

RESOLUTION 2024-037

A resolution approving Boulder County Community Planning & Permitting Docket DC-24-0001: Text Amendments to the Land Use Code Related to Temporary Fireworks Sales

Recitals

A. The Board of County Commissioners of Boulder County (the “Board”) is authorized to amend the text of the County’s Zoning Regulations according to the procedures in Article 16 of the Boulder County Land Use Code and C.R.S. § 30-28-112, -116 and -133.

B. Under other statutory authority, the Board is empowered to adopt regulations related to the control of land use, including but not limited to Article 65.1 of Title 24 (Areas and Activities of State Interest); Articles 67 and 68 of Title 24 (Planned Unit Developments and Vested Rights); Article 20 of Title 29 (Local Land Use Enabling Act); Articles 11 and 15 of Title 30 (County Powers and Police Power); Article 1 of Title 32 (Special District Control); and Article 2 of Title 43 (County Highways), C.R.S.

C. By Resolution 94-185, adopted October 18, 1994, the Board approved a unified Boulder County Land Use Code (the “Code”), which the Board has amended on subsequent occasions.

D. In the present docket, DC-24-0001 (the “Docket”), authorized by the Board at a public meeting on January 9, 2024, Boulder County Community Planning & Permitting staff proposed text amendments to the Code (the “Proposed Amendments”) related to Temporary Fireworks Sales, as set forth in the Boulder County Community Planning & Permitting Department’s memorandum and recommendation dated April 9, 2024, with its attachments (the “Staff Recommendation”).

E. The Proposed Amendments disallow the Temporary Fireworks Sales use in unincorporated Boulder County due to concerns of wildfire danger and prevention efforts, public safety, and alignment with fireworks regulations in neighboring jurisdictions within Boulder County.

F. As outlined in **Exhibit A**, the Proposed Amendments include updates to Article 4-517.H Temporary Fireworks and Christmas Tree Sales and related sections of Article 4 of the Code. The Proposed Amendments strike all language concerning Temporary Fireworks Sales, leaving allowances for Temporary Christmas Tree Sales.

G. The Boulder County Planning Commission (the “Planning Commission”) held a duly noticed public hearing on the Proposed Amendments on February 21, 2024. The Planning Commission recommended conditional approval of the Proposed Amendments as presented by staff and certified the Docket for action to the Board. Additionally, the Planning Commission requested that staff and the Board consider further research on the link between fireworks and fires, as further summarized in the Staff Recommendation.

H. On April 9, 2024, the Board held a duly noticed public hearing on the Docket (the “Public Hearing”) and considered the Staff Recommendation, documents, and testimony presented by County Community Planning & Permitting Department staff. Six members of the public spoke at the Public Hearing.

I. Based on the Public Hearing, the Board finds that the Proposed Amendments outlined in **Exhibit A** meet the criteria for text amendments contained in Article 16-100.B of the Code, in that the existing text is in need of amendment; the Proposed Amendments are not contrary to the intent and purpose of the Code; and the Proposed Amendments are in accordance with the Boulder County Comprehensive Plan, subject to the conditions stated below.

Therefore, the Board resolves:

1. The Proposed Amendments in **Exhibit A** are approved, effective as of April 9, 2024.
2. Under § 30-28-125, C.R.S., the Board authorizes the Clerk to the Board to transmit this Resolution, with its **Exhibit A**, to the County Clerk and Recorder for filing and appropriate indexing.

A motion to approve the Docket was made by Commissioner Marta Loachamin, seconded by Commissioner Claire Levy, and passed by a 2-1 vote. Commissioners Loachamin and Levy voted in favor, and Commissioner Ashley Stolzmann voted opposed.

[Signature Page to Follow]

ADOPTED as a final decision of the Board on this _____ day of April 2024.

The signatures below indicate approval of the text of the Resolution but are not necessarily reflective of the votes taken at the Public Hearing.

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

Ashley Stolzmann, Chair

Marta Loachamin, Vice Chair

Claire Levy, Commissioner

ATTEST:

Clerk to the Board

Exhibit A

DC-24-0001: Temporary Fireworks Sales Text Amendment

4-101 Forestry (F) District

D. Temporary Uses Permitted (see 4-517)

7. Temporary ~~Fireworks and~~ Christmas Tree Sales (I)

4-102 Agricultural (A) District

D. Temporary Uses Permitted (see 4-517)

7. Temporary ~~Fireworks and~~ Christmas Tree Sales (I)

4-108 Transitional (T) District

D. Temporary Uses Permitted (see 4-517)

7. Temporary ~~Fireworks and~~ Christmas Tree Sales (I)

4-109 Business (B) District

D. Temporary Uses Permitted (see 4-517)

7. Temporary ~~Fireworks and~~ Christmas Tree Sales (I)

4-111 Light Industrial (LI) District

D. Temporary Uses Permitted (see 4-517)

7. Temporary ~~Fireworks and~~ Christmas Tree Sales (I)

4-112 General Industrial (GI) District

D. Temporary Uses Permitted (see 4-517)

7. Temporary ~~Fireworks and~~ Christmas Tree Sales (I)

Use Tables • 4-517 Temporary Uses [TO BE UPDATED]

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.