



Community Planning & Permitting

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BOARD OF COUNTY COMMISSIONERS BUSINESS MEETING

February 8, 2022 – 10:30 AM
Via Microsoft Teams

Authorization under Article 16-100.A of the Boulder County Land Use Code for Text Amendments to the Land Use Code related to Article 19 (Procedures Following Disasters)

Staff: Hannah Hippely, AICP

Public testimony will not be taken – action requested

SUMMARY

On December 30, 2022, Boulder County declared a local disaster emergency pursuant to § 24-33.5-709, C.R.S., as amended, partially in response to the Marshall Fire, which caused severe damage and loss of property in Boulder County.

The County is committed to working with property owners in their recovery from damage or destroyed structures and intends to streamline the rebuilding process. The County's aim is to allow property owners to rebuild in a timely, safe and responsible manner.

Current Land Use Code regulations (Art. 4-802.B.3) allow someone to rebuild without Site Plan Review if they rebuild what previously existed (original location, floor area, height) and obtain building permits within one year of the destruction. However, if someone wanted to change the design to their home with a different footprint, location, size, or height, it would trigger Site Plan Review.

The County recognizes that people may want to make changes to their pre-existing structure when rebuilding. After previous disasters, the County adopted specialized regulations to allow people to make minor changes to their homes without triggering the full Site Plan Review process. It is the intent of this code amendment to adopt a similar approach which would, extended timeframe for rebuilding and through a streamlined approach replacing Site Plan Review, evaluate focused issues while also allowing some flexibility in the design of the homes that are rebuilt. The proposed regulations will be designed to accommodate this flexibility while still implementing the County's essential land use principles intended to retain the unique, scenic and rural character of the County.

Fires drastically change the landscape in obvious ways and while the recently impacted properties do not face the same degree of danger from excessive runoff, debris flows, and rockfall hazard as when fires occur in steep mountainous areas the County is committed to resilient rebuilding. Rebuilding in a resilient way requires the consideration of longer term wildfire mitigation in areas previously not designated as being in a wildfire hazard zone and any other hazard that may be identified through the process.

Staff intends to develop a focused approach to rebuilding after the Marshall Fire in Article 19 (Procedures Following Disasters) of the Land Use Code, and will make any other Code revisions necessary to integrate the changes.

ACTION REQUESTED

Staff requests the Board of County Commissioners authorize staff to pursue the text amendments to Article 19 of the Boulder County Land Use Code to ensure streamlined and resilient rebuilding.