



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

March 21, 2023

To: Boulder County Commissioners
From: Pete L'Orange, Community Planning and Permitting
Re: Request for extension of a temporary fireworks stand use at 4760 28th Street, pursuant to Boulder County Land Use Code [Section 4-517.H](#) and [Section 4-600](#).
Action Requested: Approval

Dear Commissioners,

Under previous Community Planning and Permitting reviews (LU-00-007, LU-05-005, LU-08-004, LU-12-004, and LU-15-0013) a temporary fireworks stand was approved at 4760 28th Street, also home to the American Legion Post #10, located near the intersection of 28th Street (US Highway 36) and Yarmouth Avenue. The temporary fireworks stand has been operated by the same owner, Joseph Encinias, on a seasonal basis at this location since June 2000. The temporary structure used for the stand is 240 square feet and 8 feet in height. In accordance with Boulder County Land Use Code (the Code) Section 4-517.H, a Temporary Firework Stand is allowed in the Agricultural zoning district through Limited Impact Special Use (LU) review.

Historically, approval for a temporary fireworks stand required a full LU review every three years; however, the conditions of approval for LU-15-0013 set forth in Board of County Commissioners' Resolution 2015-89 modified this requirement to instead require a "three-year public meeting review prior to the 2018 season and every three years subsequently". As discussed in the 2015 Staff Recommendation, current circumstances and county policies could be evaluated in the future at a business meeting "to determine if anything has changed which would require a new LU review approval for the operation. If no changes have occurred and no concerns arise over either temporary fireworks stands in general, or the operation of this stand in particular, the use may be allowed to continue for another three years."

The present request for an extension involves the same use proposal approved by Resolution 2015-89 (see attached) and will be subject to the same conditions as required in the 2015, 2018, and 2021 approvals. As approved in the 2015 LU, a portable restroom will be located on site, as well as a 27-foot trailer that will allow the owner to provide night security.

Additional conditions of the 2015 LU approval required that the use of the temporary fireworks stand on the site not exceed 29 days per year and that the use would not be permitted before June 8 or after July 6 in any one year. All zoning and road setbacks must be observed with regard to placement of temporary structures on the property and any signage was restricted to one non-illuminated sign not to exceed 32 square feet in total surface area. Conditions also required the site be returned to its current condition and all temporary structures removed by July 12 of the same year. Permission from CDOT was required to allow for additional traffic in this location.

On January 9, 2024, Community Planning & Permitting staff received authorization from the Board of County Commissioners (BOCC) to pursue a text amendment to 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.

Claire Levy County Commissioner **Marta Loachamin** County Commissioner **Ashley Stolzmann** County Commissioner

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 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.

The proposed amendment was considered by the Boulder County Planning Commission on February 21, 2024. As part of that hearing, the subject fireworks stand was discussed and how the proposed Code changes would not allow it in the future. However, the Planning Commission acknowledged that the applicant already had an application in for renewal prior to that hearing. Additionally, as the Code has not yet changed, staff finds it appropriate to review the request under the existing regulations.

Staff finds the use renewal request is consistent with the proposal approved in the 2015 LU and that the request can meet the applicable criteria for a Temporary Fireworks Stand in the Agricultural zoning district. Therefore, staff recommends the Board of County Commissioners approve a three year extension of the temporary fireworks stand use subject to the terms and conditions in LU-15-0013. However, should the proposed Code changes be adopted as proposed, Temporary Fireworks stands would no longer be an allowed use in unincorporated Boulder County. As such, staff finds that future extensions beyond July 2027 would not meet the Code and would be able to be approved.

Sincerely,



Pete L'Orange, Planner II, Community Planning & Permitting

Attachments: Vicinity Map, LU-15-0013 Staff Recommendation, BOCC Resolution 2015-89; 2018 BOCC Business Meeting memo; 2021 BOCC Business Meeting memo.



Boulder County Land Use Department

2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org/lu

Land Use PreApplication Map: Vicinity

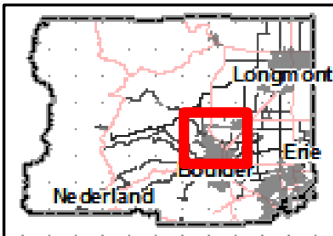
Parcel No: 146307000069

Legend

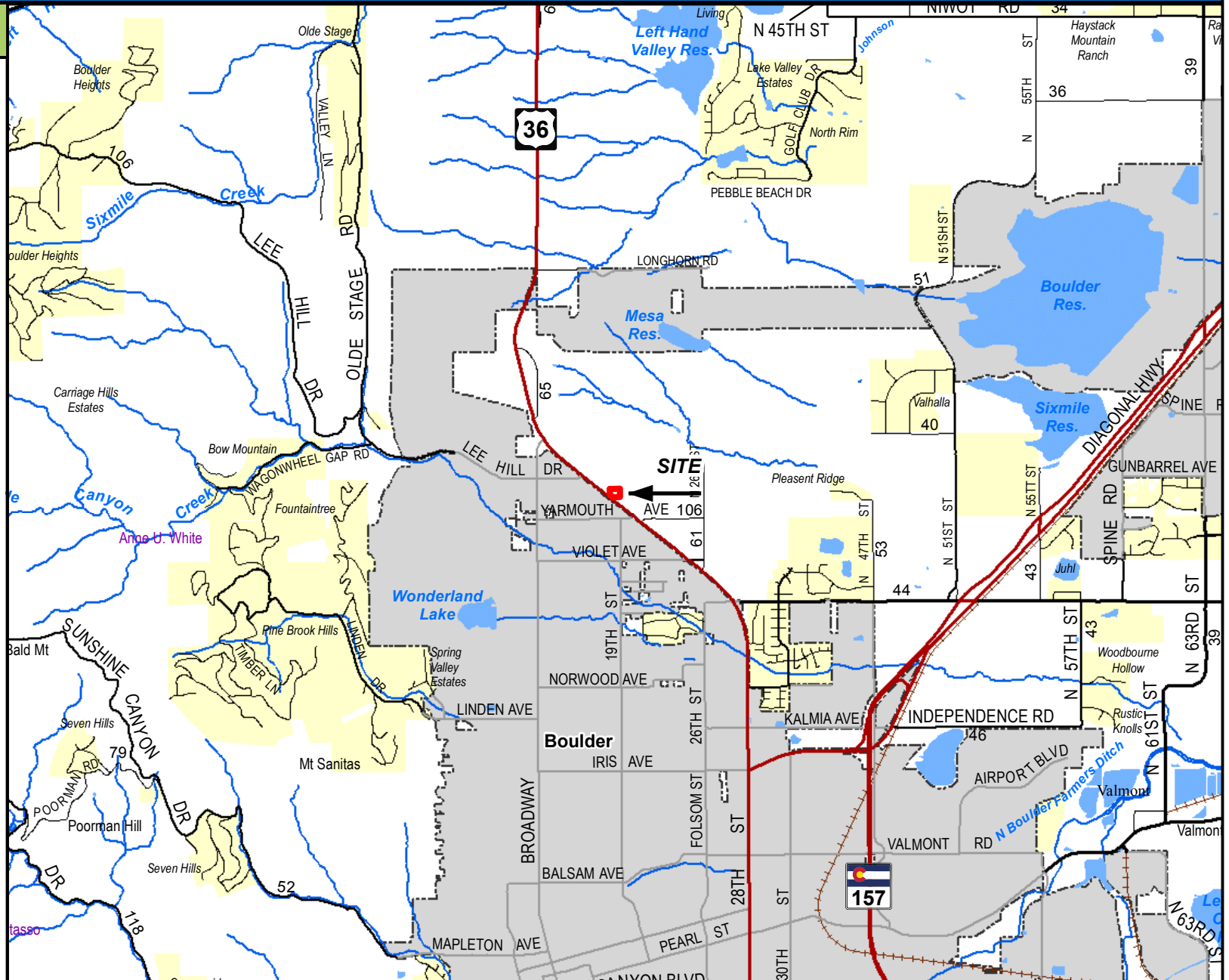
- Subject Property
- Municipality
- Subdivisions



Area of Detail Date: 5/13/2015



The user agrees to all Terms of Use set forth by Boulder County. For Terms of Use, please visit: www.bouldercounty.org/mapdisclaimer





Land Use

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BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM

Tuesday, June 16, 2015 – 11:00 AM

Hearing Room, Third Floor, Boulder County Courthouse

PUBLIC HEARING

STAFF PLANNER: Steven Williams

Docket: LU-14-0013: ENCINIAS FIREWORKS STAND

Request: Limited Impact Special Use Review for a temporary fireworks stand to be placed at 4760 28th Street from June 8th to July 6th. The temporary structure is 30 ft. x 8 ft. and is 8 ft. in height.

Location: At 4760 28th Street, in Section 7, T1N, R70W

Zoning: Agricultural (A), Transitional (T)

Applicants: Joseph & Nancy Encinias

Prop. Owner: American Legion Post #10

SUMMARY:

Joseph and Nancy Encinias are requesting a temporary fireworks stand (as allowed through Limited Impact Special Review per Article 4-517.G of the Land Use Code) at 4760 28th Street. Staff finds that the proposal meets all of the applicable criteria for Limited Impact Special Use Review and is recommending a conditioned approval.

DISCUSSION:

This proposal is for the re-review of a temporary fireworks stand, which has been in operation—on a temporary, seasonal basis—in this location since June 2000. This use is not accessory to the principal use on the property, the American Legion Post #10 (a Membership Club) but, rather this proposal is classified as a temporary use, which is allowable in the Agricultural zoning district through the current review process. Limited Impact Special Use reviews for a temporary fireworks stand have been previously reviewed and approved for this property through dockets LU-12-0004, LU-08-004, LU-05-005 and LU-00-007. Conditions

of prior approvals have required that the approval for this temporary use expire after three years and thus it is required to be reapproved every three years in order to continue.

The applicants were advised of the need for this review on April 17, 2015, after applying for a building permit to erect the temporary structure on the subject parcel (BP-15-0492). Subsequently, a new Limited Impact Special Use review application was submitted to renew this approval for an additional three years.

The applicants are again requesting approval for the annual temporary placement of a 240 sq. ft. stand for the sale of fireworks beginning June 8, 2015 and ending on July 6, 2017. The applicants plan to return annually for this use and have clarified that the site will be returned to its original condition each year, including the removal of all temporary structures in early July and re-vegetation (as necessary). In addition to the fireworks stand and the provision of a portable restroom and drinking water, a 27-foot trailer will temporarily be located on site for night security and support during the daily operation of the fireworks stand.

REFERRAL RESPONSES:

This docket was referred to the standard list of agencies and all adjacent Boulder County property owners within 1,500 feet of the subject parcel. Because the subject parcel is adjacent to the City of Boulder, all properties within 500 feet of the subject parcel were also referred to for comment. Copies of the comments received are attached for review and summarized below.

County Building Safety and Inspection Services Team – This agency has reviewed the proposal and related a Temporary Structure Permit is required for the firework stand each year, that the applicants have obtained this permit for operating seasons since 2000, and that no issues have arisen with the operation over the years. This agency also noted that the Boulder Rural Fire Department is also consulted for these building permit reviews.

County Transportation Department – This agency has reviewed the proposal and related that the subject property is accessed off of 28th Street (US Highway 36), which is under the jurisdiction of the Colorado Department of Transportation. This agency also noted that parking onsite should be adequate for the proposed use and that this stand has been operational for the past 15 years without a traffic-related incident.

County Department of Public Health – This agency reviewed the application materials and noted no conflicts from either a water quality or environmental health perspective.

Boulder Rural Fire Protection District – This agency reviewed the application materials, noted no concerns, and clarified that the stand has met fire code requirements every year.

Colorado Department of Transportation – This agency reviewed the applicant's proposal and noted CDOT requires a permission-type letter to authorize additional traffic.

Xcel Energy – This agency reviewed the application materials and noted no apparent conflict with the proposal.

City of Boulder, Open Space and Mountain Parks – This agency reviewed the application materials and noted no conflicts.

Adjacent Property Owners – Staff received two comments on this docket from the public. One comment was from the American Legion Post #10, noting no conflict. The other comment was from a nearby property owner, who expressed opposition to the sale or discharge of fireworks and concern about the potential fire dangers.

CRITERIA ANALYSIS:

The Land Use staff has reviewed the conditions and standards for approval of a Limited Impact Special Use Review for a Temporary Fireworks Stand, per Section 4-601 of the Boulder County Land Use Code, and finds the following:

- (1) *Except as otherwise noted, the use will comply with the minimum zoning requirements of the zoning district in which the use is to be established, and will also comply with all other applicable requirements;*

The subject parcel contains two zoning districts: Agricultural (A) and a small triangle of Transitional (T). The proposed use is located in the agriculturally zoned portion of the property. A temporary fireworks stand is a use that is permitted in both zoning districts, pending approval of a Limited Impact Special Use review. The use is defined in Article 4-517.G of the Land Use Code as “an operation which is open to the public and scheduled to occur over a period not to exceed 42 days in any calendar year.”

Staff finds that the proposal for a 240 sq. ft. temporary structure complies with the minimum zoning requirements of the Agricultural zone district, which require 35’ front yards; 7’ side yards; 15’ rear yards. The proposal will also comply with all other applicable requirements, including the 110 foot supplemental setback standard from the centerline of Highway 36, compliance with applicable fire codes, fire bans (when fireworks sales are not allowed), relevant building codes, and Land Use provisions regarding signage.

Additionally, the Colorado Department of Transportation has indicated that permission for additional traffic must be requested and approved by CDOT. Staff is recommending that this requirement be satisfied before the associated building permit for the temporary fireworks stand is issued.

Historically, this approval has required a full Limited Impact Site Plan Review every three years. Staff is recommending that this requirement be revised to require a public meeting, which would allow staff to take future renewal requests to business meetings. At the business meeting current circumstances and County policies can be evaluated to determine if anything has changed which would require a new Limited Impact Special Use review approval for the operation. If no changes have occurred and no concerns arise over either temporary fireworks stands in general or the operation of this stand in particular, the use may be allowed to continue for another three years. In this manner the use shall be reevaluated every three years.

- (2) *the use will be compatible with the surrounding area. In determining compatibility, the Board should consider the location of structures and other improvements on the site; the size, height and massing of the structures; the number and arrangement of structures; the design of structures and other site features; the proposed removal or addition of vegetation; the extent of site disturbance, including, but not limited to, any grading and changes to natural topography; and the nature and intensity of the activities that will take place on the site. In determining the surrounding area, the Board should consider the unique location and environment of the proposed use; assess the relevant area that the use is expected to impact; and take note of important features in the area including, but not limited to, scenic vistas, historic townsites and rural communities, mountainous terrain, agricultural lands and activities, sensitive environmental areas, and the characteristics of nearby development and neighborhoods;*

Staff finds that the proposal will remain consistent with adjacent land uses and the character of the area. The neighborhood of the subject property contains a mix of land uses. US Highway 36 (28th Street) serves as the boundary between Boulder County (to the east) and the City of Boulder (to the west). West of 28th Street is the densely-developed Holiday neighborhood. Significantly less development exists east of 28th Street, which is characterized by larger tracts of land and a mix of uses that include commercial, residential, and undeveloped land. Given this mix of land uses, intensities and impacts, and the fact that this fireworks stand is temporary in nature and has been in operation since its original approval in 2000 without incident, staff finds the use will continue to be compatible with its surroundings. More specifically, staff finds the primary impacts from this use will relate to additional traffic on Highway 36 and the visual impacts of the structure and trailer, but that these impacts will be temporary and not significant given the capacity of the highway to accommodate vehicular trips.

- (3) *the use will be in accordance with the Comprehensive Plan;*

The subject property does not include any specific Comprehensive Plan designations and staff has not identified any conflict with the goals of the Comprehensive Plan. Consequently, staff has no concerns in this regard.

- (4) *the use will not result in an over-intensive use of land or excessive depletion of natural resources. In evaluating the intensity of the use, the Board should consider the extent of the proposed development in relation to parcel size and the natural landscape/topography; the area of impermeable surface; the amount of blasting, grading, or other alteration of the natural topography; the elimination or disruption of agricultural lands; the effect on significant natural areas and environmental resources; the disturbance of plant and animal habitat, and wildlife migration corridors; the relationship of the proposed development to natural hazards; and available mitigation measures such as the preservation of open lands, the addition or restoration of natural features and screening, the reduction or rearrangement of structures and land disturbance, and the use of sustainable construction techniques, resource use, and transportation management;*

Staff finds that the proposal will not result in an over-intensive use of land or excessive depletion of natural resources. The proposed use will occur on an already developed property and utilize existing driveways and parking areas, thereby minimizing the need for additional site disturbance. The proposed footprint of the primary temporary structure is also relatively small (30 feet x 8 feet) and the operation of the fireworks stand is limited to 29 days per calendar year. Additionally, the applicants have stated that both security and provisions for water will be provided by a parked trailer, and bathroom provisions will be provided by a portable restroom. Staff is recommending that these additional provisions also be restricted to the 29-day duration of the fireworks stand and that all facilities and signage associated with the proposed temporary use be removed and all site disturbances be restored by July 12 of each calendar year to ensure the impacts of this proposal are both temporary and minimal.

- (5) ***the use will not have a material adverse effect on community capital improvement programs;***

Staff has not identified an adverse effect on capital improvement programs and no referral response has indicated any adverse effect on community capital improvement programs.

- (6) ***the use will not require a level of community facilities and services greater than that which is available;***

Staff has not identified a need for additional services or facilities that would result from this proposal; additionally, no service provider, including the Boulder County Sheriff's Office or the Boulder Rural Fire Protection District, has indicated any conflict with this proposal.

- (7) ***the use will support a multimodal transportation system and not result in significant negative impacts to the transportation system or traffic hazards;***

The Boulder County Transportation Department notes that the proposal meets the requirements of the Multimodal Transportation Standards and no negative impacts to the transportation system or traffic hazards are foreseen.

- (8) ***the use will not cause significant air, odor, water, or noise pollution;***

Staff finds that the proposal will not cause any significant and/or long-term air, odor, water, or noise pollution as no issues related to pollution have been identified. Wastewater generated by the use will be handled through the use of a portable restroom.

- (9) ***the use will be adequately buffered or screened to mitigate any undue visual impacts of the use;***

Staff finds that the proposed temporary fireworks stand, although visible from 28th Street, will not create any undue visual impacts. As included in the conditions of approval, the fireworks stand will only be in operation for 29 days per calendar year

and the stand, which is only 8 feet in height, will also be setback over 100 feet from the right-of-way. A temporary fireworks stand is also restricted to one non-illuminated identification sign not to exceed 32 square feet in total surface area. Staff therefore finds that with these restrictions, the temporary use will not result in any adverse negative visual impacts.

- (10) ***the use will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County;***

Staff finds that the proposal will not be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County, and no referral response has indicated that the temporary use would be detrimental to the health, safety, or welfare of present or future inhabitants of Boulder County. As included in the conditions of approval, the proposed temporary use must comply with standard health and human safety procedures, the requirements of the Uniform Fire Code and the Boulder Rural Fire Department, and all other applicable regulations such as county-wide fire bans.

- (11) ***the use will establish an appropriate balance between current and future economic, environmental, and societal needs by minimizing the consumption and inefficient use of energy, materials, minerals, water, land, and other finite resources.***

Temporary uses, such as firework stands, are intended to serve a current societal need in a low-impact way. Staff finds this proposal accomplishes this in both its limited duration, minimal impact, and its use of developed site.

- (12) ***The use will not result in unreasonable risk of harm to people or property – both onsite and in the surrounding area – from natural hazards. Development or activity associated with the use must avoid natural hazards, including those on the subject property and those originating off-site with a reasonable likelihood of affecting the subject property. Natural hazards include, without limitation, expansive soils or claystone, subsiding soils, soil creep areas, or questionable soils where the safe-sustaining power of the soils is in doubt; landslides, mudslides, mudfalls, debris fans, unstable slopes, and rockfalls; flash flooding corridors, alluvial fans, floodways, floodplains, and flood-prone areas; and avalanche corridors; all as identified in the Comprehensive Plan Geologic Hazard and Constraint Areas Map or through the Special Review or Limited Impact Special Review process using the best available information. Best available information includes, without limitation, updated topographic or geologic data, Colorado Geologic Survey landslide or earth/debris flow data, interim floodplain mapping data, and creek planning studies.***

No hazards have been identified on the site or in the area that would result in risk of harm to people gathered on this property.

RECOMMENDATION:

As noted in the staff analysis, the proposed use is compatible with the surrounding land uses and is capable of meeting all necessary regulatory requirements. The Land Use Staff

recommends the Board of County Commissioners **CONDITIONALLY APPROVE**, **Docket LU-15-0013: Encinias Fireworks Stand Limited Impact Special Review, subject to the following conditions:**

1. **PERMITTED USE:** The placement of a 240 sq. ft. temporary fireworks stand at eight feet in height, the placement of a temporary restroom facility, and the temporary placement of a 27-foot long camper trailer are approved, as proposed and subject to conditions. The use of these structures on site shall not exceed the requested 29 days per year, will generally not be permitted before June 8th of any year or after July 6th of any year, and shall not be considered accessory to the American Legion membership club. This approval is contingent upon compliance with all applicable requirements and regulations and requires a three-year public meeting review prior to the 2018 season and every three years subsequently.
2. **BUILDING PERMITS:** The applicants shall obtain temporary structure permits for fireworks stand annually and separate Building Permits as required for any signage (see condition 3) and additional support facilities such as the propose camper trailer. The applicant shall also provide documentation that CDOT has granted permission for additional traffic in this location. The use shall not commence prior to the issuance of said permits from the Land Use Department.
3. **LOCATION:** In accordance with 7-1403 Supplemental Setbacks, the temporary fireworks stand, temporary restroom facility, and temporary trailer will not be located within the 110-foot setback from the centerline of US Highway 36 and must meet all other applicable requirements. The fireworks stand should be placed in general conformance with the site plan reviewed and approved with this application, and the trailer shall be parked behind the American Legion building near the pavilion.
4. **SIGNAGE:** In accordance with section 4-517(H)(5)(a) any sign associated with the temporary fireworks stand cannot be illuminated and cannot exceed 32 feet in total surface area (see condition one).
5. **HEALTH AND SAFETY:** The Applicant must comply with the requirements of the International Fire Code and the Boulder Rural Fire Department. In addition, the use of fireworks is prohibited on the property, and no flame or fire shall be permitted within 200 feet of the fireworks storage and sales area. The use approved herein is subject to, and may be prohibited or limited, by C.R.S. 30-15-401(1)(n.7), or any other applicable ban or regulation restricting the sale, use, or possession of fireworks.
6. **SANITATION:** A portable toilet and waste container shall be maintained on site during operation of the fireworks stand.
7. **POST USE RESTORATION OF THE SITE:** The site must be returned to its current condition and all temporary structures removed by July 12 of any year.

8. The applicants shall be subject to the terms, conditions, and commitments of record and in the file for **Docket LU-15-0013: Encinias Fireworks Stand.**



Land Use

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June 24, 2015

Joseph and Nancy Encinias
1711 West Asbury Avenue
Denver, CO 80223

American Legion Post #10
Attn: Timothy Stevens
4760 28th Street
Boulder, CO 80301

Dear Applicant and Property Owner:

This letter certifies that a hearing of the Board of County Commissioners, County of Boulder, State of Colorado, was duly called and held on June 16, 2015, in consideration of the following request:

Docket LU-15-0013: ENCINIAS Fireworks Stand

Limited Impact Special Use Review request for a 240 sq. ft. temporary fireworks stand to be placed on the property from June 8th to July 6th; by Joseph and Nancy Encinias; in accordance with the Boulder County Land Use Code. The proposed project is located in the Agricultural (A) and Transitional (T) Zoning Districts, at 4760 28th Street, east of and adjacent to 28th Street, approximately 1 mile north of the intersection of 28th Street and Jay Road, in Section 07, T1N, R70W.

The Board of County Commissioners has determined that the request is CONDITIONALLY APPROVED, subject to the terms in the attached resolution.

Your approval may have included certain conditions that must be met. Please contact the planner who processed your docket for more information on any requirements that will need to be met.

If you have any additional questions, please feel free to contact me at (303) 441-3930 or via email at sbwilliams@bouldercounty.org

Sincerely,

Steven Williams, Planner II
Planning Division
Land Use Department

RESOLUTION 2015-89

A resolution conditionally approving Boulder County Land Use Docket LU-15-0013: Encinias Fireworks Stand

Recitals

A. Joseph and Nancy Encinias (the “Applicants”) have applied to Boulder County for Limited Impact Special Use Review under Article 4-517.G of the Boulder County Land Use Code (the “Code”) to allow for a temporary fireworks stand to be placed at 4760 28th Street from June 8 to July 6.

B. A temporary fireworks stand has been in operation – on a temporary, seasonal basis – in this location since June 2000. This use is not accessory to the Principal use on the property, the American Legion Post #10 membership club; but is a temporary use, which is allowable in the Agricultural zoning district through Limited Impact Special Use Review.

C. A temporary fireworks stand has previously been approved for this property through dockets LU-12-004, LU-08-004, LU-05-005, and LU-00-007. The prior approvals required that this temporary use expire after three years.

D. The Applicants applied under BP-15-0492 for a building permit to erect the temporary 240 square foot fireworks stand starting on June 8, 2015. At that time, they were advised of the need to apply for approval for the use for an additional three years starting this year.

E. In addition to the fireworks stand and the provision of a portable restroom and drinking water, a 27-foot trailer will temporarily be located on site for night security and support during the daily operation of the fireworks stand. The Applicants will return the site to its original condition each year, including the removal of all temporary structures in early July, and re-vegetation as necessary.

F. The above described request was processed and reviewed as Boulder County Land Use Docket LU-15-0013 (the “Docket”), as further described in the memorandum and written recommendation to the Board of County Commissioners by Boulder County Land Use Department Planning Staff dated June 16, 2015, together with its attachments (the “Staff Recommendation”).

G. At a public hearing on the Docket held June 16, 2015, as further reflected on the official record of the hearing, the Board of County Commissioners (the “Board”) considered the Staff Recommendation as well as the documents and testimony presented by County Land Use Planning staff and testimony of the Applicants. No members of the public spoke.

H. Based on the Public Hearing, the Board finds that the Docket meets the criteria for limited impact special use contained in Article 4-517.G of the Code, subject to the conditions stated below.

Therefore, the Board resolves:

Docket LU-15-0013 is approved on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

1. **PERMITTED USE:** The placement of a 240 sq. ft. temporary fireworks stand at eight feet in height, the placement of a temporary restroom facility, and the temporary placement of a 27-foot long camper trailer are approved, as proposed and subject to conditions. The use of these structures on site shall not exceed the requested 29 days per year, will generally not be permitted before June 8th of any year or after July 6th of any year, and shall not be considered accessory to the American Legion membership club. This approval is contingent upon compliance with all applicable requirements and regulations and requires a three-year public meeting review prior to the 2018 season and every three years subsequently.
2. **BUILDING PERMITS:** The applicants shall obtain temporary structure permits for fireworks stand annually and separate Building Permits as required for any signage (see condition 3) and additional support facilities such as the proposed camper trailer. The applicants shall also provide documentation that CDOT has granted permission for additional traffic in this location. The use shall not commence prior to the issuance of said permits from the Land Use Department.
3. **LOCATION:** In accordance with the Code section 7-1403 Supplemental Setbacks, the temporary fireworks stand, temporary restroom facility, and temporary trailer will not be located within the 110-foot setback from the centerline of US Highway 36 and must meet all other applicable requirements. The fireworks stand should be placed in general conformance with the site plan reviewed and approved with this application, and the trailer shall be parked behind the American Legion building near the pavilion.
4. **SIGNAGE:** In accordance with the section 4-517(H)(5)(a) of the Code, any sign associated with the temporary fireworks stand cannot be illuminated and cannot exceed 32 feet in total surface area (see condition one).
5. **HEALTH AND SAFETY:** The Applicants must comply with the requirements of the International Fire Code and the Boulder Rural Fire Department. In addition, the use of fireworks is prohibited on the property, and no flame or fire shall be permitted within 200 feet of the fireworks storage and sales area. The use approved herein is subject to,

and may be prohibited or limited, by C.R.S. 30-15-401(1)(n.7), or any other applicable ban or regulation restricting the sale, use, or possession of fireworks.

6. **SANITATION:** A portable toilet and waste container shall be maintained on site during operation of the fireworks stand.
7. **POST USE RESTORATION OF THE SITE:** The site must be returned to its current condition and all temporary structures removed by July 12 of any year.
8. The applicants shall be subject to the terms, conditions, and commitments of record and in the file for **Docket LU-15-0013: Encinias Fireworks Stand.**

A motion to approve the Docket was made by Commissioner Jones, seconded by Commissioner Domenico, and passed by a 3-0 vote.

ADOPTED as a final decision of the Board on this 23 day of June, 2015.

**BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY:**



A handwritten signature in blue ink, appearing to read "Deb Gardner", written over a horizontal line.

Deb Gardner, Chair

A handwritten signature in blue ink that says "(Excused)", written over a horizontal line.

Elise Jones, Vice Chair

A handwritten signature in blue ink, appearing to read "Cindy Domenico", written over a horizontal line.

Cindy Domenico, Commissioner

ATTEST:

A handwritten signature in blue ink, appearing to read "Ceatha J. Lacey", written over a horizontal line.

Clerk to the Board



Land Use

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

May 30, 2018

To: Boulder County Commissioners
From: Jennifer Severson, Boulder County Land Use Department
Re: Request for extension of a temporary fireworks stand use at 4760 28th Street, pursuant to Boulder County Land Use Code [Section 4-517.G](#) and [Section 4-600](#).

Action

Requested: Approval

Dear Commissioners,

Under previous Land Use reviews (LU-00-007, LU-05-005, LU-08-004, LU-12-004, and LU-15-0013) a temporary fireworks stand was approved at 4760 28th Street, also home to the American Legion Post #10, located near the intersection of 28th Street (US Hwy 36) and Yarmouth Avenue. The temporary fireworks stand has been operated by the same owners on a seasonal basis at this location since June 2000. The temporary structure used for the stand is 240 square feet and 8 feet in height. In accordance with Land Use Code Section 4-517.G, the use is allowed in the Agricultural zoning district through Limited Impact Special Use (LISU) review for a Temporary Fireworks Stand.

Historically, the approval for a temporary fireworks stand required a full LISU review every three years; however, the conditions of approval for LU-15-0013 set forth in Board of County Commissioners' Resolution 2015-89 modified this requirement to instead require a "three-year public meeting review prior to the 2018 season and every three years subsequently". As discussed in the 2015 Staff Recommendation, current circumstances and county policies could be evaluated in the future at a business meeting "to determine if anything has changed which would require a new LISU review approval for the operation. If no changes have occurred and no concerns arise over either temporary fireworks stands in general, or the operation of this stand in particular, the use may be allowed to continue for another three years."

The present request for an extension involves the same use proposal approved by Resolution 2015-89 (see attached) and will be subject to the same conditions as required in the 2015 approval. As approved in the 2015 LISU, a portable restroom will be also be located on site, as well as a 27-foot trailer that will allow the owner to provide night security.

Additional conditions of the 2015 LISU approval required that the use of the temporary fireworks stand on the site must not exceed 29 days per year and that the use would not be permitted before June 8 or after July 6 in any one year. All zoning and road setbacks must be observed with regard to placement of temporary structures on the property and any signage was restricted to one non-illuminated sign not to exceed 32 square feet in total surface area. Conditions also required the site be returned to its current condition and all temporary

structures removed by July 12 of the same year. Permission from CDOT was required to allow for additional traffic in this location.

Staff finds the use renewal request is consistent with the proposal approved in the 2015 LISU and that the request can meet the applicable criteria for a Temporary Fireworks Stand in the Agricultural zoning district. Therefore, staff recommends the Board of County Commissioners approve a three year extension of the temporary fireworks stand use subject to the terms and conditions in LU-15-0013 and require the use be reevaluated during a public meeting prior to continuation after July 12, 2020.

Sincerely,

Jennifer Severson, Senior Planner

Attachments: Vicinity Map, LU-15-0013 Staff Recommendation, BOCC Resolution 2015-89, CDOT Access Permission dated May 21, 2018, and Boulder Rural Fire Protection District support email dated May 25, 2018.



Community Planning & Permitting

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May 4, 2021

To: Boulder County Commissioners
From: Jesse Rounds, Community Planning and Permitting
Re: Request for extension of a temporary fireworks stand use at 4760 28th Street, pursuant to Boulder County Land Use Code [Section 4-517.G](#) and [Section 4-600](#).

Action

Requested: Approval

Dear Commissioners,

Under previous Land Use reviews (LU-00-007, LU-05-005, LU-08-004, LU-12-004, and LU-15-0013) a temporary fireworks stand was approved at 4760 28th Street, also home to the American Legion Post #10, located near the intersection of 28th Street (US Hwy 36) and Yarmouth Avenue. The temporary fireworks stand has been operated by the same owners on a seasonal basis at this location since June 2000. The temporary structure used for the stand is 240 square feet and 8 feet in height. In accordance with Land Use Code Section 4-517.G, the use is allowed in the Agricultural zoning district through Limited Impact Special Use (LISU) review for a Temporary Fireworks Stand.

Historically, the approval for a temporary fireworks stand required a full LISU review every three years; however, the conditions of approval for LU-15-0013 set forth in Board of County Commissioners' Resolution 2015-89 modified this requirement to instead require a "three-year public meeting review prior to the 2018 season and every three years subsequently". As discussed in the 2015 Staff Recommendation, current circumstances and county policies could be evaluated in the future at a business meeting "to determine if anything has changed which would require a new LISU review approval for the operation. If no changes have occurred and no concerns arise over either temporary fireworks stands in general, or the operation of this stand in particular, the use may be allowed to continue for another three years."

The present request for an extension involves the same use proposal approved by Resolution 2015-89 (see attached) and will be subject to the same conditions as required in the 2015 and 2018 approvals. As approved in the 2015 LISU, a portable restroom will be located on site, as well as a 27-foot trailer that will allow the owner to provide night security.

Additional conditions of the 2015 LISU approval required that the use of the temporary fireworks stand on the site must not exceed 29 days per year and that the use would not be permitted before June 8 or after July 6 in any one year. All zoning and road setbacks must be observed with regard to placement of temporary structures on the property and any signage was restricted to one non-illuminated sign not to exceed 32 square feet in total surface area. Conditions also required the site be returned to its current condition and all temporary

Matt Jones County Commissioner **Claire Levy** County Commissioner **Marta Loachamin** County Commissioner

structures removed by July 12 of the same year. Permission from CDOT was required to allow for additional traffic in this location.

Staff finds the use renewal request is consistent with the proposal approved in the 2015 LISU and that the request can meet the applicable criteria for a Temporary Fireworks Stand in the Agricultural zoning district. Therefore, staff recommends the Board of County Commissioners approve a three year extension of the temporary fireworks stand use subject to the terms and conditions in LU-15-0013 and require the use be reevaluated during a public meeting prior to continuation after July 12, 2023.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JR', is positioned below the word 'Sincerely,'.

Jesse Rounds, Planning Manager, Code Compliance and Public Information

Attachments: Vicinity Map, LU-15-0013 Staff Recommendation, BOCC Resolution 2015-89, CDOT Access Permission dated April 23, 2021, and Boulder Rural Fire Protection District support email dated April 17, 2021.