



Transportation Department

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BOULDER COUNTY PLANNING COMMISSION AGENDA ITEM #7

May 16, 2012 – 5:45 P.M.

**Hearing Room, Third Floor
Boulder County Courthouse**

PUBLIC HEARING

STAFF PLANNER: Justin Gindlesperger, CFM

Docket DC-12-0002: Text Amendments to Article 4-802 of the Land Use Code .

Request: Proposed Land Use Code amendment to Article 4-802 (“Applicability and Scope of the Site Plan Review Process”) of the Boulder County Land Use Code.

Action Requested: Recommendation of approval and certification of the docket by the Planning Commission to the Board of County Commissioners, following staff presentation and public hearing.

SUMMARY

Following the Fourmile Fire, staff identified a significant potential for the loss of numerous residential bridges and stream crossings due to a fire-related flood event. Currently, the replacement of bridges or other stream crossings within the mapped floodplain must go through a Site Plan Review (SPR) and comply with applicable floodplain development requirements. Compliance with the SPR and applicable floodplain development permitting requirements can be a time consuming process taking several months. It was recognized that affected property owners could not wait for months for the necessary permits to replace their bridge and move back into their home. Therefore an expedited process is needed to replace a bridge that provides access to homes while remaining consistent with the floodplain regulations, goals and objectives.

Two areas have been identified to expedite the bridge replacement permitting process:

1. Current floodplain development regulations require that a bridge must be able to meet specific criteria, including the ability to pass a 100 year flood without impact to neighboring property owners. Demonstrating compliance with this requirement often requires individual modeling and analysis, including engineering analysis and modeling, which can be a time-consuming process. In order to provide an expedited process for replacement of damaged private access structures, the county has analyzed the necessary capacity for each existing structure in applicable drainages necessary to pass the 10 year postburn/100 year

pre-burn flows. A property owner may either take advantage of this analysis or complete a new analysis in demonstrating compliance with the floodplain regulations.

2. The proposed amendment will create an expedited process for replacement bridges that are damaged due to a flood event by exempting the replacement of such structures from the SPR process. Replacement bridges, damaged in a flood event, must still meet all other requirements of the Boulder County Land Use Code and the Storm Drainage Criteria Manual. All other replacements, or other construction, within the floodplains of Boulder County are required to meet the provisions of the Boulder County Land Use Code, including the Site Plan Review process.

Proposed Amendment:

Site Plan Review Process for Development - Article 4-802

Discussion: The proposed amendment will eliminate the requirement for Site Plan Review for restoration of bridges and other stream crossings that are damaged due to causes outside the control of the homeowner (i.e. flooding related to the Fourmile Fire). The proposed construction must be commenced within six months. This amendment does not eliminate compliance with other articles of the Land Use Code.

Proposed Text:

Art 4-802(B) 3. b. Replacement of bridges, box culverts or low-water crossings or other structures spanning a creek or other drainage within a mapped floodplain under Article 4-400, may also be exempt from site plan review under this Subsection 3., subject to administrative approval by the County Engineer for compliance with the Boulder County Storm Drainage Criteria Manual. The County Engineer may impose conditions on the construction to assure basic safety, including but not limited to requiring construction of a replacement bridge or crossing that is compliant with the Land Use Code and the Storm Drainage Criteria Manual either as a temporary or permanent replacement structure.

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TEXT AMENDMENT CRITERIA ANALYSIS

Article 16-100.B. contains the criteria for amending the text of the Land Use Code. Staff finds that these criteria are met in the context of this Docket, as follows:

The existing text is in need of amendment:

Any type of replacement of bridges, or other stream crossings, within the mapped floodplains of Boulder County requires Site Plan Review. The proposed amendment creates an expedited process for the replacement of a bridge damaged in a flood.

The amendment is not contrary to the intent and purpose of this Code:

The proposed amendment is not contrary to the intents and purposes of the Code.

The amendment is in accordance with the Boulder County Comprehensive Plan:

Policy 4.01 in the Natural Hazards element states, "The county should strongly discourage and strictly control land use development from locating in designated floodplains, as identified in the Boulder County Zoning Maps." The proposed amendment does not limit the ability of staff to

properly regulate the replacement of bridges, or other structures, that are located within the floodplain overlay district. Replacement structures are required to comply with all articles of the Land Use Code and the Storm Drainage Criteria Manual.

Policy 4.06 in the Natural Hazards element states, "The county will continue to participate and implement the Community Rating System program as part of the National Flood Insurance Program (NFIP)." The proposed amendment was referred to the Colorado Water Conservation Board and the Federal Emergency Management Agency Region VIII to ensure compliance with the NFIP and Colorado Rules and Regulations for Regulatory Floodplains. Neither agency found conflict with the amendment.

REFERRALS AND PUBLIC INVOLVEMENT

The proposed change was referred to the following Boulder County departments: Parks and Open Space, Public Health, Land Use Planning Division, Land Use Building Division, and the County Attorneys. While no formal referral responses have been submitted by these departments, Transportation staff worked closely with the Land Use Department, Open Space Department, County Attorneys, and Public Health and these partners support the proposed change.

The staff report was referred to the Colorado Water Conservation Board and FEMA Region VIII, which encompasses Boulder County.

In addition, the staff report was emailed to the Land Use Code listserv on May 2, 2012. Any comments received as a result of this email notification will be provided to the Planning Commission at the beginning of the meeting on May 16, 2012.

STAFF RECOMMENDATION

STAFF RECOMMENDS THAT THE PLANNING COMMISSION APPROVE AND RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS APPROVAL OF DOCKET DC-12-0002, TEXT AMENDMENTS TO ARTICLE 4-802 OF THE LAND USE CODE, and certify the Docket for action to the Board of County Commissioners, which certification includes the approved text of the Docket, and the official record of the Docket before the Planning Commission including staff comments and materials, public testimony, and Planning Commission action/discussion.