



# Land Use

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856  
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • [www.bouldercounty.org](http://www.bouldercounty.org)

**BOULDER COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**December 13, 2018, at 9:00 a.m.**

**Commissioners' Hearing Room, Third Floor  
Boulder County Courthouse, 1325 Pearl Street, Boulder, CO**

## **PUBLIC HEARING**

### **Docket DC-18-0003: Proposed Amendments to the Boulder County Land Use Code related to Agriculture**

Staff:

*Land Use Department*

Nicole Wobus, Long Range Planning  
Manager  
Sinead O'Dwyer, Long Range Planner I  
Christy Wiseman, Long Range Planner I  
Jose Ruano, Long Range Planner I

*Parks and Open Space Department*

Jeff Moline, Resource Planning Director  
Blake Cooper, Agricultural Resources  
Director  
Adrian Card, CSU Extension, Agriculture  
Natural Resources

## **AMENDMENT**

Staff would like to introduce an additional amendment to the proposed revised agriculture-related Code language to address an oversight identified in the previous version of the proposed text amendments. The proposed Code changes would delete the Seasonal Farm Stand principal use. This change is appropriate as agricultural sales can be captured under the Accessory Agricultural Sales use category. However, the Seasonal Farm Stand use is where sales of Christmas trees was previously addressed. Many Christmas trees sold in the county come from out of state so they would not meet the "majority from Boulder County Farms" provision under our new accessory agricultural sales definition.

Staff proposes to address this issue by addressing Christmas tree sales as a temporary use. It can be combined with the existing seasonal sales-related use "Temporary Fireworks Stand." Elements of the previous Seasonal Farm Stand would be combined with the provisions of the Temporary Fireworks Stand use provisions, as appropriate. The proposed revised use definition (4-517 G) would read as follows:

### **G. Temporary Christmas Tree and Fireworks 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:  
For sales of fireworks, by Limited Impact Special Review in F, A, T, B, LI, and GI.**

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.

## PROPOSED AGRICULTURE-RELATED LAND USE CODE TEXT AMENDMENTS

[This document only shows Land Use Code language that would undergo changes as a result of this update. Additional provisions of the Land Use Code apply to agricultural uses.]

### 3-203 Standards for Submittal Requirements

A. Application

1. Before any request for County approval under this Code may be processed, a complete application must be filed with the Land Use Department. A complete application includes:
  - f. Documentation of a Verified Established Farm Use, if seeking Land Use review processes available to such properties.

## Article 4 • Zoning

### 4-100 Zoning District Regulations

Zoning District Legend:	
(A)	Uses Permitted by Special Authorization of the Building Official (Section 2-500)
(I)	Uses Permitted by Limited Impact Special Review (Article 3 and Section 4-600)
(L)	Uses Permitted by Location & Extent Review (Article 8)
(R)	Uses Permitted by Review of Areas and Activities of State Interest (Article 8)
(S)	Uses Permitted by Special Review (Article 3 and Section 4-600)
(SPR)	Uses Permitted by Site Plan Review (Article 4-800)

Note: The uses listed in each zoning district are listed with the review process acronyms as shown in the legend above. Review processes are also triggered based on the intensity of the use, specific location of the development and extent of physical development on the property. Thus, even if a review process is not enumerated, a parcel may still require a process based on other Code requirements.

### 4-101 Forestry (F) District

F. Additional Requirements

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 in operation on the property.
  - b. has an occupant load greater than or equal to 100 persons per lot;
    - (i) Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.
  - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
  - d. has a total floor area greater than 25,000 square feet; or
  - e. has a second principal use which does not increase density.

### 4-102 Agricultural (A) District

- A. Purpose: Rural areas where conservation of agricultural resources is of major value, and where residential development compatible with agricultural uses is allowed.
- B. Principal Uses Permitted

1. Agri-business Uses (see 4-501)
  - a. Agricultural Products Processing and Storage (S)
  - b. Commercial Feed Yard (S)
  - c. Commercial Nursery
  - d. Custom Meat or Poultry Processing Facility (S)(I)
  - e. Keeping of Nondomestic Animals (S)
2. Agricultural Uses (see 4-502)
  - a. Equestrian Center
  - b. Farm Store (I)
  - c. Intensive Agricultural Uses
  - d. Open Agricultural Uses
  - e. ~~Seasonal Farm Stand (I)~~
3. Commercial/Business Service Uses (see 4-503)
  - a. Kennel
4. Community Uses (see 4-504)
  - a. Adaptive Reuse of a Historic Landmark (I)
  - b. Camp (I/S)
  - c. Cemetery (S)
  - d. Church
  - e. Education Facility (S)
  - f. Membership Club (S)
  - g. Reception Halls and Community Meeting Facilities (S)
  - h. Use of Community Significance (I)
5. Forestry Uses (see 4-505)
  - a. Forestry
  - b. Forestry Processing and Sort Yard (I)
6. Industrial Uses (see 4-506)
  - a. Composting Facility (S)
  - b. Sawmill (S)
  - c. Solid Waste Disposal Site and Facility (S)
  - d. Solid Waste Transfer Facility (S)
7. Lodging Uses (see 4-507)
  - a. Bed and Breakfast (I)
  - b. Campground (S)
  - c. Resort Lodge, Conference Center, or Guest Ranch (legally existing as of April 20, 2004) (S)
  - d. Short-Term Dwelling Rental (I)
8. Mining Uses (see 4-508)
  - a. Limited Impact Open Mining (I)
  - b. Oil and Gas Operations
  - c. Open Mining (S)
  - d. Subsurface Mining (S)
  - e. Subsurface Mining of Uranium (S)
9. Office Uses (see 4-509)
 

None Permitted
10. Recreation Uses (see 4-510)
  - a. Firing Range, Outdoor (S)
  - b. Golf Course (S)
  - c. Livery or Horse Rental Operation (S)
  - d. Outdoor Recreation, for day use (S)
  - e. Outdoor Recreation, for night use (S)
  - f. Park and/or Playfield, for day use
  - g. Park and/or Playfield, for night use (S)
  - h. Public Recreation Center (S)

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### *Proposed revisions to Staff Report content highlighted*

11. Residential Uses (see 4-511)
  - a. Group Care or Foster Home (S)
  - b. Single Family Dwelling
12. Retail and Personal Service Uses (see 4-512)
  - a. Day Care Center (S)
  - b. Recycling Collection Center, Small (I)
  - c. Veterinary Clinic, with outdoor holding facilities
  - d. Veterinary Clinic, without outdoor holding facilities
13. Transportation Uses (see 4-513)
  - a. Airport (S)
  - b. Heliport (S)
  - c. Helistop (S)
  - d. Park and Ride Facility (S)
14. Utility and Public Service Uses (see 4-514)
  - a. Central Office Building of a Telecommunication Company (R)
  - b. Community Cistern (I)
  - c. Fire Barn (I)
  - d. Fire Station (S)
  - e. Large Solar Energy System (S)
  - f. Major Facility of a Public Utility (R) (S) (L)
  - g. Medium Solar Energy System or Solar Garden (S)
  - h. Public or Quasi-public Facility other than Listed (S)
  - i. Public Safety Telecommunication Facility (I)
  - j. Sewage or Water Transmission Line (R) (L)
  - k. Sewage Treatment Facility (R) (S) (L)
  - l. Small Solar Energy System or Solar Garden (SPR) (I)
  - m. Small Wind-Powered Energy System
  - n. Telecommunications Facility, existing structure meeting height requirements
  - o. Telecommunications Facility, new structure or not meeting height requirements (S)
  - p. Utility Service Facility
  - q. Water Reservoir (R) (S) (L)
  - r. Water Tank and Treatment Facility (R) (S) (L)
15. Warehouse Uses (see 4-515)

None Permitted
- C. Accessory Uses Permitted (see 4-516)
  1. Accessory Agricultural Sales
  2. Accessory Agricultural Structure
  3. Accessory Beekeeping
  4. Accessory Chicken Keeping
  5. Temporary Accessory Community Meeting Facility
  6. Accessory Concrete or Asphalt Batch Plant (S)
  7. Accessory Dwelling (I)
  - ~~8. Accessory Farm Stand (I)~~
  9. Accessory Horse Keeping
  10. Accessory Outside Storage
  11. Accessory Solar Energy System
  12. Accessory Structure
  13. Demonstration Farm, or Farm Camp (I)
  14. Farm Events (I)
  15. Grading of more than 500 Cubic Yards (I)
  16. Home Events

17. Home Occupation
  18. Household Pets
  19. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
  20. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
  21. Small Wind-Powered Energy System, Roof-Mounted
- F. Additional Requirements**
1. Animal units... Four animal units per acre without going through Special Review
  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 in operation on the property.
    - b. has an occupant load greater than or equal to 100 persons per lot
      - (i) Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.
    - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
    - d. is on a parcel with a total floor area greater than 25,000 square feet, any portion of which is not part of an agricultural use;
      - (i) Season-Extending Agricultural Structures shall be excluded from the square footage counted toward this provision if the square footage of the Season Extending Agricultural Structures on a property is less than the thresholds identified in 4-802 A.16.
    - e. has a second principal use which does not increase density.
  3. Limited Impact Special Review is required for any use which is:
    - a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 average daily trips per lot as defined by the Institute of Transportation Engineers;
    - b. on a parcel with a total floor area greater than 25,000 square feet all of which is part of an agricultural use.
      - (i) A parcel may have 1,800 square feet of additional floor area for every additional 5 acres of parcel size above 35 acres, without triggering Limited Impact Special Review, but only if the owner grants the County a conservation easement on the property which prohibits any division of the property which would result in a violation of this Code, and prohibits the addition of structures to the property; or
        - (ii) Season-Extending Agricultural Structures shall be excluded from the square footage counted toward this provision if the square footage of the Season Extending Agricultural Structures on a property is less than the thresholds identified in 4-802 A.16.
    - c. grading involving the movement of more than 500 cubic yards of material as defined and provided in Section 4-516(O).
  4. No parcel shall be used for more than one principal use, except for allowed Agricultural uses, Forestry uses, 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 through Special Review under 4-102.F.2.e, above.

## 4-103 Rural Residential (RR) District

- A. Purpose: Residential areas developed at a density and character compatible with agricultural uses.
- B. Principal Uses Permitted
  1. Agri-business Uses (see 4-501)
    - a. Commercial Nursery on unsubdivided land (S)
    - b. Keeping of Nondomestic Animals (S)
  2. Agricultural Uses (see 4-502)
    - a. Equestrian Center (S)
    - b. Farm Store on unsubdivided land (I)
    - c. Intensive Agricultural Uses (S)

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### Proposed revisions to Staff Report content highlighted

- d. Open Agricultural Uses
  - ~~e. Seasonal Farm Stand on unsubdivided land (I)~~
- C. Accessory Uses Permitted (see 4-516)
  - 1. Accessory Agricultural Sales
  - 2. Accessory Agricultural Structure
  - 3. Accessory Beekeeping
  - 4. Accessory Chicken Keeping
  - 5. Temporary Accessory Community Meeting Facility
  - 6. Accessory Dwelling (I)
  - ~~7. Accessory Farm Stand on unsubdivided land (I)~~
  - 8. Accessory Horse Keeping
  - 9. Accessory Outside Storage
  - 10. Accessory Solar Energy System
  - 11. Accessory Structure
  - 12. Demonstration Farm or Farm Camp on unsubdivided land(I)
  - 13. Farm Events on unsubdivided land
  - 14. Grading of more than 500 Cubic Yards (I)
  - 15. Home Events
  - 16. Home Occupation
  - 17. Household Pets
  - 18. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
  - 19. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
  - 20. Small Wind-Powered Energy System, Roof-Mounted
- F. Additional Requirements
  - 1. Animal units... Two animal units per acre without going through Special Review
  - 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 that is not in a platted subdivision may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an agricultural sales structure in operation on the property.**
    - b. has an occupant load greater than or equal to 100 persons per lot;
      - i. **Property with a Verified Established Farm Use that is not in a platted subdivision may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.**
    - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
    - d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area); or
    - e. has a second principal use which does not increase density.

## 4-104 Estate Residential (ER) District

- A. Purpose: Low density urban residential areas
- B. Principal Uses Permitted
  - 1. Agri-business Uses (see 4-501)
    - a. Keeping of Nondomestic Animals (S)
  - 2. Agricultural Uses (see 4-502)
    - a. Open Agricultural Uses
- C. Accessory Uses Permitted (see 4-516)
  - 1. Accessory Agricultural Sales
  - 2. Temporary Accessory Community Meeting Facility

3. Accessory Dwelling (I)
4. Accessory Agricultural Structure
5. Accessory Beekeeping
6. Accessory Chicken Keeping
- ~~7. Accessory Farm Stand (I)~~
8. Accessory Horse Keeping
9. Accessory Outside Storage
10. Accessory Solar Energy System
11. Accessory Structure
12. Grading of more than 500 Cubic Yards (I)
13. Home Events
14. Home Occupation
15. Household Pets
16. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
17. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
18. Small Wind-Powered Energy System, Roof-Mounted

**F. Additional Requirements**

1. Animal units... Two animal units per acre without going through Special Review
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 that is not in a platted subdivision may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an agricultural sales structure in operation on the property.**
  - b. has an occupant load greater than or equal to 100 persons per lot;
    - i. **Property with a Verified Established Farm Use that is not in a platted subdivision may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.**
  - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
  - d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area); or
  - e. has a second principal use which does not increase density.

## 4-108 Transitional (T) District

- A. Purpose: Areas containing both a variety of residential uses and a limited number of business uses which are compatible with residential development.
- B. Principal Uses Permitted
  1. Agri-business Uses (see 4-501)
    - a. Keeping of Nondomestic Animals (S)
  2. Agricultural Uses (see 4-502)
 

~~None Permitted~~

    - a. **Open Agricultural Uses**
- C. Accessory Uses Permitted (see 4-516)
  1. Temporary Accessory Community Meeting Facility
  2. Accessory Dwelling (I)
  3. Accessory Outside Storage
  4. Accessory Solar Energy System
  5. Accessory Structure
  6. Grading of more than 500 Cubic Yards (I)
  7. Home Events
  8. Home Occupation
  9. Household Pets
  10. Noncommercial Telecommunication Site, one structure which meets setback and height requirements

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### *Proposed revisions to Staff Report content highlighted*

11. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
  12. Small Wind-Powered Energy System, Roof-Mounted
  13. Accessory Agricultural Sales
  14. Accessory Agricultural Structures
- F. Additional Requirements
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 in operation on the property.
    - b. has an occupant load greater than or equal to 100 persons per lot;
      - (i) Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.
    - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
    - d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area); or
    - e. has a second principal use which does not increase density.

## 4-109 Business (B) District

- A. Purpose: Areas for the development of restricted retail and business uses which have minimal exterior impact on surrounding properties.
- B. Principal Uses Permitted
1. Agri-business Uses (see 4-501)
    - a. Keeping of Nondomestic Animals (S)
  2. Agricultural Uses (see 4-502)
    - a. Farm Store
    - b. Open Agricultural Uses
    - ~~b. Seasonal Farm Stand~~
- C. Accessory Uses Permitted (see 4-516)
1. Temporary Accessory Community Meeting Facility
  2. Accessory Dwelling (I)
  3. Accessory Outside Storage
  4. Accessory Solar Energy System
  5. Accessory Structure
  6. Grading of more than 500 Cubic Yards (I)
  7. Home Events
  8. Home Occupation
  9. Household Pets
  10. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
  11. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
  12. Small Wind-Powered Energy System, Roof-Mounted
  13. Accessory Agricultural Sales
  14. Accessory Agricultural Structure
- F. Additional Requirements
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 in operation on the property.

- b. has an occupant load greater than or equal to 100 persons per lot;
  - (i) Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.
- c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or
- d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area).

## 4-110 Commercial (C) District

- A. Purpose: Areas for the development of commercial, business, retail, and/or service uses
- B. Principal Uses Permitted
  - 1. Agri-business Uses (see 4-501)
    - a. **Keeping of Nondomestic Animals (S)**
  - 2. Agricultural Uses (see 4-502)
    - a. Farm Store
    - b. **Open Agricultural Uses**
    - ~~b. Seasonal Farm Stand~~
- C. Accessory Uses Permitted (see 4-516)
  - 1. Temporary Accessory Community Meeting Facility
  - 2. Accessory Dwelling (I)
  - 3. Accessory Outside Storage
  - 4. Accessory Solar Energy System
  - 5. Accessory Structure
  - 6. Grading of more than 500 Cubic Yards (I)
  - 7. Home Events
  - 8. Home Occupation
  - 9. Household Pets
  - 10. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
  - 11. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
  - 12. Small Wind-Powered Energy System, Roof-Mounted
  - 13. **Accessory Agricultural Sales**
  - 14. **Accessory Agricultural Structure**
- F. Additional Requirements
  - 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 in operation on the property.
    - b. has an occupant load greater than or equal to 100 persons per lot;
      - (i) Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.
    - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or
    - d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area).

## 4-111 Light Industrial (LI) District

- A. Purpose: Areas for the development of research, light industrial, warehouse, and/or distribution centers.
- B. Principal Uses Permitted
  - 1. Agri-business Uses (see 4-501)
    - a. Agricultural Products Processing and Storage

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### Proposed revisions to Staff Report content highlighted

- b. Commercial Nursery
- c. Keeping of Nondomestic Animals (S)
- 2. Agricultural Uses (see 4-502)
  - a. Intensive Agricultural Uses
  - b. Open Agricultural Uses
- C. Accessory Uses Permitted (see 4-516)
  - 1. Accessory Agricultural Sales
  - 2. Accessory Agricultural Structure
  - 3. Accessory Beekeeping
  - 4. Accessory Chicken Keeping
  - 5. Temporary Accessory Community Meeting Facility
  - 6. Accessory Concrete or Asphalt Batch Plant (S)
  - 7. Accessory Dwelling (I)
  - ~~8. Accessory Farm Stand (I)~~
  - 9. Accessory Horse Keeping
  - 10. Accessory Outside Storage
  - 11. Accessory Solar Energy System
  - 12. Accessory Structure
  - 13. Grading of more than 500 Cubic Yards (I)
  - 14. Home Events
  - 15. Home Occupation
  - 16. Household Pets
  - 17. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
  - 18. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
  - 19. Small Wind-Powered Energy System, Roof-Mounted
- F. Additional Requirements
  - 1. Animal units... Four animal units per acre
  - 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 in operation on the property.
    - b. has an occupant load greater than or equal to 100 persons per lot;
      - (i) Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.
    - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or
    - d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area).

## 4-112 General Industrial (GI) District

- A. Purpose: Areas for the development of general industrial, manufacturing, commercial, and/or retail uses.
- B. Principal Uses Permitted
  - 1. Agri-business Uses (see 4-501)
    - a. Agricultural Products Processing and Storage
    - b. Commercial Nursery
    - c. Custom Meat and Poultry Processing Facility (S)
    - d. Keeping of Nondomestic Animals (S)
  - 2. Agricultural Uses (see 4-502)

- ~~a. Farm Stand~~
- b. Intensive Agricultural Uses
- c. Open Agricultural Uses
- ~~d. Seasonal Farm Stand~~

**C. Accessory Uses Permitted (see 4-516)**

1. Accessory Agricultural Sales
2. Accessory Agricultural Structure
3. Accessory Beekeeping
4. Accessory Chicken Keeping
5. Temporary Accessory Community Meeting Facility
6. Accessory Concrete or Asphalt Batch Plant (S)
7. Accessory Dwelling (I)
- ~~8. Accessory Farm Stand (I)~~
9. Accessory Horse Keeping
10. Accessory Outside Storage
11. Accessory Solar Energy System
12. Accessory Structure
13. Grading of more than 500 Cubic Yards (I)
14. Home Events
15. Home Occupation
16. Household Pets
17. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
18. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
19. Small Wind-Powered Energy System, Roof-Mounted

**F. Additional Requirements**

1. Animal units... Four animal units per acre
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 in operation on the property.
  - b. has an occupant load greater than or equal to 100 persons per lot;
    - (i) Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.
  - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or
  - d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area).

*Note: Use Tables show review processes that commonly apply to a use within a particular zone district. Additional processes may apply, as noted in 4-400, 4-500 and 4-800.*

**Use Tables • 4-502 Agricultural Uses**

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Equestrian Center	S	□	S										

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*Proposed revisions to Staff Report content highlighted*

B	Farm Store		I	I+							<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
C	Intensive Agricultural Uses	S	<input type="checkbox"/>	S									<input type="checkbox"/>	<input type="checkbox"/>
D	Open Agricultural Uses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E	<del>Seasonal Farm Stand</del>		<del>I</del>	<del>I+</del>							<del><input type="checkbox"/></del>	<del><input type="checkbox"/></del>		<del><input type="checkbox"/></del>

**Use Tables • 4-516 Accessory Use\***

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Accessory Agricultural Sales	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>					
B	Accessory Agricultural Structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>					
C	Accessory Beekeeping	<input type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
D	Accessory Chicken Keeping	<input type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
E	Temporary Accessory Community Meeting Facility		S	S	S	S	S	S	S	S	S	S	S	S
F	Accessory Concrete or Asphalt Batch Plant		S									S	S	
G	Accessory Dwelling	I	I	I	I	I	I	I	I	I	I	I	I	I
H	<del>Accessory Farm Stand</del>		<del>I</del>	<del>I+</del>	<del>I</del>							<del>I</del>	<del>I</del>	
I	Accessory Horse Keeping	<input type="checkbox"/>												
J	Accessory Outside Storage	<input type="checkbox"/>												
K	Accessory Solar Energy System	<input type="checkbox"/>												
L	Accessory Structure	<input type="checkbox"/>												
M	Demonstration Farm or Farm Camp		<input type="checkbox"/>	<input type="checkbox"/>										
N	Farm Events		<input type="checkbox"/>	<input type="checkbox"/>										
O	Grading of More than 500 Cubic Yards	I	I	I	I	I	I	I	I	I	I	I	I	I
P	Home Events	<input type="checkbox"/>												
Q	Home Occupation	<input type="checkbox"/>												
R	Personal Marijuana Cultivation and Marijuana Product Manufacturing	<input type="checkbox"/>												
S	Household Pets	<input type="checkbox"/>												

T	Noncommercial Telecommunications Site, One Structure Meeting District Regulations	<input type="checkbox"/>												
U	Noncommercial Telecommunications Site, All Others													
V	Small Wind-Powered Energy System	<input type="checkbox"/> ^												

\* See Use Table Legend for this table on the following page.

Use Table 4-516 & 4-517 Legend:	
<input type="checkbox"/>	Uses Permitted by Right
<input type="checkbox"/> +	Uses Permitted by Right on Unsubdivided Land
S	Uses Permitted by Special Review
S+	Uses Permitted by Special Review on Unsubdivided Land
L	Uses Permitted by Location & Extent Review
A	Uses Permitted by Special Authorization of the Building Official or Zoning Administrator
I	Uses Permitted by Limited Impact Special Review
I+	Uses Permitted by Limited Impact Special Review on Unsubdivided Land
R	Uses Permitted by Review of Areas and Activities of State Interest
<input type="checkbox"/> ^	Uses Permitted by Site Plan Review or Site Plan Review Waiver, See 4-514

## Use Regulations

### 4-500 Use Regulations

C. Additional information regarding process requirements is available within 4-100, Zoning District Regulations, and 4-802, Applicability and Scope of the Site Plan Review Process for Development. Additional processes may depend on the extent of development and intensity of use, including but not limited to location in the Floodplain Overlay District.

### 4-502 Agricultural Uses

#### B. Farm 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 GI; 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~~ **may** be considered customary and incidental as a part of this use.
  - b. The majority of all products sold must be sourced from Boulder County farms. A minimum of 70 percent of products sold, based on floor area used for sales, must be agricultural products (as defined in 18-105). The remainder (up to 30 percent of all products sold based on floor area used for sales) may be craft, artisan, or prepared food products, and may include a nominal amount of other products (e.g., promotional items). Food items sold must meet Boulder County Public Health Department and any applicable state and federal requirements.  
~~No more than ten percent of the Farm Store sales may be of nonagricultural or nonhorticultural products.~~
  - c. This use requires a building lot.

#### C. Intensive Agricultural Uses

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1. Definition: Agricultural uses where the use predominantly occurs inside one or more structures, including but not limited to agricultural storage facilities, 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: Sufficient to accommodate the use
4. Loading Requirements: Sufficient to accommodate the use
5. Additional Provisions:
  - a. ~~Accessory Sales associated with Intensive Agricultural Uses shall conform to the requirements of Accessory Agricultural Sales.~~
  - b. One single-family dwelling ~~will~~ may be considered customary and incidental as a part of this use.

#### D. Open Agricultural Uses

1. Definition: Agricultural uses which predominantly occur outside 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 ~~Season-Extending Agricultural Structures hoop houses or high tunnels used to extend the growing season~~, or structures 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, **C, B, T**, and MI
3. Parking Requirements: Sufficient to accommodate the use
4. Loading Requirements: Sufficient to accommodate the use
5. Additional Provisions:
  - c. One single family dwelling, occupied by the owner or manager of the farm, will may be considered customary and incidental as a part of this use. Single family dwellings must be located on building lots.

#### ~~E. 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 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 GI; by Limited Impact Special Review in A, and in RR on unsubdivided land.~~
- ~~3. Parking Requirements: On street parking may be permissible with review and approval from the Transportation Department.~~
- ~~4. Loading Requirements: Sufficient to accommodate the use on-site.~~
- ~~5. Additional Provisions:
  - a. This use may include agriculturally based recreation activities.~~

## 4-516 Accessory Uses

An accessory use must be a use customarily incidental to and on the same parcel as the main use. A use listed in 4-500 may be an accessory use if the Director determines that the use is customarily incidental to a main use. Except as provided in this article, an accessory use must comply with all regulations applicable to the main use.

#### A. 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, **B, C, T**, 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 Transportation 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 floor area used for sales, must be agricultural products (as defined in 18-105). The~~

remainder (up to 30 percent of all products sold based on floor area used for sales) may be craft, artisan, or prepared food products, and may include a nominal amount of other products (e.g., promotional items). Food items sold must meet Boulder County Public Health Department requirements.

~~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.~~

- b. Structures used for the purposes of Accessory Agricultural Sales must meet the requirements for an Agricultural Sales Structure per 4-516 B and 18-XXX. 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.~~
- c. A commercial kitchen for the express purpose of processing agricultural products may be constructed. ~~It may be used in association with a Demonstration Farm use.~~
- d. ~~Sale of value-added products can be sold on-site.~~ This may require a license from Boulder County Public Health.

## B. 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 18-XXX), indoor riding arenas, or other accessory structures depending on their demonstrated use; or~~
- b. ~~Agricultural sales structures (as defined in 18-XXY) accessory to a principal Agricultural, Commercial, or Business use.~~

### 2. Districts Permitted:

- a. By right in F, A, RR, ER, LI, GI, **C, B, T,** and MI

### 3. Parking Requirements: ~~To be determined through review. 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-site, ~~except that Agricultural Sales Structures may be located on 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.
- e. ~~Agricultural structures may include barns that store animals or agricultural implements, detached greenhouses, hoop houses, indoor riding arenas, farm stands, or other accessory structures depending on their demonstrated use.~~

## ~~H. 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 products 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 on-site. 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 on~~

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~~parcels under the same ownership, lease or control as the parcel where the Accessory Farm Stand use is located.~~

- ~~b. 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.~~
- ~~c. A commercial kitchen for the express purpose of processing agricultural products may be constructed. 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.~~

#### M. 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 an **Open Agricultural Use as listed in 4-502**. 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).~~ By right or Limited Impact in A, RR unsubdivided. **The review process required is based on the number of attendees and type of events:**
  - a. By right for classes or farm camps for 15 or fewer people per day. Classes or farm camps for up to 25 people per day are allowed by right for properties with a Verified Established Farm Use.
  - b. **By Limited Impact Special Review for classes or farm camps for more than 15 people. (see Additional Provisions below).**
3. Parking Requirements: Vehicles should be accommodated on-site. On street parking may be permissible with review and approval from the Transportation Department.
4. Loading Requirements: 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 related structure, including a classroom or kitchen for food preparation, may be approved as part of the Demonstration Farm use.
  - 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.

#### N. Farm Events

1. Definition: A use accessory to a farm consisting of any group between 26 and ~~99~~**150** 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, weddings, wedding receptions, and any other gathering where eating and socializing occurs where the majority of the food served at the event is made with ingredients grown or raised in Boulder County or by the host farmer(s).
2. Districts Permitted: By right or Limited Impact in A, RR unsubdivided. **The review process required is based on the frequency of events:**
  - a. **By right: No more than 12 Farm Events per calendar year.**
  - b. **By right: If Home Events also occur on a parcel where Farm Events occur, not more than 18 total events (including a maximum of 12 Farm Events) may occur per calendar year.**

- c. By Limited Impact Special Review: 13 to 24 Farm Events per calendar year.
  - d. Twenty-five (25) or more Farm Events per calendar year requires approval through Special Review.
3. Parking Requirements: Vehicles should be accommodated on-site. On street parking may be permissible with review and approval from the Transportation Department.
  4. Loading Requirements: None
  5. Additional Provisions
    - ~~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 a.m. or after 10 p.m.
    - f. Building new Floor Area or utilizing existing Floor Area for these events is allowed prohibited under this use classification ~~if the Floor Area is used for agricultural purposes when not used for Farm Events. Utilization of structures that meet the definition of Floor Area would be considered a Reception Halls and Community Meeting Facilities use.~~
    - g. 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.
    - h. A Farm Event with greater than 99 people may occur with Special Authorization from the Zoning Administrator, following submittal of notice to neighbors within 1,500 feet of the proposed event location, and a 14 day comment period. Farm events with greater than 99 people in attendance may not occur more than 12 times per calendar year.

## 4-517 Temporary Uses

### A. Educational Tour

1. Definition: A gathering or activity involving the use of a parcel for educational purposes incidental to the existing use on the property. Use relies on the location as a basis for the activity. Types of uses contemplated are school field trips and infrequent educational tours.
2. Districts Permitted: By right in all districts.
3. Parking Requirements: None
4. Loading Requirements: None
5. Additional Provisions
  - d. Allowed up to 24 times per year and may include up to 20 additional vehicle trips per day.

### G. Temporary Christmas Tree and Fireworks 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:
  - For sales of fireworks, by Limited Impact Special Review in F, A, T, B, LI, and GI.
  - 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.

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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.

#### G. Temporary Fireworks Stand

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.

2. Districts Permitted: By Limited Impact Special Review in F, A, T, B, LI, and GI.

3. Parking Requirements: To be determined through Limited Impact Special Use.

4. Loading Requirements: To be determined through Limited Impact Special Use.

5. Additional Provisions:

a. One nonilluminated 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.

## 4-802 Applicability and Scope of the Site Plan Review Process for Development

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

1. Any development requiring a building permit on vacant parcels in unincorporated Boulder County **except for:**
  - a. **Season Extending Agricultural Structures, if the square footage dimensions of these structures on a property fall below is less than the thresholds identified in 4-802 A.16.**
2. Any increase in residential floor area which results in a total residential floor area greater than 125% of the median residential floor area for the defined neighborhood in which the subject parcel is located. In determining if the proposed development is greater than 125% of the residential median floor area, any demolition and rebuilding of any existing residential structure or any portions thereof, shall be counted toward the threshold.
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.
  - a. In calculating this 1,000 square foot threshold, any demolition and rebuilding of any existing structure or any portions thereof, shall be counted toward the threshold.
  - b. Any floor area not legally existing as of September 8, 1998 shall be counted toward the threshold.
  - c. Applies to all principal and accessory structure(s) except for:
    - (i) **Season Extending Agricultural Structures, if the square footage dimensions of the Season Extending Agricultural Structures on a property fall below is less than the thresholds identified in 4-802 A.16.**
    - (ii) **Agricultural Sales Structures less than 500 square feet.**
4. New structures of any size requiring a building permit when the site is located within a Natural Landmark or Natural Area as described in the Environmental Resources Element of the Comprehensive Plan and shown on the Zoning District Maps of Boulder County.
5. New structures 500 square feet or more in the 250' buffer associated with a Natural Landmark or Natural Area, as described in the Environmental Resources Element of the Comprehensive Plan and shown on the Zoning District Maps of Boulder County.
6. New structures or additions to existing structures of any size on property over which a conservation easement has been granted.
  - a. **The Director may exempt a Season Extending Agricultural Structure(s) from this provision if the holder of the conservation easement confirms in writing that, in the opinion of the easement holder, the proposed structure(s) would not conflict with the terms of the easement.**
7. Development occurring in a Rural Community District as described in the regulations for that District.
8. Any development or earthwork requiring a floodplain development permit.

9. Any grading permit for over 50 cubic yards of earthwork (including grading associated with an access permit).
10. A change of use of a parcel.
11. A commercial telecommunications facility utilizing an existing structure and meeting the height requirements of the district in which the facility is located .
12. A small wind-powered energy system.
13. A small solar energy system as a principal use.
14. Any proposal which is eligible to be waived from Site Plan Review, but for which a waiver was not granted.
15. An Agricultural Sales Structure larger than 500 square feet, or greater than 12 feet in height.
16. Season Extending Agricultural Structure(s) greater than 5,000 cumulative square feet located on parcels 5 acres or larger, or greater than 3,000 cumulative square feet located on parcels less than 5 acres, or Season Extending Agricultural Structure(s) greater than 12 feet in height.
  - a. Season Extending Agricultural Structures that do not go through a Site Plan Review process will go through an administrative review to ensure proposed structures are constructed within applicable setbacks and adhere to applicable Floodplain Overlay District provisions (article 4-400).

**B. Site Plan Review shall not be required for:**

1. Earthwork that is part of normal agricultural or mining practices.
2. Accessory structures less than 1,000 square feet.
  - a. Except in those circumstances in which Site Plan Review is required because of cumulative threshold specified in this section A(2) or A(3).
  - b. Except in a Natural Landmark, a Natural Area, or in the associated 250' buffer as specified in this section A(3) & (4).
  - c. Except on conservation easements held by Boulder County.
  - d. Except Agricultural Sales Structures as specified in this section A(15).
3. Restoration of a structure that has been damaged or destroyed by causes outside the control of the property owner or their agent provided the restoration involves the original location, floor area, and height . Such restoration must comply with the current provisions of the Boulder County Land Use Code other than 4-800 (also see Nonconforming Structures & Uses, Article 4-1002(D) and 4-1003(F)).
  - a. Such restoration must be commenced within one year after the date on which the structure was damaged or destroyed, or a latent defect discovered. This limitation may be extended in the case of extenuating circumstances as determined by the Director.
  - b. Replacement of bridges, box culverts or low-water crossings or other hydraulic structures spanning a creek or other drainage within a mapped floodplain under Article 4-400, may also be exempt from Site Plan Review under this Subsection 3., subject to administrative approval by the County Engineer for compliance with the Boulder County Storm Drainage Criteria Manual. The County Engineer may impose conditions on the construction to assure basic safety, including but not limited to requiring construction of a replacement bridge or crossing that is compliant with the Land Use Code and the Storm Drainage Criteria Manual either as a temporary or Permanent replacement hydraulic structure.
  - c. The provisions of this Section 4-802(B)(3) shall not apply to Substantial Improvements to buildings in the Floodplain Overlay District as provided for in Section 4-400 of this Code.
4. Development on subdivided land with a final plat approved after February 22, 1994, unless the plat approval otherwise requires Site Plan Review for the lots.
5. Development in approved Neighborhood Conservation Overlay Districts to the extent that the approved Neighborhood Conservation plan covers the relevant Site Plan Review criteria detailed in this Article 4-806.
6. Any development or earthwork which the County Engineer deems eligible for a General Floodplain Development Permit.

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

1. Any increase in the total residential floor area to a size less than 125% of the median residential floor area for the defined neighborhood in which the subject parcel is located, up to an increase of 2,000 square feet.
  - a. This provision includes instances in which Site Plan Review would be required because the floor area exceeds the cumulative threshold specified in this section A(2) and B(2)(a).
2. In the plains, any nonresidential accessory structure less than 5,000 square feet, with the exception of Agricultural Sales Structures.
3. In the mountainous areas, any nonresidential accessory structure less than 2,000 square feet, with the exception of Agricultural Sales Structures.
4. Any grading permit involving under 500 cubic yards of earthwork.
5. Any free-standing small wind-powered energy system that meets the height limitations for the zone district.
6. Any roof-mounted small wind-powered energy system as described in that use classification description (4- 516(V)) .
7. Any ground-mounted accessory solar energy system.

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8. Any development or earthwork requiring an Individual Floodplain Development Permit, so long as the Director consults with the County Engineer before granting the waiver.

In considering a waiver determination, the Director shall notify adjacent property owners. The Director shall not issue the determination for seven days following such notification and shall consider any comments received by the public. In waiving any requirement for Site Plan Review as authorized under this section 4-802, the Director may impose written terms and conditions on the waiver as may be reasonably necessary to ensure that the regulatory basis for the waiver is not contravened once the subject use or construction is commenced.

## Article 18 • Definitions

### 18-104 Agriculture

Uses involving the cultivation of land, production of crops, raising, breeding, and keeping of livestock, and the buying and selling of crops, products or livestock associated with the agricultural operation. Agriculture specifically does not include commercial, institutional, lodging, or recreational uses such as petting zoos, day-care centers, or summer camps.

### 18-105 Agricultural Products

Products intended for direct human or animal ~~consumption-use~~ such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants, ~~flowers, herbs,~~ and wool.

### [Add Definition] Agricultural Sales Structure

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.

### 18-149 Farm

A parcel of land ~~for which the principal use is used for agricultural purposes.~~

### 18-186 Principal Use

The primary purpose or function for which a parcel is used.

### [Add Definition] Verified Established Farm Use

A demonstrated production farm use verified by the Land Use Department to meet the following criteria:

- a) the principal use of the property is production of crops, livestock, or other agricultural products (with the exception of hay and forestry products) either for sale by a for-profit business, or for use by a certified 501(c)3 non-profit organization;

OR

- b) Annual revenue from sales of agricultural products (with the exception of hay and forestry products) produced by the farm or ranch (i.e., by an agricultural business operating on the property) is greater than \$15,000, as demonstrated by IRS Schedule F or other documentation.

Properties that meet the criteria for a Verified Established Farm Use are eligible for streamlined review processes and additional allowances for related agricultural uses and structures as set forth in Article 4. The intent is to reduce costs and regulatory requirements for those properties contributing substantially to agricultural production in the County, and whose owners and operators can be expected to have the knowledge and experience to make productive use of land while minimizing land use impacts.

### [Add Definition] Season-Extending Agricultural Structure

A structure designed to extend the growing season. The structure is covered by plastic or shade cloth, has an earthen/dirt floor that may be covered by fabric and/or gravel, and may include utilities.