



# Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930  
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • [www.bouldercounty.org](http://www.bouldercounty.org)

## BOULDER COUNTY PLANNING COMMISSION AGENDA ITEM #5.2

February 21, 2024 at 1:30 p.m.

*All Commissioners' public hearings and meetings will be offered in a hybrid format where attendees can join **through Zoom** or **in person** at the Boulder County Courthouse, 3rd Floor, 1325 Pearl Street, Boulder.*

### PUBLIC HEARING with PUBLIC TESTIMONY

STAFF: Cayley Byrne, Long Range Planner I

#### **Docket DC-24-0001: Temporary Fireworks Sales Text Amendment**

Text Amendments to the Land Use Code related to Article 4-517.H Temporary Fireworks and Christmas Tree Sales use, removing Temporary Fireworks Sales as an allowed use in the Code.

*Action Requested by Planning Commission: Recommendation of Approval to BOCC*

### PACKET CONTENTS

Item	Pages
Staff Recommendation	1-6
Draft Land Use Code Amendment (Exhibit A)	A1
Authorization of Text Amendment Memo (Exhibit B)	B1-2
Referral Responses (Exhibit C)	C1-C12
Public Comment (Exhibit D)	D1 – D4

### **SUMMARY**

On January 9, 2024, staff received authorization from the Board of County Commissioners to pursue a text amendment to the Boulder County Land Use Code (the Code) related to Article 4-517.H Temporary Fireworks and Christmas Tree Sales and any other related Articles and provisions necessary to integrate these changes. Community Planning & Permitting staff are proposing an amendment to the existing regulations in the Code to disallow the temporary fireworks sales use in unincorporated Boulder County. This amendment is being proposed due to concerns of wildfire danger, public safety, and alignment with fireworks regulations in neighboring jurisdictions.

## **SUMMARY OF PROPOSED TEXT AMENDMENT**

The proposed text amendment to Article 4-517.H Temporary Fireworks and Christmas Tree Sales would strike all language concerning temporary fireworks sales, leaving allowances for Temporary Christmas Tree Sales. The proposed draft text is included as Exhibit A in this staff packet.

## **PROJECT GOALS & DISCUSSION**

The goal of this text amendment is to better reflect the awareness of existing fire risk in Boulder County in the Code, promote public safety and wildfire prevention efforts, and bring the Code into closer alignment with the restrictions on fireworks found in other jurisdictions within Boulder County. These goals are defined and discussed below:

1. **Reflect the Awareness of Fire Risk in Boulder County & Support Wildfire Prevention Efforts**
  - a. The Boulder County Sheriff's Office must frequently enact fire bans, which typically include a ban on fireworks use, due to wildfire danger in the region caused by high temperatures, wind, and dryness. Since 2018, there have been 725 fire restriction days in Boulder County, according to records kept by the Sheriff's Office's Fire Management Officer. There have been 459 days of Level 1 restrictions, which included restrictions for fireworks use on public lands, and 266 days of Level 2 restrictions, that restricted their use on both public and private lands. When there is a temporary fireworks sales stand located within the area under restriction, the sale of fireworks from such stand is also prohibited for the duration of the fire ban. The frequency of fire restrictions in Boulder County displays the magnitude of fire risk that we experience in this community. This amendment would realign the Code to reflect our community's awareness of fire risk in this region by disallowing the sale of fireworks in unincorporated Boulder County.
  - b. The amendment would reduce the risk of accidental fire and wildfire caused by fireworks by disallowing the sale of fireworks in the unincorporated county, thereby promoting public safety and the protection of natural resources and the environment in Boulder County. This supports various goals and policies identified within the Boulder County Comprehensive Plan, which are discussed further in this report's Criteria Review section.
2. **Better Align the Code with Regional Restrictions on Fireworks**
  - a. Out of the ten other jurisdictions located within Boulder County, seven have restrictions on the use and sale of fireworks in their municipal codes. This amendment would bring Boulder County into closer alignment with fireworks sales regulations in these other jurisdictions, creating more cohesive regional regulations on fireworks and improving cross-jurisdictional coordination. Further details on the fireworks regulations in these other jurisdictions can be found in this report's Background & Research section. The devastation of wildfire is not new to Boulder County; however, the Marshall Fire has made clear that the forested and mountainous areas of the county are not alone in facing such risk. This Code change seeks to advance and instill an approach that minimizes the sources of risk that can lead to devastating effects for county residents, particularly as climate change continues to increase those risks.

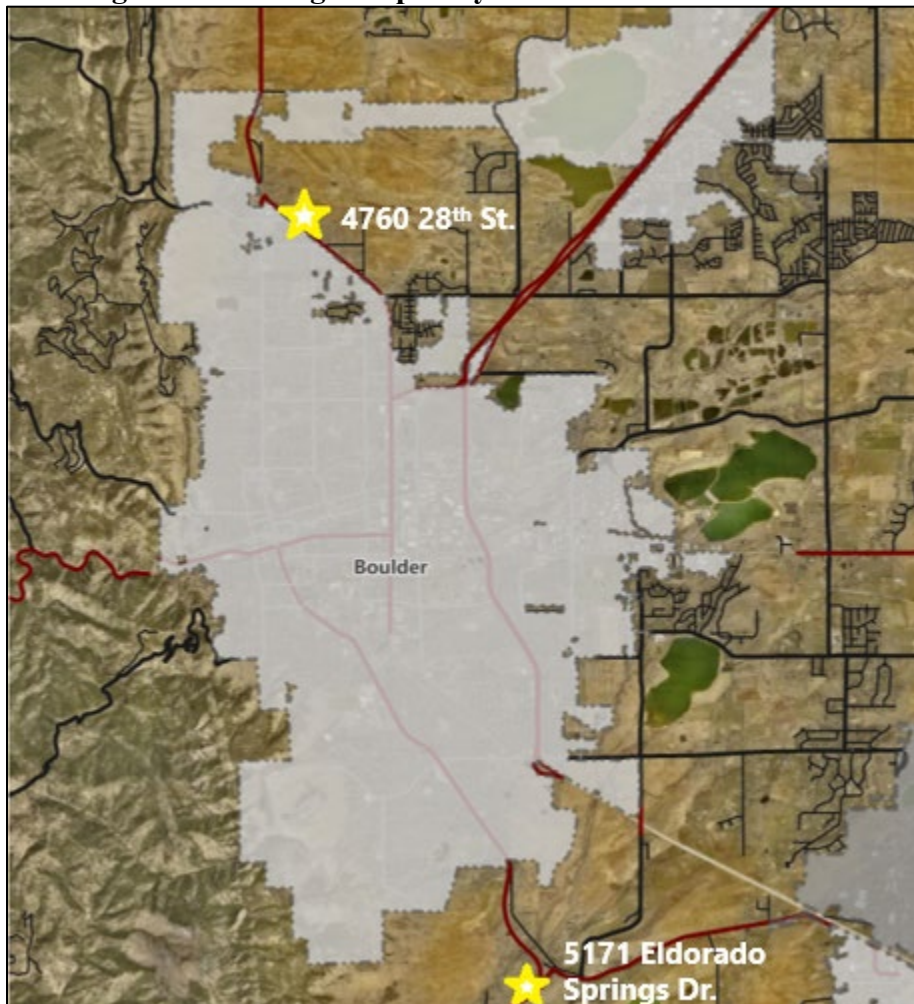
## **BACKGROUND & RESEARCH**

### *Existing Temporary Fireworks Sale Locations*

In addition to precluding new fireworks sale locations, there are two existing, permitted temporary fireworks sale locations in unincorporated Boulder County that would be impacted by this text amendment (Figure 1).

- 5171 Eldorado Springs Drive
- 4760 28<sup>th</sup> Street

**Figure 1. Existing Temporary Fireworks Sale Locations**



Following the approval of this text amendment, existing temporary fireworks sale locations that are legal prior to the code change will become nonconforming and will be subject to the County's regulations for nonconforming uses. A nonconforming use may be continued pursuant to all applicable code provisions, and normal or routine maintenance of a structure containing a nonconforming use is permitted. However, the right to continue a nonconforming use terminates when the nonconforming use is enlarged, expanded, extended, altered, or abandoned. The fireworks sale location at 5171 Eldorado Springs Drive currently operates in accordance with its original Limited Impact Special Use approval, LU-97-0011, and could continue to operate as a nonconforming use following the adoption of this code change, as long as it operates within the requirements of the original approval. The fireworks sale location at 4760 28<sup>th</sup> Street operates under a Limited Impact Special Use review which

requires the use to be reapproved every three years. The re-approval is required prior to operations this year, and if this code change is adopted, it would not be able to apply to continue the use.

*Fireworks Regulations in Other Municipalities*

Staff researched the existing regulations on the use and sale of fireworks in the separate jurisdictions located within Boulder County, which include Boulder, Erie, Jamestown, Lafayette, Longmont, Louisville, Lyons, Nederland, Superior, and Ward. The findings from this research are summarized in Table 1 below, which shows whether the use and sale of fireworks are allowed in each municipality, as well as the code section in which this information can be found. Out of the ten other jurisdictions located within Boulder County, seven have restrictions on the use and sale of fireworks in their municipal codes. It should be noted that Ward does not have any specific ordinances regulating fireworks.

**Table 1. Municipal Code Fireworks Regulations**

<b>Municipality</b>	<b>Use of Fireworks Allowed</b>	<b>Sale of Fireworks Allowed</b>	<b>Code Section</b>
Boulder	No	No	Municipal Code 5-6-6.b.
Erie	Yes	Yes	Municipal Code 6-10-1
Jamestown	No	Not Stated	Ordinance #4 Series 2012, Section 5.
Lafayette	Only public displays	No	Municipal Code Sec. 75-189.c.
Longmont	Yes	Yes	Municipal Code Sec. 13.20.050.A.15
Louisville	Only public displays	No	Municipal Code Sec. 8.44.020, 8.44.030
Lyons	No	No	Municipal Code Sec. 10-12-20
Nederland	Only public displays	No	Municipal Code Sec. 10-243
Superior	Only public displays	No	Municipal Code Sec. 7-4-20, 7-4-30
Ward			No specific ordinances.

**REFERRAL RESPONSES**

Referrals were sent out by staff to Boulder County Wildfire Mitigation, Access & Engineering and Building Divisions, the Boulder County Sheriff’s Office, the Office of Disaster Management, and all Boulder County Fire Protection Agencies, for their review and response on the proposed text amendment to Article 4-517.H. Responses to the referral request are included as Exhibit C in this packet for review by Planning Commission.

**PUBLIC COMMENT**

Public comments on this docket were received and are provided for review by Planning Commission. Public comment letters are included as Exhibit D in this packet.

## **CRITERIA REVIEW**

Article 16-100.B contains criteria for amending the text of the Code. Staff finds that these criteria are met in the context of this Docket, as follows:

### *The existing text is in need of amendment:*

In order to support the goals of public safety and wildfire risk mitigation in Boulder County, the Code requires amendment. The Land Use Code is a tool that is utilized to implement public policy goals outlined in the county's adopted plans. The proposed amendment recognizes the existing wildfire hazard that is our community's reality and seeks to align the Code with this environment and minimize potential sources of accidental fire.

### *The amendment is not contrary to the intent and purpose of this Code:*

The Code is enacted to protect and promote the health, safety, and general welfare of the present and future inhabitants of Boulder County. In conformance with the Code, the proposed text amendment seeks to disallow the temporary fireworks sales use, promoting the safety of the present and future inhabitants of Boulder County by reducing risk of accidental fire by fireworks.

### *The amendment is in accordance with the Boulder County Comprehensive Plan:*

As proposed, the text amendment does not make changes to the Code that would alter the current Code's consistency with the goals and policies of the Boulder County Comprehensive Plan. The proposed modification is supported by various goals and policies expressed in the Boulder County Comprehensive Plan, related to sustainability, climate action, resource preservation, regional cooperation, and natural hazards, including:

#### Guiding Principles:

2. Encourage and promote the respectful stewardship and preservation of our natural systems and environment by pursuing goals and policies that achieve significant reductions in our environmental footprint.
  
4. Encourage and promote regional cooperation and coordination in working with other entities and jurisdictions.

#### Countywide Goals:

##### **Natural Hazards**

3. Mitigate Existing Areas at Risk. Efforts to mitigate existing areas at risk to the impacts of natural hazards and disasters should be made to minimize the potential for harm to life, health, and property.

##### **Public Health**

7. Address Climate Change. Boulder County works to minimize and mitigate the negative effects of climate change-driven hazards on physical, mental, and environmental health.

##### **Sustainability**

1. Promote Outcomes Consistent with Principles of Sustainability. The county recognizes and accepts that weighing individual wants and needs with those of the larger public and society is a complex but essential responsibility of government.

Implementing the Comprehensive Plan involves the need to balance competing goals and policies in cases where they cannot be harmonized. With that understanding in mind, Boulder County’s land use management tools and practices should be designed to promote decisions and actions supporting outcomes that are consistent with the principles of sustainability.

Natural Hazard Element:

NH 1.03 Land Use Activities. The county should ensure to the extent possible that land use activities do not aggravate, accelerate, or increase the level of risk from natural hazards.

NH 5.01 Elevated Risk in Wildland Urban Interface. The county recognizes the wildland urban interface as an area particularly at risk to wildland fires or wildfires.

NH 5.04 Interjurisdictional and Interagency Cooperation. Boulder County should continue to encourage interjurisdictional and interagency cooperation to further the goals of protection of life and property from wildfires. The Boulder County Wildfire Mitigation Group should continue to work cooperatively to develop and implement programs to reduce the hazard of wildfire. This should include the following subject areas: public education and awareness, fuel reduction and prescribed burn programs, ecosystem/vegetation management, Wildfire Hazard Identification and Mitigation System, (WHIMS), codes and regulations, and pre-suppression.

The amendment to Article 4-517.H is supported by multiple elements of the Boulder County Comprehensive Plan, as detailed above, which are interconnected by the plan’s cross-cutting themes of sustainability and climate action. Sustainability emphasizes the protection of resources to meet the needs of present and future residents of Boulder County, while climate action is simultaneously focused on strengthening resiliency to climate-induced impacts. Disallowing the temporary fireworks sales use would remove a wildfire risk factor as an allowed use in the Code, prioritizing the safety of Boulder County’s current residents and the protection of our natural resources from wildfire. As the community is faced with a changing climate, this amendment would increase resiliency by reducing risk, while also protecting resources for future Boulder County residents.

**RECOMMENDATION**

Staff recommends that the Planning Commission recommend to the Board of County Commissioners *approval of Docket DC-24-0001: Temporary Fireworks Sales Text Amendment* and certify the Docket for action to the Board of County Commissioners, which certification includes the approved text of the Docket, and the official record of the Docket before the Planning Commission including staff comments and materials, public testimony, and Planning Commission action/discussion.

## Exhibit A

DOCKET DC-24-0001: Temporary Fireworks Sales Text Amendment – Text Amendments to the Land Use Code related to Article 4-517.H Temporary Fireworks and Christmas Tree Sales use, removing Temporary Fireworks Sales as an allowed use in the Code.

### 4-517 Temporary Uses

#### H. Temporary ~~Fireworks and~~ Christmas Tree Sales

1. Definition: Unless otherwise expressly provided in this Code, an operation which is open to the public and scheduled to occur over a period not to exceed 42 days in any calendar year. This use includes sales of Christmas trees, ~~or fireworks allowed for use in Boulder County.~~
2. Districts Permitted:
  - a. ~~For sales of fireworks, by Limited Impact Special Review in F, A, T, B, LI, and GI.~~
  - b. ~~For Christmas tree sales, By~~ Limited Impact Special Review in F, A, T, B, LI, GI, C, and RR. Use within RR is limited to property that is not in a platted subdivision.
3. Parking Requirements: To be determined through Limited Impact Special Review.
4. Loading Requirements: To be determined through Limited Impact Special Review.
5. Additional Provisions:
  - a. One non-illuminated identification sign not to exceed 32 square feet in total surface area shall be permitted.
  - b. This use may be allowed on a parcel with an existing Principal Use.



## Exhibit B

# Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302

Mailing Address: P.O. Box 471 • Boulder, Colorado 80306

303-441-3930 • www.BoulderCounty.gov

**BOULDER COUNTY  
BOARD OF COUNTY COMMISSIONERS  
BUSINESS MEETING**

**January 9, 2024 at 10:30 a.m.**

All Commissioners' public hearings and meetings will be offered in a hybrid format where attendees can join through **Zoom** or **in-person** at the Boulder County Courthouse, 3<sup>rd</sup> Floor, 1325 Pearl Street, Boulder.

**Authorization under Article 16-100.A of the Boulder County Land Use Code for Text Amendments to the Land Use Code related to Article 4-517.H Temporary Fireworks and Christmas Tree Sales use.**

**STAFF:** Cayley Byrne, Long Range Planner I

*Public testimony will not be taken — action requested.*

### **SUMMARY**

Staff requests authorization to pursue a text amendment to the Boulder County Land Use Code (the Code) related to Temporary Fireworks and Christmas Tree Sales (Article 4-517.H) and any other related Articles and provisions necessary to integrate these changes.

As a result of concerns raised by the Board of County Commissioners and the Boulder County Sheriff's Office related to fireworks sales in unincorporated Boulder County given wildfire danger in the community, Community Planning & Permitting staff are considering an amendment to the existing regulations in the Land Use Code to disallow the fireworks sales use. The potential amendment would strike all language concerning Temporary Fireworks Sales from Article 4-517.H, leaving allowances for Temporary Christmas Tree Sales.

Staff intend to update relevant content in Article 4-517.H (Zoning) of the Code and will make any other revisions necessary to other parts of the Code to integrate the changes. Some organizational changes and updates to the existing language may also be necessary to make the Code easier to navigate and utilize.

The tentative timeline for this code update is as follows:

1. Authorization: January 9, 2024
2. Public Engagement: Completed by end of January, 2024
  - a. Notify current temporary fireworks sales permit-holders.



## Exhibit B

3. Planning Commission Public Hearing: mid-February, 2024
4. Board of County Commissioners Public Hearing: mid-March, 2024

### **ACTION REQUESTED**

Staff request authorization from the Board of County Commissioners to pursue the amendment to the Boulder County Land Use Code Article 4 related to Temporary Fireworks Sales and any related provisions as necessary to integrate these changes.



## Exhibit C

# Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302

Mailing Address: P.O. Box 471 • Boulder, Colorado 80306

303-441-3930 • [www.BoulderCounty.gov](http://www.BoulderCounty.gov)

**MEMO TO:** Referral Agencies  
**FROM:** Cayley Byrne, Long Range Planner I  
**DATE:** January 30, 2024  
**RE:** Docket DC-24-0001

**Docket DC-24-0001: Text Amendment to the Land Use Code related to Temporary Fireworks Sales**

Request: Review and comment on Text Amendment to the Boulder County Land Use Code related to Temporary Fireworks Sales.

Dear Referral Agency,

On January 9, 2024, the Board of County Commissioners authorized Community Planning & Permitting staff to pursue a text amendment to Article 4-517.H of the Boulder County Land Use Code (“the Code”) related to Temporary Fireworks Sales.

Community Planning & Permitting staff are pursuing an amendment to the Code to disallow the Temporary Fireworks Sales use in unincorporated Boulder County. Staff proposes to strike all language concerning Temporary Fireworks Sales from Article 4-517.H, leaving allowances for Temporary Christmas Tree Sales.

The draft Text Amendment, included here, is being referred to agencies so that feedback can be provided to staff.

You may also view the proposed Text Amendment and future revisions online at:  
<https://www.boco.org/dc-24-0001>.

The docket review process for the proposed Text Amendment to Article 4 of the Land Use Code will include a public hearing before the Boulder County Planning Commission and before the Board of County Commissioners. Public comment will be taken at both hearings. Confirmation of hearing dates and times will be published online at the link above and in local newspapers.

Community Planning & Permitting staff, Planning Commission, and the Board of County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado, 80306 or via email to [cbyrne@bouldercounty.gov](mailto:cbyrne@bouldercounty.gov).

All comments will be made part of the public record. You are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email [cbyrne@bouldercounty.gov](mailto:cbyrne@bouldercounty.gov) if you have any questions.

Exhibit C

If you would like your responses considered and included in the staff packet for Planning Commission, please return them **no later than February 13, 2024**. Responses received after this deadline will be shared with the Planning Commission and incorporated into the staff packet for the BOCC hearing.

We have reviewed the proposal and have no conflicts.

Letter is enclosed.

Signed Anita Riley Printed Name: Anita Riley

Agency or Address Development Review Team - Access & Engineering

Date 2/8/24

If you would like your responses considered and included in the staff packet for Planning Commission, please return them **no later than February 13, 2024**. Responses received after this deadline will be shared with the Planning Commission and incorporated into the staff packet for the BOCC hearing.

We have reviewed the proposal and have no conflicts.  
 Letter is enclosed.

Signed LuAnn Penfold Printed Name: LuAnn Penfold

Agency or Address Mountain View Fire District

Date 02-01-24

Exhibit C

If you would like your responses considered and included in the staff packet for Planning Commission, please return them **no later than February 13, 2024**. Responses received after this deadline will be shared with the Planning Commission and incorporated into the staff packet for the BOCC hearing.

We have reviewed the proposal and have no conflicts.

Letter is enclosed.

Signed [Signature] Printed Name: STEVEN J. Pechke

Agency or Address Lyons Fire Prot Dist.

Date 01-31-2024

If you would like your responses considered and included in the staff packet for Planning Commission, please return them **no later than February 13, 2024**. Responses received after this deadline will be shared with the Planning Commission and incorporated into the staff packet for the BOCC hearing.

We have reviewed the proposal and have no conflicts.

Letter is enclosed.

Signed \_\_\_\_\_ Printed Name: \_\_\_\_\_

Agency or Address \_\_\_\_\_

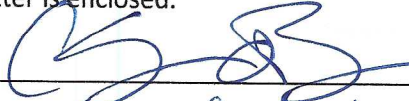
Date \_\_\_\_\_

Exhibit C

If you would like your responses considered and included in the staff packet for Planning Commission, please return them **no later than February 13, 2024**. Responses received after this deadline will be shared with the Planning Commission and incorporated into the staff packet for the BOCC hearing.

We have reviewed the proposal and have no conflicts.

Letter is enclosed.

Signed  Printed Name: Curtis E. Eren

Agency or Address Leeward FPD

Date 2/1/24

Exhibit C

If you would like your responses considered and included in the staff packet for Planning Commission, please return them **no later than February 13, 2024**. Responses received after this deadline will be shared with the Planning Commission and incorporated into the staff packet for the BOCC hearing.

We have reviewed the proposal and have no conflicts.

Letter is enclosed.

Signed *Pete K Bradshaw* Printed Name: Pete Bradshaw, Fire Chief

Agency or Address City of Lafayette, 1290 S. Public Road, Lafayette, CO 80026

Date February 1, 2024



Boulder County Board of County Commissioners  
Boulder County Planning Commission

February 1, 2024

Support of DC-24-0001, amendment related to temporary fireworks sales.

The City of Lafayette reviewed the above referenced document and proposed changes to Article 4-517.H, banning temporary fireworks sales. In 2022 the Lafayette City Council approved Resolution No. 2022-12 which expanded the prohibitions of fireworks in the municipal code.

This amendment allows for closer alignment of regional restrictions on fireworks. After the devastating Marshall Fire in 2021, the threat of wildfire became more of a reality throughout the county, and mitigating accidental fires is an obligation of local government. Local agencies, including the City of Lafayette, respond to countless firework-related complaints each year which represent both a public safety risk and a wasteful allocation of public safety resources. While firework bans are merely part of the solution, they are a foundational policy that prioritizes the safety of the residents of our communities.

The City of Lafayette supports the passage of DC-24-0001 which amends the Land Use Code to prohibit the sale of fireworks at temporary locations in unincorporated Boulder County.

Sincerely,

A handwritten signature in blue ink that reads "Pete K Bradshaw".

Pete Bradshaw  
Fire Chief

cc: Kady Doelling, City Administrator



Exhibit C

If you would like your responses considered and included in the staff packet for Planning Commission, please return them **no later than February 13, 2024**. Responses received after this deadline will be shared with the Planning Commission and incorporated into the staff packet for the BOCC hearing.

We have reviewed the proposal and have no conflicts.

Letter is enclosed.

Signed  Printed Name: David Lowrey

Agency or Address Boulder Fire Rescue

Date 2/1/2024

## Exhibit C

**From:** [Dean Rogers](#)  
**To:** [Byrne, Cayley](#)  
**Subject:** [EXTERNAL] FW: DC-24-0001  
**Date:** Monday, February 12, 2024 5:36:26 PM

---

### Dean Rogers, Engineer

Boulder Rural Fire Rescue  
6230 Lookout Road, Boulder, CO 80301  
O 303-530-9575 | C 720-498-0019  
drogers@brfr.org | [www.brfr.org](http://www.brfr.org)



---

**From:** Dean Rogers  
**Sent:** Monday, February 12, 2024 5:34 PM  
**To:** cbyrnes@bouldercounty.gov  
**Subject:** DC-24-0001

Cayley,

Boulder Rural does not support this text amendment for the following reasons.

1. Boulder Rural has one vendor (Joe and Nancy Encinias) that sell fireworks. These sales take place at The American Legion Post. In the event of a burn ban or a red flag day, sales are terminated for as long as the ban/red flag is in effect. Joe and his family depend on these sales as a source of income. By not allowing these sales we have a negative impact on Joe's livelihood and fiscal future. Joe follows CRS as set forth on the County's website; Seasonal Information: Fireworks.
2. To my knowledge, Boulder Rural has had one fire caused by fireworks and one fire caused by a model rocketry hobbyist. The fireworks fire was several years ago at Valmont Butte. This was caused by bottle rockets/rockets. The suspects in this were not found. The fire caused by the model rocket was 15-20 years ago near the radar fields just South of Nelson Road. The person who caused this fire was found and held responsible for his actions. I was reminded of two others incidents that also involved illegal fireworks that caused fires.
3. Ultimately, not allowing the sales does not hold the responsible person accountable. Boulder County already has a partial ban on fireworks, and it doesn't work. People are going to shoot off fireworks regardless of the law. Find those responsible and hold them accountable. A full ban on fireworks would not work either, we are just punishing the wrong person for the wrong reason.

If I missed anything, or if there are any questions, please let me know.

Thank you,

**Dean Rogers, Engineer**

Boulder Rural Fire Rescue

6230 Lookout Road, Boulder, CO 80301

O 303-530-9575 | C 720-498-0019

[drogers@brfr.org](mailto:drogers@brfr.org) | [www.brfr.org](http://www.brfr.org)





# Boulder County Sheriff's Office

Curtis Johnson  
Sheriff

February 9, 2024

Boulder County Planning Commission  
2045 13<sup>th</sup> Street  
Boulder, CO 80302

Dear Planning Commission Members,

I am writing in support of removing Temporary Fireworks Sales as an allowed use in the Code. There are two primary reasons why I am supportive of this change and why I raised this issue to be brought forward for consideration.

First, as a resident of Louisville whose home was directly impacted by the Marshall Fire, I have heard from many of the impacted families. Many of us found it uncomfortably ironic that just six months after the Marshall Fire, there was a fireworks stand operating within feet of the location where the Marshall Fire started. In 2021 this fireworks stand was closed due to fire restrictions in place at the time. In 2022, the weather conditions did not support fire restrictions which allowed the stand to operate. As our community continues to become more aware of the wildfire threats that exist in both the mountains and plains of Boulder County, there is community support to reduce and/or eliminate risks associated with fire. Openly selling fireworks is contrary to risk reduction.

Second, aligning the County Code with other jurisdictions in Boulder County is good governance. I was approached by staff from the City of Boulder regarding the two fireworks stands that are currently permitted in Boulder County. Both are geographically close to the City of Boulder and offer people the opportunity to purchase fireworks that ultimately are ignited in the city. Many other jurisdictions in Boulder County do not permit the sale of fireworks. Residents of the City of Boulder have significant concerns about wildfire risks and they do not appreciate the fireworks stands being located near their community.

In closing, I support changing Boulder County Code to remove Fireworks Sales as an allowed use in the Code. I know that many of the residents of Boulder County will support this change, especially those most recently impacted by the Marshall Fire.

Sincerely,

A handwritten signature in black ink, appearing to read 'Curtis Johnson', written in a cursive style.

Curtis Johnson  
Boulder County Sheriff

---

Headquarters  
5600 Flatiron Parkway  
Boulder, CO 80301  
303-441-3600

Communications · Emergency Management  
3280 Airport Road  
Boulder, CO 80301  
303-441-4401 303-441-3390

Jail  
3200 Airport Road  
Boulder, CO 80301  
303-441-4600



# Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930  
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • [www.bouldercounty.gov](http://www.bouldercounty.gov)

## Building Safety & Inspection Services Team

### MEMO

**TO:** Cayley Byrne, Long Range Planner I  
**FROM:** Michelle Huebner, Plans Examiner Supervisor  
**DATE:** January 31, 2024

**RE:** Referral Response, Docket DC-24-0001: Text Amendment to the Land Use Code related to Temporary Fireworks Sales.

Request: Review and comment on Text Amendment to the Boulder County Land Use Code related to Temporary Fireworks Sales.

Thank you for the referral. We have reviewed the proposal and have no conflicts with it.

If the applicants should have questions or need additional information, we'd be happy to work with them toward solutions that meet minimum building code requirements. Please call (720) 564-2640 or contact us via e-mail at [building@bouldercounty.org](mailto:building@bouldercounty.org)

## Exhibit D

**From:** [John Marlin](#)  
**To:** [Byrne, Cayley](#)  
**Subject:** [EXTERNAL] Fireworks sales, Docket DC-24-0001  
**Date:** Sunday, February 11, 2024 10:36:45 AM

---

Cayley,

I strongly support Docket DC-24-0001, regarding the rules on temporary fireworks sales.

Even prior to losing our home in the Marshall Fire, I have been very concerned about the risks of retail fireworks within our Front Range communities. We live in an area that is inherently at high risk for both woodland and grassland wildfires, and anything we can do to decrease the availability or ease of access to fireworks will make our community safer.

Thank you for taking up this issue and considering the needs of an already-sensitized fire survivor community!

Yours,  
John Marlin  
847 Trail Ridge Dr  
Louisville, Colorado

## Exhibit D

**From:** [Tawnya Somauroo](#)  
**To:** [Byrne, Cayley](#)  
**Subject:** [EXTERNAL] Docket DC-24-0001: Text Amendment to the Land Use Code related to Temporary Fireworks Sales  
**Date:** Sunday, February 11, 2024 8:26:14 AM

---

Dear Cayley,

I am writing to express my support for Docket DC-24-0001: Text Amendment to the Land Use Code related to Temporary Fireworks Sales.

I lost my home in the Marshall Fire. What happened to my community could have easily happened to any community in the eastern plains. We know that climate change is upon us and more fast-moving grassfires are in our future. We must reduce the risk of ignitions, and I have no sense of humor for ignitions caused by ordinary citizens who buy fireworks at roadside stands.

It is very hard to control fuels in our vast Boulder County open space, which I and so many Boulder County residents live at the edge of. That is why I cringe every fourth of July when I think about people with easy access to purchase fireworks who don't understand the high ignition risk they pose. There are a lot of things we cannot control about climate change and fire risk, but this is one thing we CAN control and should control.

Please share my email with the Planning Commission - vote yes on Docket DC-24-0001: Text Amendment to the Land Use Code related to Temporary Fireworks Sales. This is an obvious next step in reducing Boulder County's fire disaster risk.

Best regards,

Tawnya Somauroo  
944 Larkspur Ln

## Exhibit D

**From:** [Kahlil Somauroo](#)  
**To:** [Byrne, Cayley](#)  
**Subject:** [EXTERNAL] Docket DC-24-0001: Strong Support for Limiting Temporary Fireworks Sales  
**Date:** Sunday, February 11, 2024 9:26:02 PM

---

Dear Cayley,

I am writing to express my strong support for Docket DC-24-0001, which proposes amending the Land Use Code to restrict temporary fireworks sales.

As a resident of Boulder County who lost their house in the fire, I am deeply concerned about the increasing risk of wildfires fueled by climate change and dry conditions. The devastating Marshall Fire serves as a stark reminder of the potential consequences of even small ignitions.

Fireworks pose a significant danger in our community, particularly given the vast amount of open space and the proximity of many homes to these areas. I urge the Planning Commission to seriously consider the risks associated with fireworks and vote in favor of Docket DC-24-0001.

This amendment represents a common-sense step towards protecting our community from preventable wildfires. It is crucial that we take proactive measures to mitigate these risks and ensure the safety of our residents and property.

Thank you for your time and consideration.

Sincerely,

Kahlil Somauroo



## Exhibit D

**From:** [Kimberly A Redublado](#)  
**To:** [Byrne, Cayley](#)  
**Subject:** [EXTERNAL] Docket DC-24-0001  
**Date:** Sunday, February 11, 2024 12:30:31 PM

---

> Dear Cayley,

>

> I am writing to express my support for Docket DC-24-0001: Text Amendment to the Land Use Code related to Temporary Fireworks Sales.

>

> Our neighborhood was disintegrated to the foundations by Marshall Fire. What happened to my community could have easily happened to any community in the eastern plains. Fast-moving grassfires - we can reduce the risk of ignitions, ignitions caused by ordinary citizens who buy fireworks at roadside stands who don't understand they high ignition risk they pose.

>

> It is very hard to control fuels in our vast Boulder County open space, which I and so many Boulder County residents live at the edge of. There are a lot of things we cannot control about climate change and fire risk, but this is one thing we CAN control and should control.

>

> Please share my email with the Planning Commission - vote yes on Docket DC-24-0001: Text Amendment to the Land Use Code related to Temporary Fireworks Sales. This is an obvious next step in reducing Boulder County's fire disaster risk.

Sincerely,  
Kimberly and Gerry Redublado  
Sent from my iPad