

RESOLUTION 2025-021

A resolution approving Boulder County Community Planning & Permitting Docket DC-25-0001: Text Amendments to the Land Use Code Related to Mobile Farm Stands

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-25-0001 (the “Docket”), authorized by the Board at a public meeting on February 4, 2025, Boulder County Community Planning & Permitting staff proposed text amendments to the Code (the “Proposed Amendments”) related to mobile farm stands, as set forth in the Boulder County Community Planning & Permitting Department’s memorandum and recommendation dated April 15, 2025, with its attachments (the “Staff Recommendation”).

E. The Proposed Amendments build on the findings of the 2023 Farm Stand Pilot Project, which was authorized by the Board and led by Community Planning & Permitting to assess the feasibility of pre-approved Agricultural Sales Structure building plans. The pilot project aimed to address financial and time constraints faced by local agricultural producers when building an Agricultural Sales Structure.

F. As outlined in **Exhibit A**, the Proposed Amendments include updates to Articles 4 and 18 of the Code to add a Mobile Farm Stand option to support agricultural producers’ direct to consumer sales and any other changes to the Code necessary to integrate these changes.

G. The Boulder County Planning Commission (the “Planning Commission”) held a duly noticed public hearing on the Proposed Amendments on March 19, 2025. The Planning Commission unanimously recommended approval of the Proposed Amendments and certified the Docket for action to the Board with recommended minor modifications to increase the maximum allowed electrical services and to expand the percentage of allowed non-Agricultural Products.

H. On April 15, 2025, 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. No members of the

public spoke at the Public Hearing.

I. Based on the Public Hearing, the Board finds that the Proposed Amendments presented by staff and modified by the Board 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.

Therefore, the Board resolves:

1. The Proposed Amendments in **Exhibit A** are approved, effective as of April 15, 2025.
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 Ashley Stolzmann, seconded by Commissioner Claire Levy, and passed by a 2-0 vote. Commissioner Marta Loachamin was excused from the Public Hearing.

[Signature Page to Follow]

ADOPTED as a final decision of the Board on this 13th day of May 2025.

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:**

Marta Loachamin
Marta Loachamin, Chair

Claire Levy
Claire Levy, Vice Chair

Ashley Stolzmann
Ashley Stolzmann, Commissioner

ATTEST:

Matthew Ramos
Clerk to the Board

Exhibit A

2DC-25-0001 Text Amendments to the Land Use Code related to mobile farm stands.

18-105.A Agricultural Sales ~~Structure~~ Unit

~~A structure, or portion of a structure, used for sales of agricultural products and adhering to the provisions for the Accessory Agricultural Sales and/or Farm Store uses.~~

A unit designed for the retail sale or wholesale of agricultural or horticultural products and adhering to the provisions for the Accessory Agricultural Sales and/or Farm Store uses which may be a structure, a portion of a structure, or a mobile farm stand.

A mobile farm stand is a vehicle-based sales unit (being either self-propelled or towed by a vehicle). Units shall maintain all applicable local, state, and federal permits and licenses.

4-516.B Accessory Agricultural Sales

1. Definition: A location for the retail sale or wholesale of agricultural or horticultural products.
2. Districts Permitted: By right in F, A, RR on unsubdivided land, ER, LI, GI, T, B, C, and MI; By Limited Impact Special Review in RR (subdivided) unless waived by the Director
3. Parking Requirements: Vehicles should be accommodated on-site. On street parking may be permissible with review and approval from the Public Works Department.
4. Loading Requirements: Sufficient to accommodate the use.
5. Additional Provisions:
 - a. The majority of all products sold must be sourced from Boulder County farms. A minimum of 70 percent of ~~products sold, based on the floor~~ area used for sales, must be used for the sale of Agricultural Products ~~(as defined in Article 18)~~. The remainder (up to 30 percent of ~~all products sold based on the floor~~ area used for sales) may be used for the sale of craft, artisan, or prepared food products, and may include a nominal amount of other products (eg, promotional items). ~~Food items sold must meet Boulder County Public Health requirements.~~
 - b. Food items sold must meet all applicable state and local requirements, for example sale of value-added products may require a license from Boulder County Public Health.
 - c. Structures Units ~~used for the purposes of~~ Accessory Agricultural Sales must meet the ~~requirements for definition of an Agricultural Sales Structure Unit per 4-516 and Article 18 and~~ are subject to the Accessory Agricultural Structures provisions in Article 4-516.C. ~~Agricultural or horticultural products grown on the farm may be processed on the farm to create a value-added product provided the majority of the ingredients are grown on-site. For purposes of this use, the term "on-site" means agricultural and horticultural products that are grown on parcels under the same ownership, lease, or control as the parcel where the Accessory Agricultural Sales use is located~~
 - d. Agricultural or horticultural products grown on the farm may be processed on the farm to create a value-added product provided the majority of the ingredients are grown on-site. A commercial kitchen for the express purpose of processing agricultural products may be constructed.

Exhibit A

- e. For purposes of this use, the term “on-site” means agricultural and horticultural products that are grown on parcels under the same ownership, lease, or control as the parcel where the Accessory Agricultural Sales use is located. A commercial kitchen for the express purpose of processing agricultural products may be constructed.
- f. A mobile farm stand shall be allowed a maximum of (1) 120-volt 20-amp GFCI protected receptacle fed from the existing electrical system. This receptacle shall be weatherproof and mounted in a weatherproof box with an approved cover allowing cord connection while closed. The box shall be mounted on a minimum 4x4 pressure treated post buried a minimum of 2’ in the ground and standing a minimum of 2’ above grade or equivalent installation approved by the Chief Building Official. This electrical installation shall be considered permanent and installed accordingly per all currently adopted NEC requirements.
- e. ~~Sale of value added products may require a license from Boulder County Public Health.~~
- g. The requirement for Limited Impact Special Review in RR subdivisions 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.
- h. A mobile farm stand located in the Floodplain Overlay District must meet the requirements in Article 4-405.F (for Recreational Vehicles) but does not need a Floodplain Development Permit. All other Agricultural Sales Units that have two sides and a roof and are located in the Floodplain Overlay District must receive a Floodplain Development Permit and meet the requirements of Article 4-405.C.3.a.

4-516.C. Accessory Agricultural Structure

1. Definition:

- a. A structure that is accessory to a principal agricultural use, which may include barns that store animals or agricultural implements, detached greenhouses, Season-Extending Agricultural Structures ~~(as defined in Article 18)~~, indoor riding arenas, or other accessory structures depending on their demonstrated use; or
- b. Agricultural Ssales Sstructures ~~(as defined in Article 18)~~ accessory to a principal Agricultural, Commercial, or Business use.

2. Districts Permitted: By right in F, A, RR, ER, LI, GI, T, B, C, and MI

3. Parking Requirements: To be determined through review

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-site, except that Agricultural Sales Structures Units may be located on

Exhibit A

property not used for production of agricultural products (see 4-516). 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 on-site. Property owners may be required to sign a zoning affidavit restricting the structure to agricultural uses.

- c. For purposes of this use, the term “on-site” means 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.

4-101 Forestry (F) District

4-102 Agricultural (A) District

4-103 Rural Residential (RR) District

4-104 Estate Residential (ER) District

4-108 Transitional (T) District

4-109 Business (B) District

4-110 Commercial (C) District

4-111 Light Industrial (LI) District

4-112 General Industrial (GI) District

F.2. Special review is required for any use which:

- a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;
- (i) Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an Agricultural Sales Structure Unit in operation on the property.

4-802.A. Site Plan Review shall be required for (unless not required or waived pursuant to sections B and C below):

3. Any cumulative increase in floor area of more than 1,000 square feet on a parcel over that existing as of September 8, 1998.

- c. Applies to all principal and accessory structure(s), except for;
 - (i) Season-Extending Agricultural Structures, if the dimensions of the Season-Extending Agricultural Structures on a property fall below the thresholds identified in 4-802.A.16.
 - (ii) Agricultural Sales ~~Structures~~ Units less than 500 square feet.

Exhibit A

15. An Agricultural Sales ~~Structure~~ Unit larger than 500 square feet, or greater than 12 feet in height.

4-802.B. Site Plan Review shall not be required for:

2. Accessory structures less than 1,000 square feet.

d. Except Agricultural Sales ~~Structures~~ Units as specified in 4-802.A.15.

4-802.C. Site Plan Review may be waived for the following circumstances if the Community Planning & Permitting Director determines that there is no potential for any significant conflict with the criteria listed in Article 4-806 of this Code:

2. In the plains, any nonresidential accessory structure less than 5,000 square feet, with the exception of Agricultural Sales ~~Structures~~ Units.

3. In the mountainous areas, any nonresidential accessory structure less than 2,000 square feet, with the exception of Agricultural Sales ~~Structures~~ Units.