the initial design phases of any projects to identify the specific permit requirements. In general permit requirements can be summarized as follows and as outlined in Boulder County Land Use Code Article 7-904.:
  - Permits are required for construction activity that disturbs one acre or more, or if the disturbed area is adjacent to a watercourse or wetlands.
  - Some land uses may be exempt, as determined by the County Engineer.
  - An application and plans are required for the permit.

- All BMPs shall comply with the Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual, Volume 3-Best Management Practices, the Colorado Department of Transportation Erosion Control and Stormwater Quality Guide or other similar document with proven effective methodologies.
- A fee will be required.
- The County will have up to 30 days to take action on the permit application.

**Contact information**

Contact information for local permitting requirements is provided in Table E1.

Table E1. Local Permits and Contacts.	
Larimer County	Contact
Building Permit (2 Locations)	
Unincorporated	Fort Collins Office Larimer County Building Department 200 W. Oak Street, Third Floor P.O. Box 1190 Fort Collins, CO 80522-1190 (970) 498-7700 (office) (970) 498-7667 (fax)
Unincorporated	Estes Park Office Larimer County Building Department 1601 Brodie Avenue Estes Park, CO 80517 (970) 577-2100 (office) (970) 577-2102 (fax)
Loveland	City of Loveland Building Division 500 E. 3rd Street, Suite 110 Loveland, CO 80537 (970) 962-2505 <a href="mailto:BldDiv@CityofLoveland.org">BldDiv@CityofLoveland.org</a> <a href="http://www.ci.loveland.co.us">www.ci.loveland.co.us</a>
Estes Park	Estes Park Building Safety Department 170 MacGregor Avenue Estes Park, CO 80517 (970) 577-3726 <a href="mailto:building@estes.org">building@estes.org</a>
Electrical Permit	
Unincorporated and Incorporated	State Electrical Board 1560 Broadway, Suite 1350 Denver, CO 80202 (303) 894-2300 – Phone (303) 894-2310 - Fax <a href="mailto:DORA_ElectricalBoard@state.co.us">DORA_ElectricalBoard@state.co.us</a>
Estes Park Area Only	855-451-9790 or 303-894-2980
Emergency Repair Permit	
Unincorporated/ Loveland	Larimer County Building Department 970.498.7699
Estes Park	Floodplain Manager 970.577.3721

Table E1. Local Permits and Contacts.	
<b>Floodplain Development Permit</b>	
Unincorporated	Larimer County Engineering Department 970.498.5700
Loveland	City of Loveland Building Division (970) 962-2505
Estes Park	Estes Park Building Safety Department (970) 577-3726
<b>Septic Permit</b>	
Unincorporated and Incorporated	Department of Health and Environment 970.498.6775
<b>Boulder County Contact</b>	
<b>Building Permit</b>	
Unincorporated	Boulder County Building Department 303.441.3925
<b>Electrical Permit</b>	
Unincorporated	Boulder County Building Safety and Inspection Services Team 303.441.3925
<b>Emergency Repair Permit</b>	
Unincorporated	Boulder County Building Safety and Inspection Services Team 303.441.3925
<b>Floodplain Development Permit</b>	
Unincorporated	Boulder County Floodplain Administrator 303.441.3900 floodplainadmin@bouldercounty.org
<b>Flood Recovery Access Permit</b>	
Unincorporated	Boulder County 303.441.4581
<b>Flood Recovery, Restoration and Repair Permit Form</b>	
Unincorporated	Boulder County Land use 303.441.3900 floodplainadmin@bouldercounty.org
<b>Septic Permit</b>	
Unincorporated	Boulder County Public Health, Environmental Health Division 303.441.1190
<b>Weld County Contact</b>	
<b>Building Permit</b>	
Unincorporated	Weld County Department of Planning Services 970.353.6100
Johnstown	Johnstown Building Department 970.587.4664
Milliken	Milliken Building and Planning Department 970.660.5046
Berthoud	Berthoud Town Hall 970.532.0640
<b>Electrical Permit</b>	
Unincorporated	Weld County Department of Planning Services 970.353.6100

Table E1. Local Permits and Contacts.	
Johnstown	Johnstown Building Department 970.587.4664
Milliken	Milliken Building and Planning Department 970.660.5046
Berthoud	Berthoud Town Hall 970.532.0640
<b>Floodplain Development Permit</b>	
Unincorporated	Weld County Department of Planning Services 970.353.6100
Johnstown	Johnstown Building Department 970.587.4664
Milliken	Milliken Building and Planning Department 970.660.5046
Berthoud	Berthoud Town Hall 970.532.0640
<b>Septic Permit</b>	
Unincorporated/ Incorporated	Environmental Health Department 970.304.6415

### 3. STATE PERMITS

#### Construction Stormwater Permit (Section 401)

Water-quality regulation for construction footprints over one (1) acre is overseen by the Colorado Department of Public Health and Environment CDPHE. Activities would require a permit for Stormwater management for protection of water quality under Section 401 Certification. The State Section 401 Certification and the federal Section 404 Permit could be integrated as these regulations are related.

### 4. FEDERAL PERMITS/ CERTIFICATES

Some restoration/ construction activities may require federal certificates or permits. **Contact your local jurisdiction prior to commencing work to obtain a complete list of permitting requirements that are specific to your project needs.**

#### FEMA Elevation Certificate

Elevation Certificates are used to ensure compliance with community floodplain management ordinances, support FEMA Letter of Map Amendment or Revision applications, and determine insurance premium rates. This certificate is often required in association with floodplain development permits and requires a professional surveyor or engineer to complete the application process. Permits that include an elevation certificate can provide a permanent record of compliance with elevation and/or retrofitting requirements, which is useful information for flood insurance ratings, and when selling your home. Elevation certificates can be downloaded at the following website: [http://www.fema.gov/media-library-data/20130726-1437-20490-0725/f\\_053\\_elevcertif\\_30nov12\\_fillable.pdf](http://www.fema.gov/media-library-data/20130726-1437-20490-0725/f_053_elevcertif_30nov12_fillable.pdf)

#### FEMA No-Rise Certificate

No-Rise Certificates are required for projects in the floodway to determine if the project will increase flood heights. For most projects, stamped drawings and analyses from a professional engineer are required with the application. For more information, see:

<http://www.fema.gov/floodplain-management/no-rise-certification-floodways>

**FEMA Floodproofing Certificate**

Documentation of certification by a registered professional engineer or architect that the design and methods of construction of a non-residential building are in accordance with accepted practices for meeting the floodproofing requirements in the community's floodplain management ordinance. Floodproofing of residential buildings is not allowed under the NFIP in any communities in Colorado. This documentation is required for both floodplain management requirements and insurance rating purposes for floodproofed non-residential buildings. FEMA Floodproofing certificates can be downloaded at the following website:

Non-residential Floodproofing Certificate: [https://s3-us-gov-west-1.amazonaws.com/dam-production/uploads/1406304445858-0888f8ef5a3bd55ff1815962caa9a12c/F-056\\_Floodproofing\\_NonRes\\_Jul12.pdf](https://s3-us-gov-west-1.amazonaws.com/dam-production/uploads/1406304445858-0888f8ef5a3bd55ff1815962caa9a12c/F-056_Floodproofing_NonRes_Jul12.pdf)

**United States Army Corps of Engineers (USACE) Section 404 Permit**

A Section 404 Permit is required if work performed involves the discharge of dredged or fill material into the nation's navigable waters, including wetlands. Upon applying you must demonstrate steps have been taken to avoid impacts to wetlands, streams and other aquatic resources; that potential impacts have been minimized; and that compensation will be provided for all remaining unavoidable impacts. Permits could be sought on a site by site (or project by project) basis, some of which may be adequately covered by a Nationwide (NWP) or Regional Permit. Nationwide and Regional permits are often used for smaller projects and include limits on the amount of disturbance or fill being requested.

On average, individual permit decisions (standard permits and letters of permission) are made within 2 to 6 months and require a public review process. Often the public review process can extend the decision time period. Individual permits are more complex and time intensive to prepare but provide flexibility compared to the NWP or Regional Permits since they do not need to conform to pre-set conditions. Individual permits are typically good for 5 years and require follow-up monitoring. Individual permits will also 'trigger' the need for a 401 water quality permit from the State of Colorado Department of Public Health and Environment. Information on current Nationwide permits follow. To initiate the process and obtain a permit visit:

<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/ObtainPermit.aspx>

For more information contact:

US Army Corps of Engineers

303.979.4120

**National Environmental Policy Act (NEPA)**

NEPA compliance (Environmental Impact Statement (EIS) or Environmental Assessment (EA)) should be reviewed for applicability for the proposed restoration. Given the project objectives it is unlikely a full EIS would be required, and in some cases, depending on funding source, a categorical exclusion may apply. However, notification of appropriate government regulatory and natural resource agencies is recommended to confirm requirements for implementation. NEPA compliance activities would typically be performed in conjunction with more detailed engineering analyses.