

BUSINESS MEETING ITEM COVER SHEET

DEPARTMENT County Attorney

DIVISION

TITLE Resolution 2018-78, approving Land Use Docket Z-17-0002
(Zoning Map Amendments to the Floodplain Overlay District
based on CHAMP Phase II Floodplain Mapping)

DOCUMENT TYPE Resolution

SUBTYPE Z-17-0002

BUSINESS MEETING DATE 07/26/18

COMMISSIONERS' ACTION



Approved



Denied



Other

ORIGINAL(S) RETURNED TO Vault + Anna Milner

AGENDA ITEM NUMBER

7

COMMENTS Vault original will be sent to the Clerk & Recorder's Office - Recording Division
before going in the vault.

RESOLUTION 2018-78

A resolution approving Boulder County Land Use Docket Z-17-0002 (Zoning Map Amendments to the Floodplain Overlay District)

Recitals

A. The Boulder County Board of County Commissioners (the “Board”) is authorized to amend the County’s Zoning Map and text of the County’s Zoning Regulations according to the procedures in the regulations and C.R.S. § 30-28-112, -116, and -133.

B. Under other statutory authority, the Board is empowered to adopt regulations related to the control of land use, including but not limited to Article 65.1 of Title 24 (Areas and Activities of State Interest); Articles 67 and 68 of Title 24 (Planned Unit Developments and Vested Rights); Article 20 of Title 29 (Local Land Use Enabling Act); Articles 11 and 15 of Title 30 (County Powers and Police Power); Article 1 of Title 32 (Special District Control); and Article 2 of Title 43 (County Highways), C.R.S.

C. By Resolution 94-185, adopted October 18, 1994, the Board approved a unified Boulder County Land Use Code (the “Land Use Code”), which the Board has amended on subsequent occasions.

D. The County Engineer and other Boulder County Transportation Department staff administer the floodplain regulations within the Land Use Code.

E. In the present Docket Z-17-0002, authorized by the Board at a public meeting on May 16, 2017 (the “Docket”), staff proposed comprehensive zoning map amendments to the Boulder County Floodplain Overlay District based on a second phase of draft floodplain remapping from the Colorado Hazard Mapping Program, the Federal Emergency Management Agency (“FEMA”) Risk MAP and other best available information (the “Proposed Map Amendments”), as set forth in the Transportation Department’s memorandums and recommendations, the most recent of which is dated July 24, 2018 (the “Staff Recommendation”).

F. The Boulder County Planning Commission (the “Planning Commission”) held a duly noticed public hearing on the Proposed Map Amendments on June 20, 2018. At the close of the hearing, the Planning Commission recommended approval of the Proposed Map Amendments and certified the Docket for action to the Board.

G. On July 24, 2018, the Board held a duly noticed public hearing on the Docket and considered the Staff Recommendation, documents and testimony presented by County Transportation Department staff, testimony from a representative of FEMA, and the testimony of

several members of the public (the “Public Hearing”).

H. Based on the Public Hearing on July 24, 2018, the Board finds that the Proposed Map Amendments included in Exhibit A meet the criteria for zoning map amendments in Article 4-1102 of the Land Use Code, in that, as applicable to this comprehensive rezoning, a public need exists for the Proposed Map Amendments; the Proposed Map Amendments are consistent with and in furtherance of the stated intent and purposes of the Land Use Code; the Proposed Map Amendments are in accordance with the Boulder County Comprehensive Plan; the subject properties are an appropriate site for the Proposed Map Amendments, and are reasonable units of land for such reclassification; the Proposed Map Amendments would not have a material adverse effect on the surrounding area; the Proposed Map Amendments will not have a material adverse effect on community capital improvement programs; the Proposed Map Amendments will not require a level of community facilities and services greater than that which is available; the Proposed Map Amendments will not permit the use of any area designated with the Boulder County Comprehensive Plan for the extraction of commercial mineral deposits in a manner which would interfere with the present or future extraction of such deposit by an extractor to any greater extent than under the present zoning of the property; and the Proposed Map Amendments will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County. The Board finds the remaining criteria in Article 4-1102 not applicable to this comprehensive rezoning: the map amendment will not result in an over-intensive use of land; the map amendment will not result in undue traffic congestion of traffic hazards; and it must be demonstrated that any structures to be built on the property will not be affected by geologic hazards if they exist.

Therefore, the Board resolves:

1. The Proposed Map Amendments in Exhibit A are approved for incorporation into the Floodplain Overlay District of the Boulder County Zoning Map, effective August 1, 2018 for all stream reaches excluding lower Boulder Creek floodway, and effective October 1, 2018 for lower Boulder Creek floodway.

2. Under § 30-28-125, C.R.S., the Board authorizes the Clerk to the Board to transmit this Resolution, with its Exhibit A, to the County Clerk and Recorder for filing and appropriate indexing. This transmittal should state recording Reference No. **03596339**, the recording of the Boulder County Land Use Code on June 6, 2017, which this transmittal amends.

[Signature Page to Follow]

A motion to approve the Proposed Amendments was made at the Public Hearing by Commissioner Gardner, seconded by Commissioner Jones, and passed by a 2-0 vote. Commissioner Domenico was excused.

ADOPTED on this 26th day of July, 2018.

**BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY:**

Cindy Domenico, Chair



Elise Jones, Vice Chair



Deb Gardner, Commissioner



ATTEST:



Clerk to the Board

Exhibit A to Resolution 2018-78

**Map amendments to Boulder County Floodplain Overlay
District approved in Docket Z-17-0002 (Zoning Map
Amendments to the Floodplain Overlay District)**

The official digital map of amendments to the Boulder County Floodplain Overlay District approved in Docket Z-17-0002 on July 24, 2018 is archived and available for public inspection at the offices of the Boulder County Transportation Department at 2525 13th Street, Boulder, Colorado 80304.

EXHIBIT A: Stream Reaches Affected by Map Amendments to the Boulder County Floodplain Overlay District Approved in Docket Z-17-0002

