



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

BOULDER COUNTY BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING

April 9, 2024 at 1:00 p.m.

*All Commissioners' public hearings and meetings will be offered in a hybrid format where attendees can join **through Zoom** or **in person** at the Boulder County Courthouse, 3rd Floor, 1325 Pearl Street, Boulder.*

PUBLIC HEARING with PUBLIC TESTIMONY

STAFF: Cayley Byrne, Long Range Planner I

Docket DC-24-0001: Temporary Fireworks Sales Text Amendment

Text Amendments to the Land Use Code related to Article 4-517.H Temporary Fireworks and Christmas Tree Sales use, removing Temporary Fireworks Sales as an allowed use in the Code.

Action Requested by Board of County Commissioners: Approval

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SUMMARY

On January 9, 2024, staff received authorization from the Board of County Commissioners to pursue a text amendment to the Boulder County Land Use Code (the Code) related to Article 4-517.H Temporary Fireworks and Christmas Tree Sales and any other related Articles and provisions necessary to integrate these changes. The text amendment authorization memorandum is included as Exhibit B. Community Planning & Permitting staff are proposing an amendment to the existing regulations in the Code to disallow the Temporary Fireworks Sales use in unincorporated Boulder County. This amendment is being proposed

due to concerns of wildfire danger, public safety, and alignment with fireworks regulations in neighboring jurisdictions.

SUMMARY OF PROPOSED TEXT AMENDMENT

The proposed text amendment to Article 4-517.H Temporary Fireworks and Christmas Tree Sales would strike all language concerning Temporary Fireworks Sales, leaving allowances for Temporary Christmas Tree Sales. The proposed draft text is included as Exhibit A in this staff packet.

PROJECT GOALS & DISCUSSION

The goal of this text amendment is to better reflect the awareness of existing fire risk in Boulder County in the Code, promote public safety and wildfire prevention efforts, and bring the Code into closer alignment with the restrictions on fireworks found in other jurisdictions within Boulder County. These goals are defined and discussed below:

1. Reflect the Awareness of Fire Risk in Boulder County & Support Wildfire Prevention Efforts
 - a. The Boulder County Sheriff's Office must frequently enact fire bans, which typically include a ban on fireworks use, due to wildfire danger in the region caused by high temperatures, wind, and dryness. Since 2018, there have been 725 fire restriction days in Boulder County, according to records kept by the Sheriff's Office's Fire Management Officer. There have been 459 days of Level 1 restrictions, which included restrictions for fireworks use on public lands, and 266 days of Level 2 restrictions, that restricted their use on both public and private lands. When there is a Temporary Fireworks Sales stand located within the area under restriction, the sale of fireworks from such stand is also prohibited for the duration of the fire ban. The frequency of fire restrictions in Boulder County displays the magnitude of fire risk that we experience in this community. This amendment would align the Code to reflect our community's awareness of fire risk in this region by removing the temporary fireworks sales use from the Code.
 - b. The amendment would reduce the risk of accidental fire and wildfire caused by fireworks by disallowing the temporary fireworks sale use in the unincorporated county, thereby promoting public safety and the protection of natural resources and the environment in Boulder County. This supports various goals and policies identified within the Boulder County Comprehensive Plan, which are discussed further in this report's Criteria Review section.
2. Better Align the Code with Regional Restrictions on Fireworks
 - a. Out of the ten other jurisdictions located within Boulder County, seven have restrictions on the use and sale of fireworks in their municipal codes. This amendment would help bring Boulder County into closer alignment with fireworks regulations in these other jurisdictions, creating more cohesive regional regulations on fireworks and improving cross-jurisdictional coordination. Further details on the fireworks regulations in these other jurisdictions can be found in this report's Background & Research section. The devastation of wildfire is not new to Boulder County; however, the Marshall Fire has made clear that the forested and mountainous areas of the

county are not alone in facing such risk. This Code change seeks to advance and instill an approach that minimizes the sources of risk that can lead to devastating effects for county residents, particularly as climate change continues to increase those risks, by removing this use from the Code.

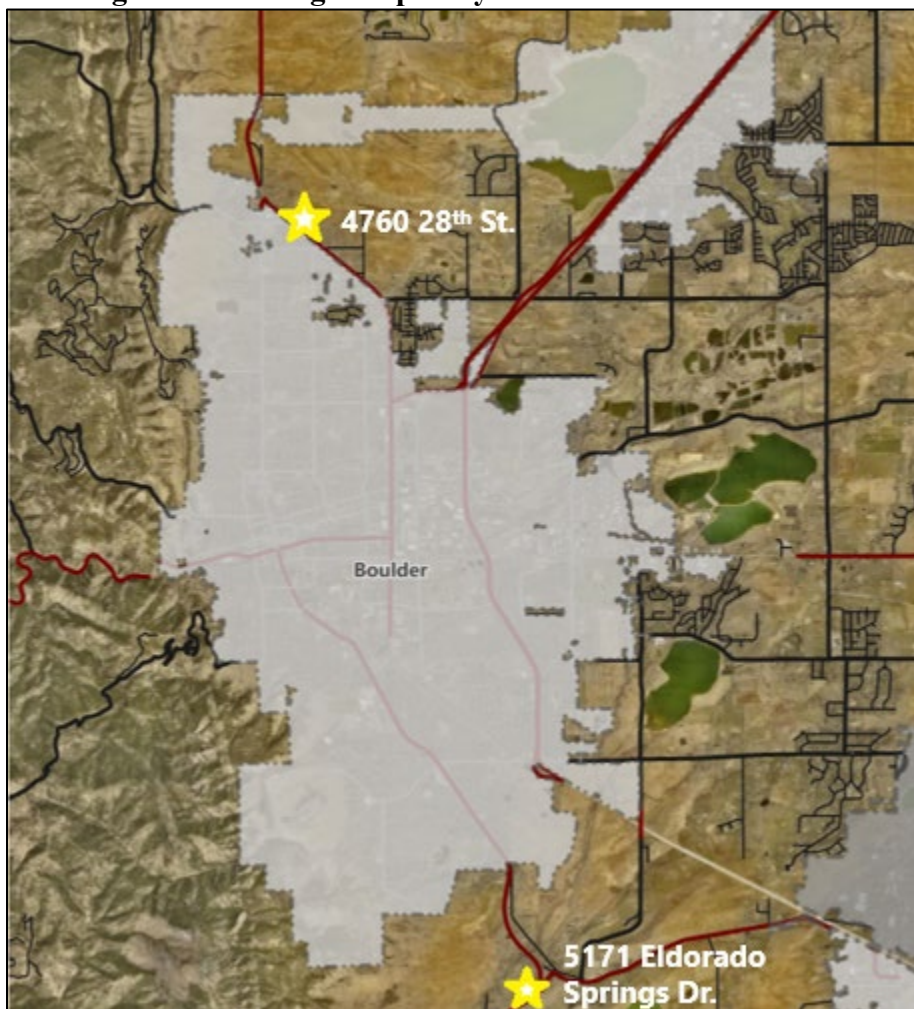
BACKGROUND & RESEARCH

Existing Temporary Fireworks Sale Locations

In addition to precluding new temporary fireworks sale locations, there are two existing temporary fireworks sale locations in unincorporated Boulder County that would be impacted by this text amendment (Figure 1).

- 5171 Eldorado Springs Drive
- 4760 28th Street

Figure 1. Existing Temporary Fireworks Sale Locations



The fireworks sale location at 5171 Eldorado Springs Drive currently operates in accordance with its original Limited Impact Special Use approval, LU-97-0011, and could continue to operate as a nonconforming use following the adoption of this Code change, as long as it operates within the requirements of the original approval.

The fireworks sale location at 4760 28th Street operates under a Limited Impact Special Use review which requires the use to be reapproved every three years. The operator received approval to extend their operations for another three years, under the current Code provisions, at a Board of County Commissioners Business Meeting on March 26, 2024. If this Code change is adopted, the stand would be able to operate as a nonconforming use for the next three years. However, the operator would not be able to apply to continue the use at the next three-year reapproval increment.

Fireworks Regulations in Other Municipalities

Staff researched the existing regulations on the use and sale of fireworks in the separate jurisdictions located within Boulder County, which include Boulder, Erie, Jamestown, Lafayette, Longmont, Louisville, Lyons, Nederland, Superior, and Ward. The findings from this research are summarized in Table 1 below, which shows whether the use and sale of fireworks are allowed in each municipality, as well as the code section in which this information can be found. Out of the ten other jurisdictions located within Boulder County, seven have restrictions on the use and sale of fireworks in their municipal codes. It should be noted that Ward does not have any specific ordinances regulating fireworks.

Table 1. Municipal Code Fireworks Regulations

Municipality	Use of Fireworks Allowed	Sale of Fireworks Allowed	Code Section
Boulder	No	No	Municipal Code 5-6-6.b.
Erie	Yes	Yes	Municipal Code 6-10-1
Jamestown	No	Not Stated	Ordinance #4 Series 2012, Section 5.
Lafayette	Only public displays	No	Municipal Code Sec. 75-189.c.
Longmont	Yes	Yes	Municipal Code Sec. 13.20.050.A.15
Louisville	Only public displays	No	Municipal Code Sec. 8.44.020, 8.44.030
Lyons	Restricted*	Restricted*	Municipal Code Sec. 10-12-20
Nederland	Only public displays	Restricted*	Municipal Code Sec. 10-243
Superior	Only public displays	Restricted*	Municipal Code Sec. 7-4-20, 7-4-30
Ward			No specific ordinances.

*Information has been updated since the Planning Commission packet was issued following additional review.

REFERRAL RESPONSES

Referrals were sent out by staff to Boulder County Wildfire Mitigation, Access & Engineering and Building Divisions, the Boulder County Sheriff’s Office, the Office of Disaster Management, and all Boulder County Fire Protection Agencies, for their review and

response on the proposed text amendment to Article 4-517.H. Responses to the referral request are included as Exhibit C in this packet for review by the Board of County Commissioners.

PUBLIC COMMENT

Public comments on this docket were received prior to the Planning Commission Public Hearing on February 21, 2024, and are provided for review by the Board of County Commissioners as Exhibit D in this packet. Any public comment received after the Planning Commission Public Hearing up the date of the publishing of this report has also been added to this exhibit.

CRITERIA REVIEW

Article 16-100.B contains criteria for amending the text of the Code. Staff finds that these criteria are met in the context of this Docket, as follows:

The existing text is in need of amendment:

In order to support the goals of public safety and wildfire risk mitigation in Boulder County, the Code requires amendment. The Land Use Code is a tool that is utilized to implement public policy goals outlined in the county's adopted plans. The proposed amendment recognizes the existing wildfire hazard that is our community's reality and seeks to align the Code with this environment and minimize potential sources of accidental fire.

The amendment is not contrary to the intent and purpose of this Code:

The Code is enacted to protect and promote the health, safety, and general welfare of the present and future inhabitants of Boulder County. In conformance with the Code, the proposed text amendment seeks to disallow the Temporary Fireworks Sales use, promoting the safety of the present and future inhabitants of Boulder County by reducing risk of accidental fire by fireworks.

The amendment is in accordance with the Boulder County Comprehensive Plan:

As proposed, the text amendment does not make changes to the Code that would alter the current Code's consistency with the goals and policies of the Boulder County Comprehensive Plan. The proposed modification is supported by various goals and policies expressed in the Boulder County Comprehensive Plan, related to sustainability, climate action, resource preservation, regional cooperation, and natural hazards, including:

Guiding Principles: (GP-1)

2. Encourage and promote the respectful stewardship and preservation of our natural systems and environment by pursuing goals and policies that achieve significant reductions in our environmental footprint.
4. Encourage and promote regional cooperation and coordination in working with other entities and jurisdictions.

Countywide Goals:

Natural Hazards (CG-5)

3. Mitigate Existing Areas at Risk. Efforts to mitigate existing areas at risk to the impacts of natural hazards and disasters should be made to minimize the potential for harm to life, health, and property.

Public Health (CG-6)

7. Address Climate Change. Boulder County works to minimize and mitigate the negative effects of climate change-driven hazards on physical, mental, and environmental health.

Sustainability (CG-6)

1. Promote Outcomes Consistent with Principles of Sustainability. The county recognizes and accepts that weighing individual wants and needs with those of the larger public and society is a complex but essential responsibility of government. Implementing the Comprehensive Plan involves the need to balance competing goals and policies in cases where they cannot be harmonized. With that understanding in mind, Boulder County's land use management tools and practices should be designed to promote decisions and actions supporting outcomes that are consistent with the principles of sustainability.

Natural Hazard Element:

NH 1.03 Land Use Activities. The county should ensure to the extent possible that land use activities do not aggravate, accelerate, or increase the level of risk from natural hazards. (NH-4)

NH 5.01 Elevated Risk in Wildland Urban Interface. The county recognizes the wildland urban interface as an area particularly at risk to wildland fires or wildfires. (NH-5)

NH 5.04 Interjurisdictional and Interagency Cooperation. Boulder County should continue to encourage interjurisdictional and interagency cooperation to further the goals of protection of life and property from wildfires. The Boulder County Wildfire Mitigation Group should continue to work cooperatively to develop and implement programs to reduce the hazard of wildfire. This should include the following subject areas: public education and awareness, fuel reduction and prescribed burn programs, ecosystem/vegetation management, Wildfire Hazard Identification and Mitigation System, (WHIMS), codes and regulations, and pre-suppression. (NH-6)

The amendment to Article 4-517.H is supported by multiple elements of the Boulder County Comprehensive Plan, as detailed above, which are interconnected by the plan's cross-cutting themes of sustainability and climate action. Sustainability emphasizes the protection of resources to meet the needs of present and future residents of Boulder County, while climate action is simultaneously focused on strengthening resiliency to climate-induced impacts. Disallowing the Temporary Fireworks Sales use would remove a wildfire risk factor as an allowed use in the Code, prioritizing the safety of Boulder County's residents and the protection of our natural resources from wildfire. As the community is faced with a changing climate, this amendment would increase resiliency by reducing risk, while also protecting resources for future Boulder County residents.

PLANNING COMMISSION

Planning Commission heard Docket DC-24-0001, Temporary Fireworks Sales Text Amendment at a public hearing on February 21, 2024.

Following staff's presentation, staff received comments and answered questions from Planning Commission. Planning Commission asked if staff had any data on the link between fireworks and fires. Discussion topics amongst the Planning Commission included if a ban on fireworks sales in general was possible and the future of the two existing stands.

The Planning Commission voted and unanimously recommended approval of Docket DC-24-0001 to the Board of County Commissioners.

- MOTION: Sam Libby MOVED that Planning Commission APPROVE and recommend to the Board of County Commissioners approval of Docket DC-24-0001 Temporary Fireworks Sales Text Amendment and certify that docket for action to the Board of County Commissioners, with the request that the Board of County Commissioners verify that the fireworks stand operated by the Encinias has an application in process at the time of the hearing.

As suggested by Planning Commission, the connection between fireworks and wildfire risk was further researched. Generally, wildfire risk increases over time in the wildland-urban interface, the area where human development meets or converges with undeveloped wildland areas, (WUI) and human-caused ignitions make up the majority of wildfire ignitions recorded in the WUI. The WUI in Boulder County covers a large portion of unincorporated county land and therefore this research is influential to staff's understanding of fire risk. A map of the WUI in Boulder County is included as Exhibit E. Across the state in Colorado, there were 328 human-caused fires in 2023, covering 22,798 acres (National Interagency Coordination Center, 2023). Fireworks are directly connected to human use and activity by nature and there are recorded spikes in human-caused wildfires on July 4 in the U.S., which suggests a correlation with fireworks use. References to the research staff collected can be found in Exhibit F for review by the Board of County Commissioners. This text amendment to the Temporary Fireworks Sales use is aimed at disallowing what Commissioner Libby described at the Planning Commission Public Hearing as a "proactively permissive temporary use," which has a nexus to the increased risk of unintentional, human-caused fire.

RECOMMENDATION

Staff recommends that the Board of County Commissioners approve Docket DC-24-0001: Temporary Fireworks Sales Text Amendment.

Exhibit A

DOCKET DC-24-0001: Temporary Fireworks Sales Text Amendment – Text Amendments to the Land Use Code related to Article 4-517.H Temporary Fireworks and Christmas Tree Sales use, removing Temporary Fireworks Sales as an allowed use in the Code.

4-517 Temporary Uses

H. Temporary ~~Fireworks and~~ Christmas Tree Sales

1. Definition: Unless otherwise expressly provided in this Code, an operation which is open to the public and scheduled to occur over a period not to exceed 42 days in any calendar year. This use includes sales of Christmas trees, ~~or fireworks allowed for use in Boulder County.~~
2. Districts Permitted:
 - a. ~~For sales of fireworks, by Limited Impact Special Review in F, A, T, B, LI, and GI.~~
 - b. ~~For Christmas tree sales, By~~ Limited Impact Special Review in F, A, T, B, LI, GI, C, and RR. Use within RR is limited to property that is not in a platted subdivision.
3. Parking Requirements: To be determined through Limited Impact Special Review.
4. Loading Requirements: To be determined through Limited Impact Special Review.
5. Additional Provisions:
 - a. One non-illuminated identification sign not to exceed 32 square feet in total surface area shall be permitted.
 - b. This use may be allowed on a parcel with an existing Principal Use.



Exhibit B Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306
303-441-3930 • www.BoulderCounty.gov

**BOULDER COUNTY
BOARD OF COUNTY COMMISSIONERS
BUSINESS MEETING**

January 9, 2024 at 10:30 a.m.

All Commissioners' public hearings and meetings will be offered in a hybrid format where attendees can join through **Zoom** or **in-person** at the Boulder County Courthouse, 3rd Floor, 1325 Pearl Street, Boulder.

Authorization under Article 16-100.A of the Boulder County Land Use Code for Text Amendments to the Land Use Code related to Article 4-517.H Temporary Fireworks and Christmas Tree Sales use.

STAFF: Cayley Byrne, Long Range Planner I

Public testimony will not be taken — action requested.

SUMMARY

Staff requests authorization to pursue a text amendment to the Boulder County Land Use Code (the Code) related to Temporary Fireworks and Christmas Tree Sales (Article 4-517.H) and any other related Articles and provisions necessary to integrate these changes.

As a result of concerns raised by the Board of County Commissioners and the Boulder County Sheriff's Office related to fireworks sales in unincorporated Boulder County given wildfire danger in the community, Community Planning & Permitting staff are considering an amendment to the existing regulations in the Land Use Code to disallow the fireworks sales use. The potential amendment would strike all language concerning Temporary Fireworks Sales from Article 4-517.H, leaving allowances for Temporary Christmas Tree Sales.

Staff intend to update relevant content in Article 4-517.H (Zoning) of the Code and will make any other revisions necessary to other parts of the Code to integrate the changes. Some organizational changes and updates to the existing language may also be necessary to make the Code easier to navigate and utilize.

The tentative timeline for this code update is as follows:

1. Authorization: January 9, 2024
2. Public Engagement: Completed by end of January, 2024
 - a. Notify current temporary fireworks sales permit-holders.

Exhibit B

3. Planning Commission Public Hearing: mid-February, 2024
4. Board of County Commissioners Public Hearing: mid-March, 2024

ACTION REQUESTED

Staff request authorization from the Board of County Commissioners to pursue the amendment to the Boulder County Land Use Code Article 4 related to Temporary Fireworks Sales and any related provisions as necessary to integrate these changes.



Exhibit C

Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302

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

303-441-3930 • www.BoulderCounty.gov

MEMO TO: Referral Agencies
FROM: Cayley Byrne, Long Range Planner I
DATE: January 30, 2024
RE: Docket DC-24-0001

Docket DC-24-0001: Text Amendment to the Land Use Code related to Temporary Fireworks Sales

Request: Review and comment on Text Amendment to the Boulder County Land Use Code related to Temporary Fireworks Sales.

Dear Referral Agency,

On January 9, 2024, the Board of County Commissioners authorized Community Planning & Permitting staff to pursue a text amendment to Article 4-517.H of the Boulder County Land Use Code (“the Code”) related to Temporary Fireworks Sales.

Community Planning & Permitting staff are pursuing an amendment to the Code to disallow the Temporary Fireworks Sales use in unincorporated Boulder County. Staff proposes to strike all language concerning Temporary Fireworks Sales from Article 4-517.H, leaving allowances for Temporary Christmas Tree Sales.

The draft Text Amendment, included here, is being referred to agencies so that feedback can be provided to staff.

You may also view the proposed Text Amendment and future revisions online at:
<https://www.boco.org/dc-24-0001>.

The docket review process for the proposed Text Amendment to Article 4 of the Land Use Code will include a public hearing before the Boulder County Planning Commission and before the Board of County Commissioners. Public comment will be taken at both hearings. Confirmation of hearing dates and times will be published online at the link above and in local newspapers.

Community Planning & Permitting staff, Planning Commission, and the Board of County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado, 80306 or via email to cbyrne@bouldercounty.gov.

All comments will be made part of the public record. You are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email cbyrne@bouldercounty.gov if you have any questions.

Exhibit C

If you would like your responses considered and included in the staff packet for Planning Commission, please return them **no later than February 13, 2024**. Responses received after this deadline will be shared with the Planning Commission and incorporated into the staff packet for the BOCC hearing.

We have reviewed the proposal and have no conflicts.

Letter is enclosed.

Signed Anita Riley Printed Name: Anita Riley

Agency or Address Development Review Team - Access & Engineering

Date 2/8/24

Exhibit C

If you would like your responses considered and included in the staff packet for Planning Commission, please return them **no later than February 13, 2024**. Responses received after this deadline will be shared with the Planning Commission and incorporated into the staff packet for the BOCC hearing.

We have reviewed the proposal and have no conflicts.
 Letter is enclosed.

Signed LuAnn Penfold Printed Name: LuAnn Penfold

Agency or Address Mountain View Fire District

Date 02-01-24

Exhibit C

If you would like your responses considered and included in the staff packet for Planning Commission, please return them **no later than February 13, 2024**. Responses received after this deadline will be shared with the Planning Commission and incorporated into the staff packet for the BOCC hearing.

We have reviewed the proposal and have no conflicts.

Letter is enclosed.

Signed [Signature] Printed Name: STEVEN J. Pechke

Agency or Address Lyons Fire Prot Dist.

Date 01-31-2024

If you would like your responses considered and included in the staff packet for Planning Commission, please return them **no later than February 13, 2024**. Responses received after this deadline will be shared with the Planning Commission and incorporated into the staff packet for the BOCC hearing.

We have reviewed the proposal and have no conflicts.

Letter is enclosed.

Signed _____ Printed Name: _____

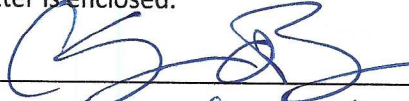
Agency or Address _____

Date _____

Exhibit C

If you would like your responses considered and included in the staff packet for Planning Commission, please return them **no later than February 13, 2024**. Responses received after this deadline will be shared with the Planning Commission and incorporated into the staff packet for the BOCC hearing.

We have reviewed the proposal and have no conflicts.
 Letter is enclosed.

Signed  Printed Name: Curtis E. Eren

Agency or Address Leffland FPD

Date 2/1/24

Exhibit C

If you would like your responses considered and included in the staff packet for Planning Commission, please return them **no later than February 13, 2024**. Responses received after this deadline will be shared with the Planning Commission and incorporated into the staff packet for the BOCC hearing.

We have reviewed the proposal and have no conflicts.

Letter is enclosed.

Signed  Printed Name: Pete Bradshaw, Fire Chief

Agency or Address City of Lafayette, 1290 S. Public Road, Lafayette, CO 80026

Date February 1, 2024



Boulder County Board of County Commissioners
Boulder County Planning Commission

February 1, 2024

Support of DC-24-0001, amendment related to temporary fireworks sales.

The City of Lafayette reviewed the above referenced document and proposed changes to Article 4-517.H, banning temporary fireworks sales. In 2022 the Lafayette City Council approved Resolution No. 2022-12 which expanded the prohibitions of fireworks in the municipal code.

This amendment allows for closer alignment of regional restrictions on fireworks. After the devastating Marshall Fire in 2021, the threat of wildfire became more of a reality throughout the county, and mitigating accidental fires is an obligation of local government. Local agencies, including the City of Lafayette, respond to countless firework-related complaints each year which represent both a public safety risk and a wasteful allocation of public safety resources. While firework bans are merely part of the solution, they are a foundational policy that prioritizes the safety of the residents of our communities.

The City of Lafayette supports the passage of DC-24-0001 which amends the Land Use Code to prohibit the sale of fireworks at temporary locations in unincorporated Boulder County.

Sincerely,

A handwritten signature in blue ink that reads "Pete K Bradshaw".

Pete Bradshaw
Fire Chief

cc: Kady Doelling, City Administrator

Exhibit C

If you would like your responses considered and included in the staff packet for Planning Commission, please return them **no later than February 13, 2024**. Responses received after this deadline will be shared with the Planning Commission and incorporated into the staff packet for the BOCC hearing.

We have reviewed the proposal and have no conflicts.
 Letter is enclosed.

Signed  Printed Name: David Lowrey

Agency or Address Boulder Fire Rescue

Date 2/1/2024

From: [Dean Rogers](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] FW: DC-24-0001
Date: Monday, February 12, 2024 5:36:26 PM

Dean Rogers, Engineer

Boulder Rural Fire Rescue
6230 Lookout Road, Boulder, CO 80301
O 303-530-9575 | C 720-498-0019
drogers@brfr.org | www.brfr.org



From: Dean Rogers
Sent: Monday, February 12, 2024 5:34 PM
To: cbyrnes@bouldercounty.gov
Subject: DC-24-0001

Cayley,

Boulder Rural does not support this text amendment for the following reasons.

1. Boulder Rural has one vendor (Joe and Nancy Encinias) that sell fireworks. These sales take place at The American Legion Post. In the event of a burn ban or a red flag day, sales are terminated for as long as the ban/red flag is in effect. Joe and his family depend on these sales as a source of income. By not allowing these sales we have a negative impact on Joe's livelihood and fiscal future. Joe follows CRS as set forth on the County's website; Seasonal Information: Fireworks.
2. To my knowledge, Boulder Rural has had one fire caused by fireworks and one fire caused by a model rocketry hobbyist. The fireworks fire was several years ago at Valmont Butte. This was caused by bottle rockets/rockets. The suspects in this were not found. The fire caused by the model rocket was 15-20 years ago near the radar fields just South of Nelson Road. The person who caused this fire was found and held responsible for his actions. I was reminded of two others incidents that also involved illegal fireworks that caused fires.
3. Ultimately, not allowing the sales does not hold the responsible person accountable. Boulder County already has a partial ban on fireworks, and it doesn't work. People are going to shoot off fireworks regardless of the law. Find those responsible and hold them accountable. A full ban on fireworks would not work either, we are just punishing the wrong person for the wrong reason.

If I missed anything, or if there are any questions, please let me know.

Thank you,

Dean Rogers, Engineer

Boulder Rural Fire Rescue

6230 Lookout Road, Boulder, CO 80301

O 303-530-9575 | C 720-498-0019

drogers@brfr.org | www.brfr.org





Boulder County Sheriff's Office

Curtis Johnson
Sheriff

February 9, 2024

Boulder County Planning Commission
2045 13th Street
Boulder, CO 80302

Dear Planning Commission Members,

I am writing in support of removing Temporary Fireworks Sales as an allowed use in the Code. There are two primary reasons why I am supportive of this change and why I raised this issue to be brought forward for consideration.

First, as a resident of Louisville whose home was directly impacted by the Marshall Fire, I have heard from many of the impacted families. Many of us found it uncomfortably ironic that just six months after the Marshall Fire, there was a fireworks stand operating within feet of the location where the Marshall Fire started. In 2021 this fireworks stand was closed due to fire restrictions in place at the time. In 2022, the weather conditions did not support fire restrictions which allowed the stand to operate. As our community continues to become more aware of the wildfire threats that exist in both the mountains and plains of Boulder County, there is community support to reduce and/or eliminate risks associated with fire. Openly selling fireworks is contrary to risk reduction.

Second, aligning the County Code with other jurisdictions in Boulder County is good governance. I was approached by staff from the City of Boulder regarding the two fireworks stands that are currently permitted in Boulder County. Both are geographically close to the City of Boulder and offer people the opportunity to purchase fireworks that ultimately are ignited in the city. Many other jurisdictions in Boulder County do not permit the sale of fireworks. Residents of the City of Boulder have significant concerns about wildfire risks and they do not appreciate the fireworks stands being located near their community.

In closing, I support changing Boulder County Code to remove Fireworks Sales as an allowed use in the Code. I know that many of the residents of Boulder County will support this change, especially those most recently impacted by the Marshall Fire.

Sincerely,

A handwritten signature in black ink, appearing to read 'Curtis Johnson', written over a white background.

Curtis Johnson
Boulder County Sheriff

Headquarters
5600 Flatiron Parkway
Boulder, CO 80301
303-441-3600

Communications · Emergency Management
3280 Airport Road
Boulder, CO 80301
303-441-4401 303-441-3390

Jail
3200 Airport Road
Boulder, CO 80301
303-441-4600



Community Planning & Permitting

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

Building Safety & Inspection Services Team

MEMO

TO: Cayley Byrne, Long Range Planner I
FROM: Michelle Huebner, Plans Examiner Supervisor
DATE: January 31, 2024

RE: Referral Response, Docket DC-24-0001: Text Amendment to the Land Use Code related to Temporary Fireworks Sales.

Request: Review and comment on Text Amendment to the Boulder County Land Use Code related to Temporary Fireworks Sales.

Thank you for the referral. We have reviewed the proposal and have no conflicts with it.

If the applicants should have questions or need additional information, we'd be happy to work with them toward solutions that meet minimum building code requirements. Please call (720) 564-2640 or contact us via e-mail at building@bouldercounty.org



Exhibit C

Parks & Open Space

5201 St. Vrain Road • Longmont, CO 80503
303-678-6200 • POSinfo@bouldercounty.org
www.BoulderCountyOpenSpace.org

TO: Cayley Byrne, Community Planning & Permitting Department
FROM: Ron West, Natural Resource Planner
DATE: February 14, 2024
SUBJECT: Docket DC-24-0001, Fireworks Sales

Staff has reviewed the proposed Land Use Code changes, and has no natural resource concerns.

Exhibit D

From: [John Marlin](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] Fireworks sales, Docket DC-24-0001
Date: Sunday, February 11, 2024 10:36:45 AM

Cayley,

I strongly support Docket DC-24-0001, regarding the rules on temporary fireworks sales.

Even prior to losing our home in the Marshall Fire, I have been very concerned about the risks of retail fireworks within our Front Range communities. We live in an area that is inherently at high risk for both woodland and grassland wildfires, and anything we can do to decrease the availability or ease of access to fireworks will make our community safer.

Thank you for taking up this issue and considering the needs of an already-sensitized fire survivor community!

Yours,
John Marlin
847 Trail Ridge Dr
Louisville, Colorado

Exhibit D

From: [Tawnya Somauroo](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] Docket DC-24-0001: Text Amendment to the Land Use Code related to Temporary Fireworks Sales
Date: Sunday, February 11, 2024 8:26:14 AM

Dear Cayley,

I am writing to express my support for Docket DC-24-0001: Text Amendment to the Land Use Code related to Temporary Fireworks Sales.

I lost my home in the Marshall Fire. What happened to my community could have easily happened to any community in the eastern plains. We know that climate change is upon us and more fast-moving grassfires are in our future. We must reduce the risk of ignitions, and I have no sense of humor for ignitions caused by ordinary citizens who buy fireworks at roadside stands.

It is very hard to control fuels in our vast Boulder County open space, which I and so many Boulder County residents live at the edge of. That is why I cringe every fourth of July when I think about people with easy access to purchase fireworks who don't understand the high ignition risk they pose. There are a lot of things we cannot control about climate change and fire risk, but this is one thing we CAN control and should control.

Please share my email with the Planning Commission - vote yes on Docket DC-24-0001: Text Amendment to the Land Use Code related to Temporary Fireworks Sales. This is an obvious next step in reducing Boulder County's fire disaster risk.

Best regards,

Tawnya Somauroo
944 Larkspur Ln

Exhibit D

From: [Kahlil Somauroo](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] Docket DC-24-0001: Strong Support for Limiting Temporary Fireworks Sales
Date: Sunday, February 11, 2024 9:26:02 PM

Dear Cayley,

I am writing to express my strong support for Docket DC-24-0001, which proposes amending the Land Use Code to restrict temporary fireworks sales.

As a resident of Boulder County who lost their house in the fire, I am deeply concerned about the increasing risk of wildfires fueled by climate change and dry conditions. The devastating Marshall Fire serves as a stark reminder of the potential consequences of even small ignitions.

Fireworks pose a significant danger in our community, particularly given the vast amount of open space and the proximity of many homes to these areas. I urge the Planning Commission to seriously consider the risks associated with fireworks and vote in favor of Docket DC-24-0001.

This amendment represents a common-sense step towards protecting our community from preventable wildfires. It is crucial that we take proactive measures to mitigate these risks and ensure the safety of our residents and property.

Thank you for your time and consideration.

Sincerely,

Kahlil Somauroo

Exhibit D

From: [Kimberly A Redublado](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] Docket DC-24-0001
Date: Sunday, February 11, 2024 12:30:31 PM

> Dear Cayley,

>

> I am writing to express my support for Docket DC-24-0001: Text Amendment to the Land Use Code related to Temporary Fireworks Sales.

>

> Our neighborhood was disintegrated to the foundations by Marshall Fire. What happened to my community could have easily happened to any community in the eastern plains. Fast-moving grassfires - we can reduce the risk of ignitions, ignitions caused by ordinary citizens who buy fireworks at roadside stands who don't understand they high ignition risk they pose.

>

> It is very hard to control fuels in our vast Boulder County open space, which I and so many Boulder County residents live at the edge of. There are a lot of things we cannot control about climate change and fire risk, but this is one thing we CAN control and should control.

>

> Please share my email with the Planning Commission - vote yes on Docket DC-24-0001: Text Amendment to the Land Use Code related to Temporary Fireworks Sales. This is an obvious next step in reducing Boulder County's fire disaster risk.

Sincerely,
Kimberly and Gerry Redublado
Sent from my iPad

Exhibit D

From: [Stephen Clark](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] Fireworks input
Date: Thursday, February 15, 2024 7:41:02 AM

Hello,

Thank you for considering a code change for fireworks. Living on University Hill we hear them frequently and find it frustrating fighting this issue since the odds of catching a person in the act is very small, BPD officers can attest to this, and the punishments are rather laughable considering fireworks are combustable, which can inadvertently lead to fire of property. Please consider much higher consequences for those individuals caught with fireworks.

Although this may be a separate item, and not one involving Code, I must share. As a Boulder resident, I find it disgusting that Phantom Fireworks is allowed to lease land within 1000' of the terrible Marshall Fire ignition source(s). Its presence feels like a slap in the face to anyone who was affected.

Sincerely,

Stephen Clark

Exhibit D

From: [Laura Osborn](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] Fireworks Sales near ignition site of Marshall Fire
Date: Thursday, February 15, 2024 8:52:40 AM

Commissioners:

Please remove fireworks sales from the site located at the leasing a space on the edge of town (93 and Eldorado Spring Dr), coincidentally within 1000 feet of the Marshall Fire ignition source(s).

This is absurd that sales of fireworks is allowed at this location and that the County continues to allow this. Have you not learned about the dangers of fire prone areas in the past few years? Please make the necessary changes to the Code in regard to fireworks sales within the County to ensure that all residents are protected from nearby fireworks sales. These selling sites need to be eliminated.

Thank you,
Laura Osborn
828 10th Street
Boulder 80302

Sent with [Proton Mail](#) secure email.

Exhibit D

From: [Steven Walsh](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] Fireworks Sales
Date: Thursday, February 15, 2024 9:01:08 AM

To whom it may concern, I support removal of fireworks sales as an allowable use in any zoning district of Boulder County.

This is long overdue as fireworks have been a constant source of disruption and quality of life impacts in our community. Fireworks have also played a part in severe injuries and significant fires for decades. The impacts of fireworks on veterans suffering from PTSD, parents with children awakened in the night, health effects from disruption to sleep and a host of other negative effects have long been known but little done to address them.

It should not have taken the loss of over 1,000 structures in the Marshal Mesa Fire to finally address this concern.

How we allowed a handful of property owners and fireworks businesses to profit at the expense of life safety in our community has been beyond me in all the years I have lived here.

Thanks,

Steven Walsh
1300 Eastview Drive

Exhibit D

From: [Sarabeth Mitton](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] Fireworks Legislation
Date: Thursday, February 15, 2024 10:55:16 AM

I have lived on University Hill since 1975. Fireworks became common and dangerous at some point in the 80s. It has been especially bad these past two decades though slightly less so since the Marshall Fire. But there is still too much. The noise and disturbances are not only upsetting to residents in their homes but in light of the Marshall Fire, we know how fast a dense neighborhood can burn. It is outrageous that all it takes is an out of state ID to buy items that are banned in the state. These customers are deploying them locally. There should be nothing flammable sold anywhere in the state, but especially in Boulder County.

I cannot attend the hearing but I ask that you forward my opinion to the decision makers.

Thank you,

SARA MITTON
885 :Lincoln Pl
Boulder, 80302

Exhibit D

From: [Jan Burton](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] Fireworks
Date: Thursday, February 15, 2024 10:56:14 AM

Please disallow fireworks sales in the entire county of Boulder County. The justification for this is health and safety of residents AND the entire infrastructure of the county.

Thank you,

Jan Burton
Boulder

Exhibit D

From: [Scott](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] Public comment for banning Fireworks sales
Date: Thursday, February 15, 2024 11:30:20 AM

[Public comment for banning Fireworks sales](#)

What sane person would support selling fireworks in our tinder-box community?

Please ensure that this public hazard is stopped and all sales of fireworks are banned .

This is not only a nuisance, but a very serious threat to lives in our county. Just ask the 1,000 former homeowners in Louisville.

Scott Thomas, 743 Marine St, Boulder

Exhibit D

From: [Shirley Berg](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] fireworks
Date: Thursday, February 15, 2024 11:58:31 AM

To Whom It May Concern:

Please consider legislation to prohibit fireworks in Boulder County. There is no good reason to allow fireworks to be set off in Boulder County and every good reason to stop it. The only people who benefit from allowing fireworks in Boulder County are the people who sell them. Nothing is more important than fire safety in our county. I have a particular concern as the executive director of a retirement community on the hill as well as also living on the hill.

As individuals, we cannot stop the setting off of fireworks. As public servants charged with the safety and well being of Boulder County residents, you can. Thank you for caring for the residents of Boulder County and doing what you can to prohibit fireworks in the beautiful and precious place where we live and work.

Sincerely,
Shirley Berg

photo



Shirley Berg
Executive Director
Academy University Hill

303-938-1920 | www.academyboulder.com

shirley@academyboulder.com

Academy University Hill 833 10th Street

[Academy Mapleton Hill 2453 4th Street](#)

Mapleton Hill • University Hill • Bella Vista



Exhibit D

From: [Stefan Magnusson](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] Please remove fireworks sales from Boulder County
Date: Thursday, February 15, 2024 12:18:43 PM

Hello Cayley,

I understand that decisions will be made regarding permits for Fireworks sales in Boulder County. I see absolutely no reason to allow fireworks sales. There are many reasons not to allow them at all. For the last several years we have been woken up sometimes every night by loud explosions in the neighborhood. This is a huge quality of life issue in Boulder. Another big reason to prohibit sales is the fire hazard they pose. Imagine another Marshall sized fire being caused by fireworks.

There is no reason to allow firework sales. Please consider the enormous impact fireworks sales has on the community. There is no reason one business owner should benefit at the expense of the entire town's quality of life; not to mention the potential for igniting a disastrous fire.

Best regards,
Stefan Magnusson
Boulder, CO

Exhibit D

From: [Michele Bishop](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] fireworks
Date: Thursday, February 15, 2024 12:59:53 PM

Dear Cayley,

I would like to add my voice to reducing the availability of fireworks in Boulder County. Although I know that fireworks are not allowed in the City of Boulder many Boulder residents don't. They say "If fireworks are illegal then why can I buy them on Highway 93?" These people don't realize that this and other fireworks stands are not in the City of Boulder. Likewise, many people apply this thinking to anywhere in Boulder County even though individual cities have laws regarding fireworks. If they can buy fireworks then they must be legal.

Personally, I am disturbed by fireworks many nights and days even not around the 4th. Not only do they wake us up the reality of wildland and urban fires caused by fireworks keeps us awake. Please remedy this inconsistency in the County. It is past time.

With respect,
Michele Bishop

Exhibit D

From: [Susan Osborne](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] Fireworks, No Sales
Date: Thursday, February 15, 2024 3:08:44 PM

Dear Cayley,

I'm writing to urge the county planning commission to pass the proposed regulation removing the sale of fireworks as an allowed use in the county land use code. In addition to safety concerns (and there are many), the just plain nuisance to people and dogs of being awakened in the night by one person's unnecessary predilection is intolerable.

Here on the densely populated hill, one loud explosion wakes up quite literally thousands of people. While illegal in the City of Boulder, it is almost impossible for our police to find the perpetrator as by its nature, the explosions happen first and whoever set the fireworks is long gone before the police arrive— that is even if the police can locate where the explosion occurred.

On a personal note, we've adopted a series of greyhounds over the course of almost three decades. Invariably one is very sensitive to that sort of noise. To have a beloved pet nearly jump out of his/her skin and bark and whine for a half an hour at 2 or 3 in the morning is a special kind of torture!

All of us adults in the room should do everything in our power to eliminate this. It's doubly outrageous that anyone with an out of state license can buy a full array of the worst explosives- heck, we're a university town filled with kids from outside of state... Please adopt this change.

Regards,

Susan Osborne, former Boulder long range planning director, former Boulder city council member and mayor

Susan M Osborne
525 College Ave.
Boulder, CO
80302
(720) 340-0159
Sent from my iPhone

Exhibit D

From: [Linda Sparn](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] Please restrict fireworks sales
Date: Thursday, February 15, 2024 4:37:50 PM

Dear Boulder County Planning Commission and Staff,

I am writing to you to express my support of restricting fireworks sales within Boulder County by changing the county codes that allow this. Living in the University Hill neighborhood, we are constantly barraged by the noise of fireworks, at all times during the night. My grandkids have been awakened and terrified by the noise!

But even more disturbing is the constant fear of these fireworks creating or contributing to a house fire or wildfire.

While changing the codes will not keep illegal fireworks out of the county (certainly many of our student neighbors will drive to wherever they can purchase them), your actions will help reduce fireworks and will help to educate residents on the dangers of fireworks.

Please don't let this opportunity to actually do something positive for Boulder County residents slip away.

Thank you for your service and attention to this matter.

Sincerely,

Linda Sparn
841 Euclid Ave, Boulder

Exhibit D

From: [COSIMA KRUEGER-CUNNINGHAM](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] Fireworks ban
Date: Thursday, February 15, 2024 10:34:45 PM

I support both a fireworks sales ban and a fireworks use ban in Boulder County and in the City of Boulder.

Cosima Krueger-Cunningham
977 7th Street
Boulder, CO 80302-7101

Sent from my iPad

Exhibit D

From: [Kirkwood Cunningham](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] Proposed Boulder County fireworks ban
Date: Thursday, February 15, 2024 11:41:45 PM

I understand that the County is now considering a ban on fireworks in both the City and County of Boulder.

I agree with this initiative and suggest that it be advanced and hopefully passed.

Actual fireworks explosions in neighborhoods are a nuisance from a noise point of view, albeit a minor one, but I live in a neighborhood (Flagstaff neighborhood West of the Hill in Boulder) that has a lot of trees (particularly large pine trees) that once set on fire on a windy day by fireworks explosions could lead to a real conflagration.

For example, a few years ago, during July and at night, some people threw firecrackers from the Open Space overlook on the Flagstaff Rd. that started (thankfully) minor blazes on that hillside overlooking the Hill area - it could have been much, much worse under different conditions, but the Fire Department did not extinguish those fires without some difficulty.

My wife, Cosima Krueger-Cunningham, witnessed this fire soon after it started at around 2 AM. She called the Fire Department and remained on the line to them for several hours. From the vantage point of our deck which directly faces the Eastern slope of Flagstaff Mtn. she pointed out the dispatcher pockets of flame downslope from Panorama Point that the firefighters on the scene apparently could not see as clearly as she could.

On another 4th of July my wife was doing some hand watering late at night and was thankfully able to see and quickly extinguish with her hose several lit firecrackers that had been thrown out of a speeding car window onto the grassy City ROW in front of our house by some rowdy young people who sped away from the scene after toss these burning fireworks. Had she not been there at that moment, the results would have been dire.

It is foolish to have a neighborhood of very expensive homes dominated by such large trees (aka "napalm on a stick"), but that's what people seem to prefer.

Finally, note that Chautauqua Meadow, the large open hillside west of the Chautauqua complex, is mid-to-tall-grass prairie posing a similar danger to that resulting in the Louisville conflagration under the right wind and dryness conditions.

Thanks to the City/County for their attention to this opinion.

Kirkwood Cunningham
977 7th St.
Boulder CO 80302
303-939-8519

Exhibit D

From: [JOSEPH R Encinias](#)
To: cbyme@bouldercounty.gov
Subject: [EXTERNAL] Fireworks
Date: Friday, February 16, 2024 11:33:51 AM
Attachments: [Fireworks letter 2024.pdf](#)

If you have any questions please call me at 303-242-9906 Thank you .

2/12/24

To Whom It May Concern:

We have been in the business of selling fireworks in Boulder County for the Past 40 years, the last 24 years we have been setting our fireworks stand at 4760 28th Street Boulder, CO 80301 American Legion Post #10. Our business is a family owned and operated business. We only sell Colorado legal fireworks. We have employed many young people from the Boulder area. We have formed many good relationships with our customers and our neighbors. It has been a great opportunity to be a part of Boulder and run our business here. We hope and pray that we can continue to operate our business here in Boulder.

We are licensed by the State of Colorado Department of Public Safety Commissions, fireworks retail license number 23-R-00585 also license no. 23-W-00568. We put in year for a Building Permit from Community Planning & Permitting Department Building Safety and Inspection Division BP-23-0958. In the past 40 years we have abided by all rules and regulations established by the Government of Colorado and the County of Boulder. We have never had any incidents that required a response from the Police or the Fire Department. We are inspected yearly by the State of Colorado Safety Department of Public Safety Josh Dreher. We are inspected by Boulder Rural Fire Rescue Dean Roger Engineer. We are also inspected by CDOT for additional traffic. We also carry Insurance from Drayton Brokers policy number CA 000003209-33-1102.

We normally set up around June 8th and we close on the 6th of July. We set up a temporary structure that measures 30' feet long 8' feet wide 8' at its highest point. It is traditional fireworks stand. The building is constructed out of steel and is portable. We use a motor home for our security 24 hours a day.

Please don't take small business history away from this great city of Boulder and our State and Country. Please let us celebrate our Nations Birthday.

Sincerely

Nancy and Joseph Encinias

State of Colorado Department of Public Safety

THIS IS TO CERTIFY THAT

Nancy A. Encinias and Joseph R. Encinias

Principal Agent: Nancy Encinias
1711 West Asbury Avenue, Denver, CO, 80223

Site Location: 4760 28th St, Boulder, BOULDER, 80301

has paid the required fees and is hereby granted the following class of license/certification pursuant to the Colorado Fireworks Act, Article 28 of Title 12, C.R.S. and the rules and regulations promulgated thereunder:

Retailer of Fireworks

This license/certification is effective until **December 31, 2022** unless suspended or revoked at an earlier date.



22-R-00517-1

Fireworks License Number

May 9, 2022

Effective Date

Michael C. Morgan, Director, Colorado Division of Fire Prevention and Control

Exhibit D

From: Dean Rogers
Sent: Saturday, April 22, 2023 3:41 PM
To: LandUse Permit Applications
Cc: JOSEPH R
Subject: Fireworks permit

To whom it may concern,

I am writing this referral letter for Joe's Mile High Fireworks stand that will be located on the American Legion property at 4760 North 28th Street in Boulder. Joe and Nancy Encinias have been operating this fireworks stand each summer on this site for over 20 years. They have always met the requirements put forth by the fire department. I checked their stock last year and found only legal fireworks for sale. In years where a fire ban was enacted, they cooperated and stopped selling fireworks. I have asked Joe and Nancy to check the County's website on all mornings to check for any fire bans.

Throughout the years they have been very cooperative. Boulder Rural Fire Rescue supports the renewal of their Land Use application.

Thank you,

Dean Rogers, Engineer
Boulder Rural Fire Rescue
6230 Lookout Road, Boulder, CO 80301
Office: [303-530-9575](tel:303-530-9575) | Cell: [720-498-0019](tel:720-498-0019)
drogers@brfr.org | www.brfr.org



DRAYTON INSURANCE BROKERS, INC.

2500 CENTER POINT ROAD, SUITE 301
BIRMINGHAM, ALABAMA 35215
PHONE: (205) 854-5806
FAX: (205) 854-5899

POST OFFICE BOX 94067
BIRMINGHAM, ALABAMA 35220
EMAIL: dib@draytonins.com

CERTIFICATE OF INSURANCE

NO. 331512

We certify that insurance is afforded as stated below. This Certificate does not affirmatively or negatively amend, extend or alter the coverage afforded by the insurance policy and the insurance afforded is subject to all the terms, exclusions and conditions of the policy.

INSURER Admiral Insurance Company **POLICY NO.** CA000003209-33-1102
NAMED INSURED Freedom, Inc. MLC Properties, Inc.
d/b/a Olde Glory Fireworks EC, LLC
5501 North Federal Blvd. Chili Guys, Inc.
Denver, Colorado 80221 Pyro City Denver
POLICY TERM March 1, 2023 to March 1, 2024; Both Days 12:01 A.M. Standard Time
COVERAGE Premises-Operations Liability: Occurrence Basis Claims Made Basis
LIMIT OF LIABILITY \$1,000,000 each occurrence, \$2,000,000 general aggregate
The limit of liability shall not be increased by the inclusion of more than one insured or additional insured.

INSURED OPERATIONS The sale of consumer fireworks (1.4G) and related products at the Insured location, during the period of operation.

It is certified that, for the period of operation stated below and when named below as such, this policy includes as Additional Insureds 1) the operator(s), sponsor(s), promoter(s), organizer(s), of the Insured Premises used principally for the retail sale of consumer fireworks supplied by the Named Insureds and/or 2) the owner(s), manager(s), tenant(s), mortgagee(s) (including other entities having similar interests), of the property on which the Insured Premises is located and/or 3) the licensing authority issuing a permit or license for the operation of the Insured Premises and/or 4) any entity for which the Named Insured is required, by written contract, to provide insurance such as is afforded by the terms of this policy.

NAME(S) OF ADDITIONAL INSURED(S)

American Legion Post 10
Joseph and Nancy Encinias

ADDRESS OF INSURED PREMISES
4760 28th St.
Boulder, CO. 80301

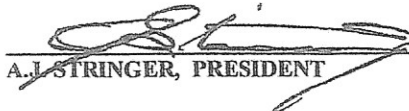
PERIOD OF OPERATION
June 10-July 10, 2023

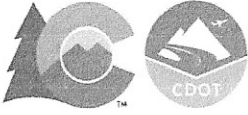
It is certified that this policy requires a 30 day mutual notice of cancellation between the Insurer and the Named Insured. In the event of such cancellation we will endeavor to mail 10 days written notice to the Additional Insured(s), whose name and address is shown hereon, but failure to mail such notice shall impose no obligation or liability of any kind upon the insurer and/or the undersigned.

DRAYTON INSURANCE BROKERS, INC.

April 18, 2023

DATE OF ISSUE


A.J. STRINGER, PRESIDENT



COLORADO
Department of Transportation

Region 4

Director's Office
10601 10th Street
Greeley, CO 80634

April 18, 2023

Boulder County
Joe's Mile High Fireworks
Yarmouth Avenue & CO 36 Boulder

Joe's Mile High Fireworks
4760 28th Street
Boulder, CO 80301

Dear Joseph,

This letter authorizes you to place additional traffic onto the access on CO 36 at 4760 28th Street Boulder, CO 80301 near the intersection of Yarmouth Avenue and CO 36 to operate a fireworks stand from June 17th , 2023 through July 5th , 2023. The Colorado Department of Transportation accepts the submitted traffic count numbers. Traffic in these volumes and this timeframe does not pose a significant increase to the traffic counts of the Yarmouth Avenue/CO 36 intersection. No additional traffic studies or similar materials are required at this time. Please call me at 970-324-4823 if you have any questions. Thank you.

Respectfully,

Mike
Shepherd

Digitally signed by Mike
Shepherd
Date: 2023.04.18
13:17:14 -06'00'

Mike Shepherd
CDOT Region 4 Assistant Access Permits Manager



State of Colorado

Department of Public Safety

THIS IS TO CERTIFY THAT

Pyro City Denver, Inc

DBA: Pyro City Denver

Principal Agent: Aeron Calkins

5401 Federal Blvd, Denver, CO, 80221

has paid the required fees and is hereby granted the following class of license/certification pursuant to the Colorado Fireworks Act, Article 28 of Title 12, C.R.S. and the rules and regulations promulgated thereunder:

Wholesaler of Fireworks

This license/certification is effective until **September 1, 2024** unless suspended or revoked at an earlier date.

23-W-00568

Fireworks License Number

February 8, 2023

Effective Date



Michael C. Morgan, Director, Colorado Division of Fire Prevention and Control

State of Colorado

Department of Public Safety

THIS IS TO CERTIFY THAT

Pyro City Denver, Inc

DBA: Pyro City Denver

Principal Agent: Aeron Calkins

5401 Federal Blvd, Denver, CO, 80221

has paid the required fees and is hereby granted the following class of license/certification pursuant to the Colorado Fireworks Act, Article 28 of Title 12, C.R.S. and the rules and regulations promulgated thereunder:

Wholesaler of Fireworks

This license/certification is effective until **September 1, 2024** unless suspended or revoked at an earlier date.

23-W-00568

Fireworks License Number

February 8, 2023
Effective Date



Michael C. Morgan, Director, Colorado Division of Fire Prevention and Control

Exhibit D

From: [DANIEL MARILYN CONROY](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] Fire works sales
Date: Saturday, February 17, 2024 7:35:40 AM

Please relinquish fireworks sales—it is beyond common sense to do so after all people in our county have been through'

Daniel & Marilyn Conroy
1061 9th St., Boulder

Exhibit D

From: [Nancy Blackwood](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] FIREWORKS BAN-Boulder Co. PC
Date: Saturday, February 17, 2024 1:44:09 PM

Dear Cayley,

I write to strongly support the proposed ban on fireworks sales within Boulder County. I have lived in the City of Boulder for 54 years and on University Hill for over 48 years and have been seriously impacted by the fireworks in my neighborhood for years. The past 4-5 years, since before the beginning of the COVID pandemic, the situation has become unbearable; explosions all around me all year round, but particularly in the warmer months. Just last night, **during the snow storm**, I was jolted out of bed around 11 pm with explosions all around me. Many nights in the summer I have been awakened from a sound sleep to an ongoing barrage of explosions, unable to return to sleep for hours; totally shaken to the core in fear. The threat these “fireworks” pose to our community/neighborhoods are immense. My neighbors and I feel like we suffer from PTSD; startled and fearful when the wind is blowing just a little and the fireworks begin, just waiting for the reverse 911 call to evacuate.

I know this will most probably encourage criminals to purchase their explosives outside county limits, but this is a start towards a State-wide ban and we need to make a stand. Lives are at stake here.

I urge you to support the **proposed amendment to Article 4-517.H to disallow fireworks sales within Boulder County.**

Thank you for your consideration.

Kind regards,

Nancy

1065 9th Street

Nancy Adams Blackwood
BLACKWOOD & Company
Urban Design and Planning
(m) 720.201.4746
nanblackwood@msn.com

Exhibit D

From: [Houston Kempton](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] Fireworks Sales in Boulder County: another voice to shut down sales
Date: Monday, February 19, 2024 6:42:47 PM

Dear Ms. Byrne,

I'm just adding a mercifully short note to count me among the citizens of Boulder County who feel that the sale of fireworks should be prohibite.

The 2021 Marshall Fire is one rationale. The amazing incindiarry cacophony that rolls through the University Hill area each in the weeks around July 4th is another.

With great appreciation to you for reading what must be a long list of grumpy emails.

Best Regards,
J. Houston Kempton

--

Houston Kempton
Environmental Chemist, Foxdam LLC
mobile: 303-548-2222

Exhibit D

From: [Sam Simkin](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] In favor of amendment to disallow fireworks sales
Date: Tuesday, February 20, 2024 9:12:59 PM

Hi,

It has come to my attention that docket item DC-24-0001 proposes to strike language from the Boulder County Land Use Code that allows temporary fireworks sales.

I am very strongly in favor of this amendment. Anything that reduces fireworks sales in Boulder County has my strong support. Amateur fireworks ignitions degrade the quality of life for residents (noise pollution and extreme sleep disruption), are dangerous for those setting them off (and those in close vicinity), and are an ignition source in a county that is at high risk for wildfires.

I live in the Boulder city limits but obviously it is a very short distance from the rest of the county into the Boulder city limits, and I suspect that a large percentage of fireworks that are set off within Boulder city limits (often after 2 am, many times per week, and months after the Fourth of July) are purchased elsewhere in the county. Some I'm sure are from elsewhere in Colorado or other states but I realize you don't have jurisdiction over those larger areas.

To reiterate, I am strongly in favor of an amendment that would remove temporary fireworks sales. (For the record, I would also support in the future an amendment that removed fireworks sales of any kind, and/or that increased enforcement and penalties for illegal fireworks usage).

Thank you for considering my comments,

Sam Simkin

Exhibit D

From: [yanospalding](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] Support for Text Amendment to the Land Use Code related to Temporary Fireworks Sales
Date: Tuesday, February 20, 2024 11:50:12 PM

Dear Cayley and Boulder County Planning Commissioners,

I planned to testify in support of the Land Use Code amendment banning firework sales at tomorrow's meeting but have an unexpected conflict. I am writing instead but apologize for these last minute written comments.

I have lived on University Hill for 25 years, am a founding member of the University Hill Neighborhood Association (UHNA), and currently serve on UHNA's Executive Committee. Our neighborhood has been plagued by the sound of fireworks very late at night for years. CU students set off fireworks on a frequent basis, and at first our main concern was the noise. Babies were awakened at 2:30 a.m., dogs howled in panic, and neighbors who could not get back to sleep performed very poorly at work the following day.

Over the years, the fear of fire has become an even more serious concern. I moved from the center of the Hill to the western edge of the city off College Avenue in 2011. The area is a high risk Wildland Urban Interface zone. Several years ago, people playing with fireworks set off a fire on Flagstaff mountain directly behind our neighborhood in the middle of the night. The fire department successfully extinguished the fire, but it was a terrifying night. The firefighter who had evaluated my property explained that if a fire started on the ridge behind our block, a strong wind could spread it directly down into the area where many students live.

I strongly support the amendment to prohibit the temporary fireworks sales, and suggest that you **apply a sunset date to the temporary fireworks stand by Eldorado Springs. Grandfathering the special use of that site without a reasonable sunset clause would be a great disservice to Boulder County. Other areas in Colorado create sunset clauses when they grandfather land uses, but Boulder does not. It's time to start and this is the perfect time to do it.**

Sincerely,

Lisa Spalding
1135 Jay Street
Boulder, CO 80302

Exhibit D

From: [Ruth Giraldo](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] Petition to Ban New Sales of Fireworks in Boulder County
Date: Monday, March 4, 2024 3:44:00 PM

To Whom This may Concern:

Please find below a list of the reasons I believe fireworks sales shouldn't be approved in Boulder County.

In my opinion, the following are the reasons why new licenses for the sale of fireworks should not be approved in the future in Boulder County. Hopefully, soon, fireworks will be a thing of the past.

- 1-Fireworks can affect the elderly, children, people with autism, epilepsy and Alzheimer's disease, and other vulnerable populations. We should not forget that people with Post Traumatic Stress Disorder (PTSD) can get worse from the noise created by fireworks
- 2-These fires can result in civilian injuries.
- 3-They cause stress and worry, both in the fear of their potential danger and the suddenness of their noise.
- 4-Our most vulnerable citizens, including children and war veterans, are the ones most susceptible to this stress.
- 5-They cause distress to the animals in our care. These poor animals (dogs and cats don't understand what is happening) and it could leave them scarred for life, mentally and physically.
- 6-Fireworks should be illegal as they cause air pollution. Every July 4, the fireworks launched across the nation have a toxic effect on our atmosphere. A NOAA study shows they temporarily increase particulate pollution by an average of 42 percent.
- 7-They damage personal property and public property—in some cases, catastrophically. Most people know that fireworks cause so much distress, and even death, to our pets, horses and livestock.
- 8-The smoke from fireworks consists mainly of fine toxic particles that can easily enter the lungs.
- 9-Fireworks cause property damage because they are dangerous at causing fires. Less well known is the impact on wildlife. The birds will be disturbed and fly away and if they survive will become disorientated and, if nesting, will be unable to make their way back to their chicks, who will die of starvation.
- 10-Mammals such as deer and foxes will flee their habitat in terror and some end up as casualties or dead from being hit by cars as they run across roads trying to escape the noise.
- 11-Many animals have more sensitive hearing than humans so the bangs of the fireworks are devastatingly louder for them and can cause hearing loss or other issues.
- 12-Animals in zoos are also affected, they have nowhere to flee. Observation of animals in zoos such as cheetahs and rhinos have shown they display symptoms of nervousness, which has been observed to have a knock-on effect on other animals.
- 13-They create trash; the parties responsible usually do not clean up the remains.
- 14-They may blow up the fingers and hands of users, even the most experienced and careful among them.

Exhibit D

15-They have a disgusting smell.

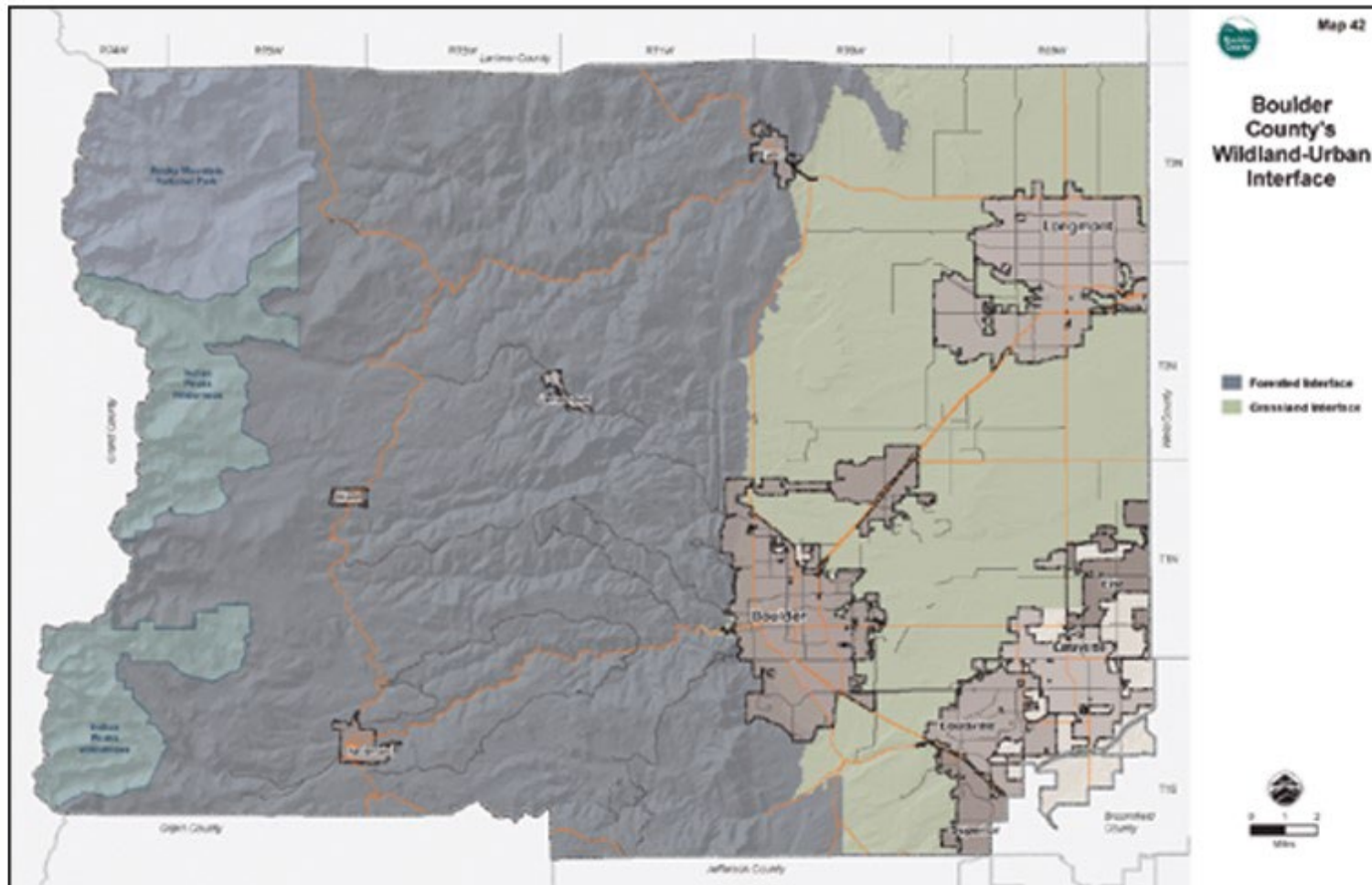
16-They, on occasion, can burn down acres of gorgeous and scenic land, cause unimaginable damage to our natural resources, unbelievable strain to our public resources, create states of emergency, bring our infrastructure to a skidding halt, make the air unfit to breathe, and disrupt commerce.

Sincerely,

Ruth Giraldo

PS My daughter Maria is a survivor of the Marshall Fire and I was at her home in Louisville when the flames were about to reach her home and totally destroy it and it's contents and her gorgeous gardens.

Exhibit E



Map 42: Boulder County's Wildland-Urban Interface

2011 Boulder County Wildfire Protection Plan

This map is part of the 2011 Boulder County Community Wildfire Protection Plan (CWPP). The CWPP is currently undergoing an update that is scheduled to be finished this year, which will include an update to the Wildland-Urban Interface map. The dark gray and light green sections of this map display the Wildland-Urban Interface (WUI). The gray section is the Forested Interface and the light green section is the Grassland Interface. Staff was unable to find a version of this map with a higher resolution.

Exhibit F

Research Reference List

- Balch, J. K., Bradley, B. A., Abatzoglou, J. T., Nagy, R.C., Fusco, E.J., & Mahood, A.L. (2017). Human-started wildfires expand the fire niche across the United States. *Proceedings of the National Academy of Sciences*, 114(11). <https://doi.org/10.1073/pnas.1617394114>
- Higuera, P., Metcalf, A. L., McWethy, D., & Balch, J. (2021, July 1). *Skip the fireworks this record-dry 4th of July, over 150 wildfire scientists urge the US West*. The Conversation. <https://theconversation.com/skip-the-fireworks-this-record-dry-4th-of-july-over-150-wildfire-scientists-urge-the-us-west-163561>
- Mietkiewicz, N., Balch, J. K., Schoennagel, T., Leyk, S., St. Denis, L. A., & Bradley, B. A. (2020). In the Line of Fire: Consequences of Human-Ignited Wildfires to Homes in the U.S. (1992–2015). *Fire*, 3(50). <https://doi.org/10.3390/fire3030050>
- National Interagency Coordination Center. (2023). *Wildland Fire Summary and Statistics Annual Report*. National Interagency Fire Center. https://www.nifc.gov/sites/default/files/NICC/2-Predictive%20Services/Intelligence/Annual%20Reports/2023/annual_report_2023_0.pdf.
- Schoennagel, T., Balch, J. K., Brenkert-Smith, H., Dennison, P. E., Harvey, B. J., Krawchuck, M. A., Mietkiewicz, N., Morgan, P., Moritz, M. A., Rasker, R., Turner, M. G., Whitlock, C. (2017). Adapt to more wildfire in western North American forests as climate changes. *Proceedings of the National Academy of Sciences*, 114(18). <https://doi.org/10.1073/pnas.1617464114>
- Vachula, R.S., Nelson, J.R., Hall, A.G. (2023). The timing of fireworks-caused wildfire ignitions during the 4th of July holiday season. *PLOS ONE*, 18(9). <https://doi.org/10.1371/journal.pone.0291026>