

RESOLUTION 2020-11

**A resolution conditionally approving Boulder County Land Use Docket Z-19-0001:
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-19-0001, authorized by the Board at a public meeting on September 19, 2019 (the “Docket”), staff proposed comprehensive zoning map amendments to the Boulder County Floodplain Overlay District based on the floodplain remapping of the Colorado Hazard Mapping Project, 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 December 12, 2019 (the “Staff Recommendation”).

F. The Boulder County Planning Commission (the “Planning Commission”) held a duly noticed public hearing on the Proposed Map Amendments on November 20, 2019. 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 December 12, 2019, 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 and Kevin Doyle, a consultant for Boulder County, and the testimony of 2 members of the public (the “Public Hearing”).

H. Based on the Public Hearing on December 12, 2019, 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 or 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:

Docket Z-19-0001 is approved on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

1. The Proposed Map Amendments in Exhibit A are approved for incorporation into the Floodplain Overlay District of the Boulder County Zoning Map, effective January 10, 2020.
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 Docket was made by Commissioner Deb Gardner, seconded by Commissioner Matt Jones, and passed by a 3-0 vote.

ADOPTED as a final decision of the Board on this 21st day of January 2020.

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



Deb Gardner, Chair



Matt Jones, Vice Chair



Elise Jones, Commissioner

ATTEST:



Clerk to the Board

Exhibit A

Map amendments to Boulder County Floodplain Overlay District approved in Docket Z-19-0001 (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-19-0001 on December 12, 2019 is archived and available for public inspection at the offices of the Boulder County Transportation Department at 2525 13th Street, Suite 203, Boulder, Colorado 80304.