

## FLOOD REVIEW BOARD

**Date: March 25, 2021**

**Time: 8:30 AM, MST**

**Locations: Lake Estes Conference Room, 200 W. Oak St., Fort Collins, CO 80521 and remote via Zoom**

**Contact: Devin Traff, Larimer County Engineering Department**

## MEETING MINUTES

**Staff Present:** Tina Kurtz, Devin Traff, Amy White, Lesli Ellis

**Board Members:** Bets Ervin-Blankenheim, Chad Morris, Mike Oberlander (arrived at 9:30 am), Chris Thornton, Greg Koch

**Applicants Present:** Jeannie Yu, Robert Cort, Tony Connell, Chris Pauley, Suleyman Akalin

Mr. Koch opened the meeting at 8:31 a.m., MDT

### Introductions

#### Item #1: Yu Short-Term Rental Variance

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Ms. Kurtz introduced the project. The first item is very similar to Bob Cort's short-term rental (STR) variance application from January of this year, as it is in the same structure. The property is located along Fall River and is within the Colorado Hazard Mapping Program (CHAMP) floodway. They are requesting a variance to allow STR use within the floodway. The owners have provided documentation showing historic STR use since 2015, with detailed information for 2020 and 2021. The impacts from the September 2013 flood were relatively minimal in this area. The property has a landline connected to LETA911 alerts. The lowest floor is about two-tenths of a foot above the CHAMP base flood elevation. The Flood Review Board (FRB) has required that if an elevation certificate shows less than 12 inches above the base flood elevation (BFE) that the FRB should review the information prior to approval of the variance.

Ms. Yu thanked the FRB for the opportunity to appear at the meeting. Ms. Yu described some of the improvements that had been completed on the channel near the structure following the 2013 flood. Ms. Kurtz clarified that the owner has a vacation home license from the Town of Estes Park.

Ms. White explained that there is a March 31 deadline for the issuance of County approval for the STR license. The STR license approval is contingent on the FRB approval.

Mr. Morris stated that at the last meeting the FRB was comfortable with the erosion risk for the structure and there were not safety concerns for egress. The main issue is the elevation of the lowest



floor of the structure in relation to the BFE. Mr. Morris, Mr. Koch, and Ms. Ervin-Blankenheim agreed that they were concerned about potential precedent in approving a structure which does not meet typical elevation requirements.

The FRB discussed how the historic use of the structure should be considered in situations such as this. Dr. Thornton stated that the main question to be answered is whether people will be safe. Dr. Thornton stated that he felt, given the circumstances of this structure, this structure and people in it are safe.

Mr. Morris stated that he believes the property owners have taken due diligence to keep people safe in the property. Mr. Ervin-Blankenheim stated that she feels comfortable granting the variance with the information that has been provided. Dr. Thornton clarified that each structure needs to be evaluated individually for flood safety.

Mr. Koch stated that while he has concerns with the modeling, the egress does seem better than most they have seen and it appears to be easy to get out if needed. He affirmed that each individual structure will need to be evaluated.

Dr. Thornton clarified that the historic use, having a good egress route, difference between FEMA and CHAMP floodplain and it's above the FEMA and CHAMP BFEs are the reasons why he felt comfortable supporting the variance.

**Motion:**

Dr. Thornton motioned to approve the variance based on the egress conditions, historic use, and finished floor elevation is above the most recent base flood elevation. Mr. Morris added that the emergency notification requirements have been met. Ms. Ervin-Blankenheim seconded the motion. The motion passed 4-0.

**Item #2: Cort STR Variance**

Ms. Kurtz introduced the project. The second item is very similar to Ms. Yu's short-term rental (STR) variance application. The property is located along Fall River and is within the Colorado Hazard Mapping Program (CHAMP) floodway. They are requesting a variance to allow STR use within the floodway. This item was heard at the January 28, 2021, Flood Review Board (FRB) meeting and was tabled for the applicant to supply an elevation certificate and emergency notification system. The owners provided both items as required. The lowest floor is about two-tenths of a foot above the CHAMP base flood elevation (BFE). The FRB has required that if elevation certificates show less than 12 inches above the BFE that the FRB should review the information prior to approval of the variance.

Ms. Ervin-Blankenheim asked about the egress from this property. It is similar to Ms. Yu's as it is in the same structure. The FRB expressed no further concerns with this application.

**Motion:**



Dr. Thornton motioned to approve the variance based on the egress conditions, historic use, and finished floor elevation is above the most recent base flood elevation and the emergency notification requirements have been met. Ms. Ervin-Blankenheim seconded the motion. The motion passed 4-0.

Mr. Oberlander joined the meeting.

### **Item #3: Connell CLOMR**

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Ms. Kurtz introduced the project. The third item is a Conditional Letter of Map Revision (CLOMR) near Costco, south of Harmony Road near Timnath. The CLOMR is being done for a proposed development south of Costco involving fill pads outside of floodway, extension of Weitzel Street, and construction of water quality ponds east of the development which will outfall into the Poudre River. No insurable structures are impacted by the floodplain changes.

Mr. Pauley presented additional information. The CLOMR addresses the overall project which will occur in phases. The grading plan represents the ultimate condition. The model was truncated and tied to both FEMA and RiskMAP floodplain studies. Currently, the site is in Larimer County but will be successively annexed in different phases to the Town of Timnath. The project model includes the best available discharges within the study limits and the effective hydrology outside of the study limits. The effective hydrology is higher than the preliminary RiskMAP hydrology by about 2,000 cfs. The corrected effective model was updated with current topography and resulted in water surface elevations (WSELs) which were lower than effective WSELs. The RiskMAP floodway does expand through the study area relative to effective on either side. Most of the project improvements occur outside of the corrected effective floodway except the water quality ponds.

Mr. Akalin described the project. The ultimate condition includes overlot grading and shallow water quality/detention ponds with an outfall channel which drains under CR 5 and goes into the Cache La Poudre River. This will prevent overtopping of CR 5. Results of the study include that there are no-rises in base flood elevations due to the improvements in floodway, allowable rises result from grading in flood fringe, and revised floodway extents match the corrected effective floodway extents.

Ms. Ervin-Blankenheim asked about the outfall location of the water quality ponds. Mr. Koch asked if Galloway looked at optimizing the floodway on the east side. Mr. Pauley clarified that the linework Mr. Koch was observing is the RiskMAP linework and that they did not optimize the floodway in those areas.

### **Motion:**

Mr. Koch motioned to approve the CLOMR without conditions. Dr. Thornton seconded the motion. The motion passed 5-0.

### **Item #4: Approval of Minutes**

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**Motion:**

Mr. Morris motioned to approve February 25, 2021, Flood Review Board meeting minutes. Ms. Ervin-Blankenheim seconded the motion. The motion passed 4-0 with one abstention.

Meeting adjourned at 10:20 am, MDT.