

RESOLUTION 2024-032

**A resolution conditionally approving Boulder County Community Planning & Permitting
Docket Z-23-0001: 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 Community Planning & Permitting Department staff administer the floodplain regulations within the Land Use Code.

E. In the present Docket Z-23-0001, authorized by the Board at a public meeting on June 27, 2023 (the “Docket”), staff proposed comprehensive zoning map amendments to the Boulder County Floodplain Overlay District, specifically the Boulder County Floodplain and Floodway, based on the Federal Emergency Management Agency’s (“FEMA’s”) expected Physical Map Revision reflecting the Colorado Hazard Mapping Program study for Boulder County (the “Proposed Map Amendments”), as set forth in the Community Planning & Permitting Department’s memorandums and recommendations, the most recent of which is dated March 26, 2024 (the “Staff Recommendation”).

F. The Boulder County Planning Commission (the “Planning Commission”) held a duly noticed public hearing on the Proposed Map Amendments on January 17, 2024. 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 March 26, 2024, the Board held a duly noticed public hearing on the Docket (the “Public Hearing”), as further reflected in the official record of the Public Hearing, and considered the Staff Recommendation as well as the documents and testimony presented by Kelly Watson, Boulder County Principal Floodplain Planner, Kevin Doyle, a consultant for

Boulder County, Marta Blanco Castano with the Colorado Water Conservation Board, and the testimony of 4 members of the public.

H. Based on the Public Hearing on March 26, 2024, 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 as set forth in the Staff Recommendation and stated on the record during the Public Hearing.

Therefore, the Board resolves:

Docket Z-23-0001 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 March 26, 2024 for the portion of Lefthand Creek affected by the Scientific Resolution Panel re-study (between Geer Canyon and 49th Street) and an effective date coincident with the FEMA effective date, on or after September 26, 2024, for the rest of the Proposed Amendments.

A motion to approve the Docket was made by Commissioner Claire Levy, seconded by Commissioner Marta Loachamin, and passed by a 3-0 vote.

[Signature Page to Follow]

ADOPTED as a final decision of the Board on this 9th day of April 2024.

The signatures below indicate approval of the text of the Resolution but are not necessarily reflective of the votes taken at the Public Hearing.

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

Ashley Stolzmann
Ashley Stolzmann, Chair

Marta Loachamin
Marta Loachamin, Vice Chair

Claire Levy
Claire Levy, Commissioner

ATTEST:

Matthew Ramos
Clerk to the Board

Exhibit A

Map amendments to Boulder County Floodplain Overlay District approved in Docket Z-23-0001 (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-23-0001 on March 26, 2024 is archived and available for public inspection at the offices of the Boulder County Community Planning & Permitting Department at 2045 13th Street, Boulder, Colorado 80302.