

FLOOD REVIEW BOARD

Date: May 23, 2019

Time: 8:30 AM

Location: Larimer County Building (200 W. Oak Street), Watson Conference Room

Contact: Devin Traff, Larimer County Engineering Department

MEETING MINUTES

Staff Present: Devin Traff, Tina Kurtz

Board Members: Chris Thornton, Chris Carlson, Mike Oberlander, Greg Koch

Applicant(s) Present: Sonja Greenway, Jim Epstein, Aaron Cvar (Northern Engineering)

Mr. Koch opened the meeting at 8:35 A.M

Introductions

The order of the agenda was switched to allow the second petition (143 West Creek Road RV Variance) present first and the first petition (6742 West County Road 24) present after.

143 West Creek Road Variance

Mr. Traff gave an introduction to the project. The first petition is filed by Sonja Greenway on behalf of Harry Schumaker to review a variance to allow the placement of an RV beyond the 180 day requirement within the floodplain for Mr. Schumaker's property at 143 West Creek Road. The property is on the left bank of West Creek about a mile upstream of its confluence with the North Fork of the Big Thompson. The original home on the property was substantially damaged in the 2013 Flood and had to be removed. Due to floodplain regulations, Mr. Schumaker does not foresee a way to use the property other than placing an RV on it. A substantial portion of the property is within the effective and CHAMP floodway. The exact placement of the RV was not shown on the application, but Ms. Greenway has indicated that it will be located toward the northwest side of the parcel about 25' off the property line.

Mr. Traff stated that County Code prohibits the placement of RVs in the floodplain for longer than 180 days in a 12-month period and requires that they be licensed and ready for highway use, having its utilities attached by quick disconnect. Ms. Greenway is requesting a variance to allow the RV to remain on the site for a total 273 days in 2019. In the original application, she also requested a variance to allow the RV for 230 days in perpetuity for the years following, but she has recently rescinded that request and is only asking for an extension this year. She has stated that the RV will be highway-ready and all utilities are quick-disconnect.

Mr. Oberlander asked whether the 180 day regulation is a floodplain regulation. Mr. Traff stated that the regulation is in the floodplain section of the code and was created to prevent permanent residence within the floodplain and provide consistency with other areas of the County Land Use Code. Mr. Traff stated that the Larimer County Planning Department has also coordinated with Ms. Greenway on additional requirements beyond the floodplain approval needed for the application. The Planning Department requested that the Flood Review Board place a condition on any approval that the applicant meet any remaining County regulations and requirements outside of the scope of floodplain regulations.

Dr. Thornton moved to approve variance with the clarification that the 180 extension is only allowed for 2019 and conform to the 180 day requirement in 2020 and years following. Mr. Carlson seconded the motion. The motion passed 4-0.

6742 W County Road 24 Patio Variance

Mr. Traff gave an introduction to the project. The petition is filed on behalf of Mr. Epstein to review a variance for the expansion of a covered patio on his residence at 6742 W County Road 24. The property sits near the intersection of the Big Thompson River and Buckhorn Creek just south of CR 24. The footprint of the patio is about 20' x 11' according to information provided by Mr. Epstein. The patio is within the effective and CHAMP regulatory floodway. In February, Mr. Epstein reached out to Larimer County about obtaining a building permit for the covered patio which he had built on his property. Mr. Epstein communicated that he had been previously unaware of the floodplain regulations for his patio but wanted to pursue the process to gain any necessary approvals for it.

Mr. Traff stated that Larimer County Code prohibits the expansion of residential use within the floodway per the Allowed Use Table of Section 4.2.2. The County also prohibits new construction or encroachments within the floodway unless it has been demonstrated that the development will not cause a rise in the base flood elevation per Subsection F.1.

Mr. Traff stated that the base flood elevation was determined from the most restrictive of the effective and CHAMP data as about 5098.6' and a flood protection elevation of 5100.1'. The finished floor of the patio was surveyed at 5103.3', which is about 3 feet above the flood protection elevation. Aaron Cvar provided the County with a no-rise certification for the patio.

Mr. Koch asked whether it is the Big Thompson or Buckhorn floodplain that is dictating in this case. Mr. Cvar stated that it was the Big Thompson floodplain that provided the highest base flood elevation. Mr.

Cvar also stated that both LiDAR and survey confirmed that the patio sits well above the flood protection elevation.

Dr. Thornton asked for clarification whether a porch existed before and was expanded without a building permit. Mr. Epstein stated that there was a porch at this location but that he expanded it at the same elevation and is now seeking the building permit.

Dr. Thornton moved to approve the variance. Mr. Koch seconded the motion. The motion passed 4-0.

Dr. Thornton moved to approve the minutes from the previous meeting. Mr. Oberlander asked to add a note to the I-25 and Kechter project that when CDOT was asked why I-25 is not being raised to pass the 100-year flood Ms. Heather Paddock responded by stating that the overtopping of I-25 is not being corrected by the project because it is an interim improvement. Mr. Traff stated that he would add this note to the minutes. Mr. Oberlander moved to approve the minutes with this addition. Dr. Thornton seconded the motion. The motion passed 4-0.