

**Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Agenda Item No: VI. 3.
Meeting Date: July 1st, 2024**

TO: Mayor Rogin and Members of the Board of Trustees

FROM: Justin Doles, Town Engineer

DATE: 6/4/2024

ITEM: **Ordinance 2024- 1165 -- AN ORDINANCE OF THE TOWN OF LYONS
REDACTING AND REPLACING CHAPTER 18, ARTICLE 15 OF THE LYONS
MUNICIPAL CODE REGARDING FLOOD DAMAGE PREVENTION**

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

I. REQUEST OR ISSUE:

Consider approval of Ordinance 1165, redacting Chapter 18 Article 15 of the Lyons Municipal Code and replacing it with recommended updated ordinance language from the National Flood Insurance Program. This ordinance will also correct errors and omissions in the current language, update references to the correct floodplain mapping that FEMA will be adapting in October, and provide reference to the violations section of the LMC to provide the Town with a better means of being able to enforce floodplain development violations.

II. RECOMMENDED ACTION / NEXT STEPS:

Adopt the first reading of this ordinance and schedule a public hearing and second reading on August 5, 2024. This will allow for more than a month of public education.

III. FISCAL IMPACTS:

If this ordinance is not adopted, the Town of Lyons and its residents could potentially lose membership in the National Flood Insurance Program (NFIP).

Residents whose properties experience a change in either Base Flood Elevation (BFE) or a change in which hazard area their property falls within, based on the to-be-adopted FIRMs by FEMA, could see a change in their flood insurance premiums. If the change decreases the property risk, they could see their premiums potentially lowered. If the change increases the property risk, they could see their premiums potentially increase. However, the premium rates are outside the control of the Town and will happen regardless of this ordinance.

IV. BACKGROUND INFORMATION:

The 2013 flood event caused widespread damage. The State of Colorado took steps to bolster long-term planning and resiliency by approving Senate Bill 15-245 for the Colorado Hazard Mapping Program (CHAMP). CHAMP updated local hazard information including producing new regulatory floodplain maps.

In September 2019, the Federal Emergency Management Agency (FEMA) released Preliminary Flood Insurance Rate Maps (Preliminary FIRMs) based on the CWCB/CHAMP remapping efforts. The Town of Lyons adapted these Preliminary FIRMs as the Best Available Data in 2020.

On April 30th, 2024, FEMA, through their liaisons with the Colorado Water Conservation Board (CWCB), notified the Town of Lyons and other affected communities that the Preliminary FIRMs were going to be adopted as the effective FIRMs by FEMA on October 24, 2024. The notification also stated that communities must update their floodplain regulations, including the new Flood Insurance Study (FIS) and FIRMs effective date, or risk losing membership in the NFIP.

V. LEGAL ISSUES:

None were identified at this time.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None identified.

VII. SUMMARY AND ALTERNATIVES:

- (1) Adopt to Ordinance 1165, on first reading with or without modifications;
- (2) Continue Ordinance 1165 with or without a request for additional information;
- (3) Deny Ordinance 1165

a. **PROPOSED MOTION:** "I move to approve "Ordinance 2024-1165 AN ORDINANCE OF THE TOWN OF LYONS REDACTING AND REPLACING CHAPTER 18, ARTICLE 15 OF THE LYONS MUNICIPAL CODE REGARDING FLOOD DAMAGE PREVENTION."

Attachments:

1. Exhibit A – Chapter 18 Article 15 Flood Damage Prevention
2. REDLINE – Chapter 18 Article 15 Flood Damage Prevention