

RESOLUTION 2009-001
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING FINDINGS OF FACT AND CONCLUSIONS PERTAINING TO
THE APPEAL OF THE WATER BOARD'S AUGUST 28, 2008,
DENIAL OF THE FLOODPLAIN VARIANCE FOR A SCHOOL IN THE
POUDRE RIVER 500-YEAR FLOODPLAIN

WHEREAS, on August 28, 2008, the City's Water Board (the "Board") denied a floodplain variance for the Nature School at 720-750 East Vine Drive, as a critical facility in the Poudre River 500-year floodplain (the "Variance"); and

WHEREAS, on September 10, 2008, a Notice of Appeal of the Board's decision was filed with the City Clerk by representatives of the applicant for the Variance (the "Appellants"); and

WHEREAS, on September 30, 2008, an Amended Notice of Appeal of the Board's decision was filed with the City Clerk by the Appellants; and

WHEREAS, on December 16, 2008, the City Council, after notice given in accordance with Chapter 2, Article II, Division 3, of the City Code, considered said appeal, reviewed the record on appeal, heard presentations from the Appellants and other parties-in-interest and, after discussion, upheld the decision of the Board, and

WHEREAS, City Code Section 2-56(e) provides that no later than the date of its next regular meeting after the hearing of an appeal, City Council shall adopt, by resolution, findings of fact in support of its decision on the appeal.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that, pursuant to Section 2-56(e) of the City Code, the Council hereby makes the following findings of fact and conclusions:

1. That the grounds for appeal as stated in the Appellants' Amended Notice of Appeal conform to the requirements of Section 2-48 of the City Code.
2. That the Water Board held a fair hearing and did not fail to receive all relevant evidence that was offered by the Appellants, nor did it consider evidence relevant to its findings which was substantially false or grossly misleading.
3. That the Water Board did not fail to properly interpret and apply the provisions of the City Code in denying the Variance.

DEFEATED 2-4
Issue remanded to Water Board

4. That the August 28, 2008 decision of the Water Board denying the variance is hereby upheld by the City Council.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 6th day of January, A.D. 2009.

Mayor

ATTEST:

City Clerk

DEFEATED 2-4
Issue remanded to Water Board