



# Land Use

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**BOULDER COUNTY  
BOARD OF COUNTY COMMISSIONERS  
September 17, 2015 at 10:30 a.m.  
Hearing Room, Third Floor  
Boulder County Courthouse**

STAFF: Varda Blum, Floodplain Program Manager, Transportation Department  
Kimberly Sanchez, Chief Planner, Land Use Department  
Rebecca Klymkowsky, Assistant County Attorney, County Attorney's Office

**Authorization of Docket DC-15-0004, Analysis of Proposed Boulder County Land Use Code Text Amendments to floodplain regulations and related provisions**

Authorization for staff to analyze possible Land Use Code (the "Code") text amendments to amend the County's floodplain regulations, codified in Articles 4-400 et seq., and related provision of the Code in Article 3 (Processes), Article 4 (Zoning), and Article 18 (Definitions).

*Public Testimony will not be taken – Action Requested*

## **SUMMARY**

The Planning Commission or the Board of County Commissioners must authorize text amendments to the Land Use Code pursuant to Article 16-100.A. Staff is requesting that the Board authorize staff to undertake an analysis of possible text amendments to the Land Use Code to:

- Facilitate the use of best available data to define floodplain and floodway areas in the County in a manner that is transparent to the public;
- Bring floodplain regulations addressing nonconforming uses, appeals, and variances into agreement with the rest of the Code; and
- To explore updates to related provisions in the Code in order to best protect the health, safety, and welfare of Boulder County residents in the event of future flood events.

## **BACKGROUND**

The September 2013 Flood Event significantly changed the real-world floodplain areas throughout the County. Under our current Code regulations, both the CWCB and FEMA must approve changes to the boundaries of the Floodplain Overlay District; the result is that it takes a long time to update the regulatory maps and studies the County staff are using to reflect the County's real-world floodplain areas. While the County Engineer currently has the authority to regulate in the floodplain based on best available data that has not been approved by FEMA and the CWCB, provisions do not currently exist in the Code for a public process to keep citizens informed about the existence of best available data that may affect them. This can result in confusion for residents about the data by which they are being regulated. The Transportation Department Floodplain team, in collaboration with the Land Use Department, would like to explore revisions to

the Floodplain Overlay District provisions of the Code to allow more accurate reflection of real-world conditions post-Flood and to more effectively and efficiently incorporate best available data into our regulatory scheme. This will allow County staff to better protect the health, safety, and welfare of the residents of and visitors to Boulder County and afford residents an opportunity to be part of the process of incorporating best available data and to have certainty about the regulations and associated mapping that affects property in the County.

Staff would also like to explore changes to or elimination of Article 4-408, which addresses nonconforming uses and structures within the Floodplain Overlay District, to bring floodplain regulations into conformance with the general nonconforming uses and structures language of Articles 4-1000 to 4-1003, in order to create a more transparent, comprehensible regulatory scheme for staff and the public alike. Similarly, staff would like to explore changes to Article 4-409, which addresses appeals and variances to decisions made by the County Engineer based upon or made in the administration or enforcement of the floodplain regulations, to bring floodplain appeals and variances into conformance with the general appeals and variance language of Article 4-1201.

**STAFF RECOMMENDATION**

Staff requests the Board of County Commissioners authorize staff to pursue the text amendments to the Boulder County Land Use Code through Docket DC-15-0004. Staff anticipates presenting the proposed regulations to the Boulder County Planning Commission at a legally noticed public hearing in December (estimated). A BOCC public hearing after Planning Commission provides a recommendation on Docket DC-15-0004 would follow.