

Boulder County Post-Flood Access Property Transfer Regulations

1. BACKGROUND

Beginning on September 11, 2013, Boulder County experienced an extreme rain and weather event that inundated vast areas of public and private property within several cities and towns across Boulder County, damaged or destroyed hundreds of miles of county roads and bridges, displaced numerous residents and damaged or destroyed hundreds of homes and property accesses (the “2013 Extreme Rain and Flood Event”). In order to allow property owners to return to their properties as quickly as possible in locations where repair or restoration of a permanent access was not possible due to damaged waterways or public rights-of way, Flood Recovery Access Permits (“FRAPs”) were issued to residents to allow repair or restoration of accesses that existed prior to the 2013 Extreme Rain and Flood Event. Some residents also repaired or restored accesses without obtaining the necessary permits, and other property owners have accesses that are still damaged or destroyed and have not yet been repaired.

2. DEFINITIONS

- A. “Flood-Affected Access” means any access damaged or destroyed by the 2013 Extreme Rain and Flood Event or access built after the 2013 Extreme Rain and Flood Event that does not meet the requirements for a Permanent Access, as defined below, whether or not repairs to the structure have been undertaken.
- B. “Permanent Access” means an access that complies with all applicable Boulder County standards and for which a property owner has obtained all necessary permanent permits and approvals.

3. PURPOSE

- A. These primary purposes of these property transfer regulations are:
 - i. To enact the property transfer regulations referred to in the October 14, 2014, amendments to Article 19 of the Boulder County Land Use Code (the “Land Use Code”), adopted under Docket # DC-14-0004, which set forth requirements for and a timeframe in which properties with Flood-Affected Accesses must construct Permanent Accesses.
 - ii. To ensure that potential purchasers of properties with Flood-Affected Accesses are able to make informed decisions about their purchase, including the potential costs associated with developing the required Permanent Access.
 - iii. To ensure enforceability of Boulder County’s Permanent Access requirements.

4. APPLICABILITY

These property transfer regulations apply to all properties in unincorporated Boulder County with Flood-Affected Accesses.

5. REQUIREMENTS

Prior to the transfer of a property with a Flood-Affected Access, the property owner must notify the transferee of the subject property in writing that the access to the property does not comply with Boulder County's permanent access standards and that the construction of a Permanent Access may be required under Article 19-300 of the Land Use Code. In addition:

- A. The property owner must construct a Permanent Access prior to property transfer; or
- B. The transferee must construct a Permanent Access within 6 months of property transfer, unless the County Engineer, in his or her discretion, provides an extension of the 6 month time period; or
- C. For properties with no occupied structures, the property owner or transferee may remove the access in lieu of constructing a Permanent Access within 6 months of the transfer. If the Flood-Affected Access is removed, a Permanent Access will be required prior to any occupancy or development of structures on the property.