



# Land Use

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## MEMORANDUM

To: Agriculture Stakeholders  
Land Use Code Listserv  
Interested members of the public  
Boulder County Staff – Land Use, Parks and Open Space, Transportation, Public Health,  
County Attorney

From: Abby Shannon

Date: December 20, 2012

Re: Docket #DC-11-0003 Agricultural Uses – Planning Commission Action

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On December 19, 2012, the Boulder County Planning Commission took final action on the Land Use Code amendments proposed in docket DC-11-0003 related to agricultural uses in Boulder County. The purpose of this memo is to provide you with the approved version which will be presented to the Board of County Commissioners on Thursday, January 3, 2013 at 2:00 pm. You are encouraged to attend the Board meeting on January 3 – public testimony will be taken! The meeting will be held in the 3<sup>rd</sup> floor hearing room of the Courthouse Building on Pearl Street in downtown Boulder.

The changes referred to in this document are in comparison to the staff recommendation presented to Planning Commission on December 19, 2012, and have been highlighted for your convenience. If you would like to provide written reaction to Planning Commission's decision to the Board of County Commissioners, please email your comments to [ashannon@bouldercounty.org](mailto:ashannon@bouldercounty.org) no later than noon, December 27, 2012. You can find a copy of the December 19 staff report at this link: <http://www.bouldercounty.org/find/library/build/dc110003staffrec20121219.pdf>

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### **Beekeeping**

This would be a new Accessory Use under Article 4-516 of the Land Use Code. Planning Commission adopted the staff recommendation as written:

#### *Accessory Beekeeping*

1. *Definition: Raising domestic honey bees for the purpose of collecting honey.*
2. *Districts permitted: By right in F, A, RR, ER, SR, LI, GI, and MI*
3. *Parking Requirements: None*
4. *Loading Requirements: None*
5. *Additional Provisions:*
  - a. *Beekeeping is an Open Agricultural use.*
  - b. *Two (2) colonies are allowed per building lot in the SR zone district. (A queen and her worker bees are considered one colony.)*

## **Chicken Keeping**

This would be a new Accessory Use under Article 4-516 of the Land Use Code. Planning Commission adopted the staff recommendation as written:

### *Accessory Chicken Keeping*

1. *Definition: Raising chicken hens primarily for the people living on the parcel.*
2. *Districts permitted: By right in F, A, RR, ER, SR, LI, GI, and MI*
3. *Parking Requirements: None*
4. *Loading Requirements: None*
5. *Additional Provisions:*
  - a. *Keeping chickens is an agricultural use. For the F, A, RR, ER, LI, GI, and MI zone districts, the maximum number of animals on a parcel shall be determined by the animal units allowed in that zone district.*
  - b. *Building lots in the SR zone district are permitted to have as many as eight (8) hens.*
  - c. *Roosters are prohibited in the SR zone district.*
  - d. *Chicken coops are considered Accessory Agricultural Structures. See Art. 17-300.A. to determine if a building permit is required.*

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## **Farm Events**

This would be a new Accessory Use under Article 4-516 of the Land Use Code. Planning Commission struck the provision that limited these events to six hours in duration in Additional Provision 5.e.:

### *Farm Events*

1. *Definition: A use accessory to a farm consisting of any group between 26 and 99 individuals assembled for or participating in an event where the farm is used as a venue. The purpose of this use is to allow commercial farms the opportunity to showcase their farm and crops, introduce their customers to the farm, demonstrate their farming practices, and host community-oriented events that provide marketing opportunities to the farm and help diversify farmers' incomes in a way that is low-impact on the land and neighboring property owners. This includes farm-to-table dinners, wedding receptions, and any other gathering where eating and socializing occurs.*
2. *Districts Permitted: By right or Limited Impact in A, RR unsubdivided*
3. *Parking Requirements: Vehicles should be accommodated onsite. On street parking may be permissible with review and approval from the Transportation Department.*
4. *Loading Requirements: None*
5. *Additional Provisions*
  - a. *This use requires a building lot.*
  - b. *Open Agriculture must be the principal use of the parcel.*
  - c. *The review process required is based on the frequency of events:*
    - i. *By right: No more than six (6) Farm Events per calendar year.*
    - ii. *By right: If Home Events also occur on a parcel where Farm Events occur, not more than 12 total events (including a maximum of six Farm Events) may occur per calendar year.*
    - iii. *By Limited Impact Special Review: Seven (7) to 12 Farm Events per calendar year.*
    - iv. *Thirteen (13) or more Farm Events per calendar year will be considered a Reception Halls and Community Meeting Facilities use.*

- d. *This use must occur on a parcel large enough to accommodate the use, parking, and sanitary facilities in a manner that does not negatively impact the neighboring parcels and traffic and the principal use of the parcel itself.*
- e. *No event will occur before 9 am or after 10 pm ~~or will exceed six (6) consecutive hours in duration.~~*
- f. *The majority of the food served at the event must be made with ingredients grown or raised in Boulder County.*
- g. *Building new Floor Area or utilizing existing Floor Area for these events is prohibited under this use classification. Utilization of structures that meet the definition of Floor Area would be considered a Reception Halls and Community Meeting Facilities use.*
- h. *This use shall also be granted and maintain all applicable local, state, and federal permits. It is possible separate permits or approvals may be required by County or State agencies for any food or drink provided. The applicant should contact the applicable agencies well in advance of the event to ensure adequate time for processing any applications, including Boulder County Public Health regarding requirements for food service handling and the County Commissioners' Office regarding requirements for Liquor Permits, County Transportation Department for Special Events that utilize or impact County Right-of-Way, and Parks and Open Space for Events or Group Gatherings on Parks and Open Space -owned property.*

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#### **Grading of more than 500 cubic yards**

This is an existing Accessory Use found under Article 4-516.J. of the Land Use Code. The strike-through/underline format indicates suggested changes to the existing regulations. Planning Commission agreed staff should remove the last sentence in Additional Provision 5.b. related to compliance with Colorado water law.

#### *Grading of more than 500 Cubic Yards*

1. *Definition: Movement of more than 500 cubic yards of material, with the following exceptions:*
  - a. *normal grading activity associated with agriculture, allowed mining activity, or foundation construction.*
  - b. *normal grading activity associated with trail or road construction by a governmental entity on publicly acquired open space land in accordance with an open space management plan approved by the Board of County Commissioners.*
2. *Districts Permitted: By limited impact special review in all districts*
3. *Parking Requirements: None*
4. *Loading Requirements: None*
5. *Additional Provisions:*
  - a. *While it may be exempt from these provisions, grading which impacts a floodplain is not exempt from applying for and receiving a Floodplain Development Permit.*
  - b. *Normal agricultural grading that is exempt from the definition of this use includes but is not limited to: tilling fields, creating or altering irrigation ditch laterals, field leveling, field access roads for agricultural purposes, and other activities associated with farming and agricultural operations. Agricultural grading does not include terraforming for aesthetic purposes, landscaping ponds, altering wetlands, or other non-essential grading. Any grading associated with water storage or conveyance must be in compliance with Colorado water law.*

- c. Ponds to be constructed at a depth of more than 24" must obtain a grading permit prior to construction. Ponds used to store/hold water for agricultural purposes (stock ponds, irrigation ponds) shall be exempt from the Site Plan Review or Limited Impact Special Review process (unless they require a Floodplain Development Permit).

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### **Commercial Nursery**

Planning Commission supported reclassifying Commercial Nursery from an Agricultural Use (Article 4-502) to an Agri-Business (Article 4-501). The strike-through/underline format indicates suggested changes to the existing regulations. Planning Commission agreed to deleting some of the proposed additional language in the Definition.

#### *Commercial Nursery*

1. *Definition: A use, which may be wholly or partially contained within one or more greenhouses, where trees, shrubs, flowers, or vegetable plants are grown and sold ~~either wholesale or retail.~~ The dominant characteristic of this use includes retail sales to the general public and sales of products not necessarily grown onsite.*
2. *Districts Permitted: By right in A, LI, and GI; by special review in RR on unsubdivided land*
3. *Parking Requirements: One space per 1,000 square feet of floor area.*
4. *Loading Requirements: One space per 10,000 square feet of floor area.*
5. *Additional Provisions:*
  - a. *No more than ten percent of sales may be from nonagricultural or nonhorticultural products.*
  - b. *One single family dwelling, occupied by the owner, operator, or manager of the nursery will be considered customary and incidental as a part of this use.*

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### **Group Gathering**

This is an existing Temporary Use (Article 4-517.C.) so the strike-through/underline format is utilized to indicate Planning Commission-approved changes to the existing Land Use Code. Planning Commission increased the number of hours required before the permit requirement would be triggered (from 6 to 8 hours) and removed the inclusion of set-up and take-down time.

#### *Group Gathering/Special Events*

1. *Definition: Any group of ~~25~~ 50 or more persons assembled on a parcel as a venue for a meeting, festival, social gathering, or other similar purpose for a period of time which exceeds 10 ~~6~~ 8 hours in a single day or is extends over multiple days a maximum of three consecutive days. This duration includes set up and take-down time. A parcel may not accommodate more than two (2) Group Gatherings per calendar year as this is a Temporary Use. Additional events could be reviewed under the Reception Hall and Community Meeting Facility use.*
2. *Districts Permitted: By special authorization of the ~~Building Official~~ Zoning Administrator in all districts*
3. *Parking Requirements: To be determined by the ~~Building Official~~ Zoning Administrator*
4. *Loading Requirements: To be determined by the ~~Building Official~~ Zoning Administrator*
5. *Additional Provisions: ~~None~~*
  - a. Exceptions:
    - i. Events that meet the Definition and Additional Provisions of Home Events or Farm Events do not fall within this use classification.

- ii. Events occurring within, or upon the grounds of a private property where the property owner receives no compensation for hosting the event and guests/attendees are not charged an admission fee, are allowed by right without Special Authorization of the Zoning Administrator.
- b. This use must occur on a parcel large enough to accommodate the use, parking, and sanitary facilities in a manner that does not negatively impact the neighboring parcels, or the principal use of the parcel itself.
- c. A parcel may not accommodate more than two (2) Group Gatherings per calendar year. A group gathering which occurs over multiple days cannot exceed (3) consecutive days. Additional events could be reviewed under the Reception Hall and Community Meeting Facility use.
- d. Any tent (other than personal camping tents or recreational vehicles), trailer, or structure subject to the requirements of these regulations and intended or used for human occupancy shall comply with the International Codes, as amended by the County, as well as with any County Health Department requirements, and shall not be used or occupied until approved by the Chief Building Official.
- e. Permanent alterations to the subject site are prohibited.
- f. Any activities or ground disturbance must not have adverse impacts on agricultural or environmental resources as mapped in the County Comprehensive Plan or otherwise identified on site.
- g. The site must be returned to its original condition prior to the establishment of the use within 48 hours of its discontinuance.
- h. It is the applicant's responsibility to notify adjacent property owners of the Group Gathering/Special Event in writing at the time of application to the Zoning Administrator. If the applicant wishes to notify a larger surrounding area of the proposed event, they should contact the Land Use Department and request a mailing list of all property owners within 1500 feet of the property.
- i. This use shall also be granted and maintain all applicable local, state, and federal permits. It is possible separate permits or approvals may be required by County or State agencies for any food or drink provided. The applicant should contact the applicable agencies well in advance of the event to ensure adequate time for processing any applications, including Boulder County Public Health Department regarding requirements for food service handling and wastewater treatment, Colorado Department of Public Health and Environment as a potential water supplier to more than 25 people, the County Commissioners' Office regarding requirements for Liquor Permits, County Transportation Department for Special Events that utilize or impact County Right-of-Way, and Parks and Open Space for Events or Group Gatherings on Parks and Open Space-owned property.

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### **Open Agricultural Uses**

This is an existing Agricultural use (Article 4-502.E.) so the strike-through/underline format has been used to indicate Planning Commission-approved changes to the existing regulations. They agreed to delete some words from Additional Provision 5.c. so that the occupancy of a dwelling is not limited.

#### *Open Agricultural Uses*

1. Definition: Agricultural uses which predominantly occur outside ~~which do not have structures, other than accessory structures, associated with their operation,~~ including but not limited to the grazing, keeping and use of livestock, the production, harvesting, and selling of agricultural or horticultural products, and accessory storage. Accessory structures

such as hoophouses or high tunnels used to extend the growing season, or for storage or maintenance of items that support the agricultural use are allowed as part of this use.

2. Districts Permitted: By right in F, A, RR, ER, LI, GI, and MI
3. Parking Requirements: ~~One space per 1,000 square feet of floor area.~~ Sufficient to accommodate the use
4. Loading Requirements: ~~One space per 1,000 square feet of floor area.~~ Sufficient to accommodate the use
5. Additional Provisions:
  - a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located unless it has an associated principal or accessory dwelling.
  - b. Accessory Sales associated with ~~Intensive~~ Open Agricultural Uses shall conform to the requirements of ~~section 4-516.A~~ Accessory Agricultural Sales.
  - c. ~~One single family dwelling, occupied by the owner, employee, or manager of the farm,~~ will be considered customary and incidental as a part of this use. Single family dwellings must be located on building lots.
  - d. Boarding of horses is permitted. Improved riding facilities may be provided in connection with boarding and made available to fewer than 15 different individual people per month, in addition to the owner or manager of the property.
    - i. Limited impact special review is required for any equestrian center with amplified sound and/or lighted outdoor riding, driving, or showing of horses. Special review is required for competitive events open to participants outside of those who board or train at the facility.
  - e. Any accessory structures must be ~~predominately~~ accessory to the use of the property on which the structure is located except for storage of associated agricultural equipment and agricultural and horticultural products grown on-site. On-site means agricultural and horticultural products that are grown in Boulder County on parcels under the same ownership, lease or contract as the parcel on which the accessory structure is located.
    - i. ~~On-site means agricultural and horticultural products that are grown on parcels under the same ownership, lease or contract as the parcel on which the accessory structure is located. [Moved into paragraph e.]~~
  - f. ~~A demonstration farm (as defined in section 4-516) may be allowed as an accessory use by limited impact special review in A, and in RR on unsubdivided land.~~
  - g. Structures that support the residential use on the property shall be considered Residential Floor Area.
  - h. Structures that support the agricultural use shall not be considered Residential Floor Area.

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### **Intensive Agricultural Uses**

This is an existing Agricultural use (Article 4-502.E.) so the strike-through/underline format has been used to indicate Planning Commission-approved changes to the existing regulations. They agreed to delete some words from Additional Provision 5.c. so that the occupancy of a dwelling is not limited.

#### *Intensive Agriculture*

1. Definition: Agricultural uses where the ~~principal nonresidential use of the property is contained within~~ use predominantly occurs inside one or more structures, including but not limited to agricultural storage facilities, ~~accessory~~ greenhouses, indoor riding facilities, and storage for accessory sales of agricultural or horticultural products.
2. Districts Permitted: By right in A, LI, and GI; by special review in F and RR



3. *Parking Requirements: ~~One space per 1,000 square feet of floor area.~~ Sufficient to accommodate the use*
4. *Loading Requirements: ~~One space per 1,000 square feet of floor area.~~ Sufficient to accommodate the use*
5. *Additional Provisions:*
  - a. *Accessory Sales associated with Intensive Agricultural Uses shall conform to the requirements of ~~section 4-516.A.~~ Accessory Agricultural Sales.*
  - b. *One single-family dwelling, ~~occupied by the owner, operator, or manager, or employee of the farm,~~ would be considered customary and incidental as a part of this use.*

### **Residential Floor Area**

Planning Commission approved staff's recommendation. This is an existing Definition (Article 18-189.D.), so the strike-through/underline format has been used to indicate Planning Commission-approved changes to the existing regulations.

#### *Residential Floor Area*

*For the purposes of Site Plan Review and the presumptive size thresholds associated with the Expanded Transfer of Development Rights Program, Residential Floor Area includes all attached and detached floor area (as defined in 18-162) on a parcel including principal and accessory structures used or customarily used for residential purposes, such as garages, studios, pool houses, storage sheds, home offices, and workshops. (Exemptions: Gazebos, ~~and~~ carports, detached greenhouses and hoopouses up to a total combined size of 400 square feet.)*

### **Winery**

Planning Commission was presented with the option to adopt a new use classification called "Winery." They agreed with staff that vineyards in Boulder County can process grapes into value-added products (wine) and sell the product from the parcel where the grapes are grown under the proposed amendments to Accessory Agricultural Sales. They also agreed with staff's determination that wineries which grow grapes elsewhere (not in Boulder County) should not be allowed to locate in agricultural areas.

In considering the goals of the few winery owners in Boulder County (currently located within city limits), staff proposed amendments to the existing *Eating or Drinking Place, without drive through service* use classification which would allow small scale processing in Business and Commercial zone districts if it is accessory to the restaurant or bar. This would also benefit other small-scale beverage processors. Currently, beverage processing is only permitted in the Light Industrial or General Industrial zones. Planning Commission approved the flowing amendment to Article 4-512.F.:

#### *Eating or Drinking Place, without drive through service*

1. *Definition: An establishment for the sale and consumption of food and beverages on the premises, which does not include drive through service. This may include small scale accessory beverage processing such as wineries, nanobreweries and microdistilleries.*
2. *Districts Permitted: By right in B, C, and GI; by special review in T*
3. *Parking Requirements: One space per 75 square feet of public seating area*
4. *Loading Requirements: One loading space for 10,000 or more square feet of floor area*
5. *Additional Provisions: None*

- a. Small scale food and beverage processing means less than 3,000 square feet of processing or manufacturing area.

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### **Seasonal Farm Stand**

This is an existing Temporary Use – Planning Commission approved staff’s recommendation to change the name from *Temporary* to *Seasonal Farm Stand* and to move it to the Agricultural Uses section (Article 4-502) because of the recurring nature of the use. Planning Commission agreed to delete Additional Provision 5.b.

#### Temporary Seasonal Farm Stand

1. Definition: A location for the sale of agricultural and horticultural products, for a period not to exceed 42 days in any calendar year. Nonagricultural and nonhorticultural products ~~and products which are not grown on-site~~ may comprise no more than ten percent of sales. This use includes Christmas tree sales and pumpkin sales.
2. Districts Permitted: By right in B, C, and G1; by limited impact special review in A, and in RR on unsubdivided land.
3. Parking Requirements: ~~One space per 200 square feet of floor area~~ Vehicles should be accommodated onsite. On street parking may be permissible with review and approval from the Transportation Department.
4. Loading Requirements: ~~One loading space for 10,000 or more square feet of floor area~~ Sufficient to accommodate the use on site
5. Additional Provisions:
  - a. The Temporary Farm Stand This use may include agriculturally based recreation activities.
  - b. If Limited Impact Special Review is approved, the approval shall continue to be valid provided the approval is administratively reviewed and renewed annually. The administrative renewal will consider compliance with any Conditions of Approval, mitigation measures which may be necessary to alleviate negative impacts of the use, whether proposed changes (if any) to the approved application constitutes a substantial or minor modification of a special review approval, and for consistency with the adopted Land Use Code in effect at the time of the renewal. If the approval is not renewed annually, the approval shall lapse and another Limited Impact Special Review would be required.

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### **Farm Store**

This is an existing Agricultural use (Article 4-502.C.). Planning Commission supported the name change suggested by staff. No other changes were made.

#### Farm Stand Store

1. Definition: A location for the sale of agricultural and horticultural products for more than 42 days in a calendar year. The products for sale may include, but are not limited to, the sale of seasonal produce, which does not have to be grown on-site.
2. Districts Permitted: By right in B, C, and G1; by limited impact special review in A, and in RR on unsubdivided land.
3. Parking Requirements: One space per 200 square feet of floor area.
4. Loading Requirements: One loading space for 10,000 or more square feet of floor area.
5. Additional Provisions:



- a. *One single family dwelling, occupied by the owner, operator, or manager of the business will be considered customary and incidental as a part of this use.*
- b. *No more than ten percent of the Farm Stand sales may be of nonagricultural or nonhorticultural products.*
- c. *This use requires a building lot.*

### **Bed and Breakfast**

This is an existing Lodging Use (Article 4-507.A.), so the strike-through/underline format has been used to indicate Planning Commission-approved changes to the existing regulations. Planning Commission agreed that “tenant-occupied” structures should be eligible in addition to owner-occupied structures.

#### *Bed and Breakfast*

1. *Definition: An owner-occupied or tenant-occupied single family dwelling unit offering transient lodging accommodations within that dwelling where meals may be provided.*
2. *Districts Permitted: By limited impact special review in F, A, RR, SR, and MI*
3. *Parking Requirements: ~~To be determined through special review~~ One space per guest room in addition to the two spaces required for the single family dwelling*
4. *Loading Requirements: None*
5. *Additional Provisions:*
  - a. *A Bed and Breakfast may have no more than three guest rooms or serve no more than six guests per night.*

### **Accessory Agricultural Sales**

This is an existing Accessory use (Article 4-516.A.); strike-through/underline format indicates Planning Commission-approved changes to the existing regulations. Planning Commission adopted staff’s recommended language:

#### *Accessory Agricultural Sales*

1. *Definition: A location for the retail sale or wholesale of agricultural or horticultural products which are grown on-site. Nonagricultural and nonhorticultural products and products which are not grown on-site may comprise no more than ten percent of total annual sales.*
2. *Districts Permitted: By right in F, A, RR on unsubdivided land, ER, LI, GI, and MI; By Limited Impact Special Review in RR (subdivided) unless waived by the Director.*
3. *Parking Requirements: ~~None~~ Vehicles should be accommodated onsite. On street parking may be permissible with review and approval from the Transportation Department.*
4. *Loading Requirements: ~~None~~ Sufficient to accommodate the use*
5. *Additional Provisions:*
  - a. *For purposes of this use, the term "on-site" means agricultural and horticultural products that are grown in Boulder County on parcels under the same ownership, lease or control as the parcel where the Accessory Agricultural Sales use is located.*
  - b. *Agricultural or horticultural products grown on the farm may be processed to create a value-added product where the majority of the ingredients are grown on-site.*
  - c. *A commercial kitchen for the express purpose of processing agricultural products grown on-site may be constructed. It may not be utilized by others who are not the producers of the products grown on-site for example catering businesses, restaurants, or other uses not expressly authorized through a Land Use review process. It may be used in association with a Demonstration Farm use.*

- d. Sales of value-added products can be sold onsite. Sales may require a license from Boulder County Public Health.
- e. The requirement for limited impact special review may be waived if the Director determines the Accessory Agricultural Sales will not have a negative impact on the neighborhood and that there is no potential for any significant conflict with the criteria listed in Article 4-601 of this Code. In considering this determination, the Director shall notify adjacent property owners. The Director shall not issue the determination for seven days and shall consider any comments received from the public.

### **Accessory Agricultural Structure**

Planning Commission approved this new Accessory Use classification (Article 4-516) at the meeting on December 19 with a few deviations from the staff recommendation (noted in strike-through/underline font).

#### *Accessory Agricultural Structure*

1. *Definition:* A structure detached from, but located on, the same lot as the principal use, the use of which is incidental and accessory to an Agricultural use. A structure that is primarily an agricultural use, and is detached from the principal structure located on the same lot. These structures must be accessory to an Agricultural use on the same lot.
2. *Districts Permitted:* By right in F, A, RR, ER, LI, GI, and MI
3. *Parking Requirements:* None
4. *Loading Requirements:* None
5. *Additional Provisions:*
  - a. Accessory agricultural structures are subject to the minimum requirements of the zoning district in which they are located.
  - b. Accessory agricultural structures must be of a size and scale that relates to the size and scale of the agricultural use on the property on-site. Property owners may be asked to demonstrate the agricultural use including the area where the agricultural use will take place, describe how the structure will be utilized, and discuss how the structure and its proposed size is necessary to support the agricultural use of the parcel on-site. Property owners may be required to sign a zoning affidavit declaring the use of the structure restricting the structure to agricultural uses.
  - c. For purposes of this use, the term "on-site" means agricultural and horticultural products that are grown in Boulder County on parcels under the same ownership, lease or control as the parcel where the Accessory Agricultural Structure is located.
  - d. Structures that support the agricultural use shall not be considered Residential Floor Area. Structures that do not support an agricultural use are considered Accessory Structures and will contribute to the total Residential Floor Area on the subject parcel.
  - e. Agricultural structures may include barns that store animals or agricultural implements, detached greenhouses, hoopouses, indoor riding arenas, farm stands, or other accessory structures depending on their demonstrated use.

### **Accessory Farm Stand**

Planning Commission adopted this new Agricultural Use as recommended by staff:

#### *Accessory Farm Stand*

1. *Definition: A location for the retail sale or wholesale of seasonal agricultural products, the majority of which are grown on-site. Agricultural products grown on-site must comprise at least 60% of total annual sales. Nonagricultural and products which are not grown on-site may comprise no more than ten percent of total annual sales.*
2. *Districts Permitted: By Limited Impact Special Review in A, RR on unsubdivided land, ER, LI, and GI*
3. *Parking Requirements: Vehicles should be accommodated onsite. On street parking may be permissible with review and approval from the Transportation Department.*
4. *Loading Requirements: Sufficient to accommodate the use*
5. *Additional Provisions:*
  - a. *For purposes of this use, the term "on-site" means agricultural and horticultural products that are grown in Boulder County on parcels under the same ownership, lease or control as the parcel where the Accessory Agricultural Sales use is located.*
  - b. *Agricultural or horticultural products grown on the farm may be processed to create a value-added product where the majority of the ingredients are grown on-site.*
  - c. *A commercial kitchen for the express purpose of processing agricultural products grown on-site may be constructed. It may not be utilized for catering business, restaurants, or other uses not expressly authorized through a Land Use review process. It may be used in association with a Demonstration Farm use.*
  - d. *Sales of value-added products may require a license from Boulder County Public Health.*
  - e. *The requirement for limited impact special review may be waived if the Director determines the Accessory Farm Stand will not have a negative impact on the neighborhood or Significant Agricultural Lands and that there is no potential for any significant conflict with the criteria listed in Article 4-601 of this Code. In considering this determination, the Director shall notify adjacent property owners. The Director shall not issue the determination for seven days and shall consider any comments received from the public.*

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### **Demonstration Farm**

This is an existing Accessory use (Article 4-516.l.). Planning Commission adopted the staff recommendation as written. The strike-through/underline format demonstrates Planning Commission-approved changes:

#### Demonstration Farm or Farm Camp

1. *Definition: An area of agricultural land including accessory structures, used to demonstrate farming, ranching and agricultural practices, to assist in the evaluation of farming practices and technologies, and to increase public awareness of food production and preparation practices. This accessory use must be accessory to Open Agricultural Uses. Overnight classes and overnight camps are not permitted as part of this use.*
2. *Districts Permitted: By limited impact special review or by right in A and in RR on unsubdivided land (see Additional Provisions below).*
3. *Parking Requirements: ~~To be determined through limited impact special review.~~ Vehicles should be accommodated onsite. On street parking may be permissible with review and approval from the Transportation Department.*
4. *Loading Requirements: ~~To be determined through limited impact special review.~~ Sufficient to accommodate the use on site*
5. *Additional Provisions:*
  - a. *Classes or farm camps for 8 or fewer people per day are allowed by right.*

- b. Classes or farm camps for more than 8 people are allowed by limited impact special review.
- c. ~~a.~~ A related ~~educational facility structure~~, including a classroom or kitchen for food preparation, may be approved as part of the Demonstration Farm use.
- d. ~~This use does not include commercial, institutional, lodging, or recreational uses such as hay rides, petting zoos, corn mazes, day-care centers, or summer camps.~~
- d. A building lot is required for this use.
- e. All farm camps for children must provide a copy of their child care license or a written exemption from the Colorado Department of Human Services to the Land Use Department regardless of the number of children participating in the camp.

### **Article 3-100 Processes**

Planning Commission adopted the staff recommendation as written:

#### *D. Special Authorization of the Building Official or Zoning Administrator*

1. *Approvals for certain temporary uses require special authorization of the Building Official or Zoning Administrator. The Building Official or Zoning Administrator will require information, as appropriate, concerning traffic, parking, sanitary facilities, water availability, hours of operation, and other information necessary to determine the impacts of the proposed use. The uses requiring special authorization are defined in Section 4-500 and listed in the Zoning District regulations Section 4-100.*
2. *Application forms and processing information for special authorization are available from the Boulder County Land Use Department, Building ~~Division~~ Safety & Inspection Services Team. Property owners should apply for special authorization at least 30 days in advance of the desired approval in order to allow for adequate processing time. If the owner applies for authorization less than 30 days in advance, Land Use may not be able to review and approve the application.*

### **Zoning District Additional Provisions (Article 4-101 et al.)**

Planning Commission adopted the staff recommendation as written:

#### *Article 4-101 Forestry Uses*

##### *F. Additional Requirements*

4. *No parcel shall be used for more than one principal use; except for allowed ~~agricultural~~ Agricultural uses, forestry ~~Forestry uses, mining~~ Mining uses, or any combination thereof; for multiple principal uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark; or for second principal uses approved though Special Review under 4-103.F.2.e, above.*

This clarification will need to be made in every zone district: 4-102.F.4., 4-103.F.4., 4-104.f.4., 4-105.F.4., 4-106.F.5., 4-107.F.4., 4-108.F.5., 4-109.F.5., 4-110.F.5., 4-111.F.5., 4-112.F.5., and 4-117.F.4.

### **Article 4-604 Limitation of Uses by Special Review**

Planning Commission adopted the staff recommendation as written:

*Article 4-604 Limitation of Uses by Special Review*

- A. *Subject to vested rights, no use by special review shall commence operation or construction later than five years from the date of the Board approval or conditional approval.*
- B. *Any approved use by special review that does not significantly commence operation or construction as described and approved in a building permit on any portion of the special use permit within five calendar years after the Board has approved the use, shall lapse, and shall be of no further force and effect unless a new discretionary approval is granted under this Code. If a vesting period of longer than five years is expressly approved as part of the special use permit, the approval shall lapse if operation or construction is not commenced within the vesting period.*
- C. *Any approved use by special review which commences operation or construction as required under Subsection (B), immediately above, shall lapse, and shall be of no further force and effect, if the use is inactive for any continuous five-year period or such shorter time as may be prescribed elsewhere in this code or in a condition of a specific docket's approval. If this period of inactivity occurs, the use may not be recommenced without a new discretionary approval granted under this Code. An approved special use shall be deemed inactive under this Subsection (c) if there has been no activity under any portion of the special use permit for a continuous period of five years or more as a result of causes within the control of the special use permittee or agent.*
- D. *The Land Use Director may declare a special review and limited impact special review application withdrawn if more than 24 months have passed without any public hearings or submittals from the applicant. The 24 month time frame may be extended should the Director determine that circumstances beyond control of the applicant prevent a timely completion of the application. If the application is withdrawn, a new application and new fee must be submitted in order to continue the project.*

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**Article 17-300 Zoning Regulation Enforcement**

Planning Commission adopted the staff recommendation as written:

*Article 17-300 Zoning Regulation Enforcement*

*A. Building Permit Requirements*

*2. The Building Official shall not issue any building or grading permit unless the following requirements are met:*

- a. *The plans for the proposed erection, construction, reconstruction, alteration, or use fully conform to all applicable provisions of this Code, including but not limited to any existing approval granted under this Code. A zoning affidavit may be required prior to issuance of a building permit or Land Use approval to ensure the structure or use conforms to the planning or building review and approval of the proposal. The approved use may not change without approval from the Director, and a revised affidavit reflecting any changes may be required. Zoning affidavits shall be recorded with the Boulder County Clerk and Recorder and shall apply to subsequent owners of the property;*
- b. *the Boulder County Public Health Department has issued a permit for or has otherwise approved the sanitation system to serve the proposed structure or use, if applicable;*
- c. *The County Engineer has approved the access for the proposed structure or use pursuant to this Code and the Transportation Standards and Specifications; and*
- d. *The proposed plans comply with all applicable provisions of the Building Code.*

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*If you have any questions about the contents of this document, please contact Abby Shannon at 720-564-2623 or [ashannon@bouldercounty.org](mailto:ashannon@bouldercounty.org).*