
**COLORADO STATE UNIVERSITY EXTENSION BOULDER
COUNTY**

**B O U L D E R
C O U N T Y R U R A L
L I V I N G
R E S O U R C E
G U I D E**

Codes and Policies



**COLORADO STATE UNIVERSITY
EXTENSION**

CODES, POLICIES, ZONING AND LAWS

This section covers

Agricultural Classifications, Agriculture Property Tax

Boulder County Land Use and Building Policy

Planning Process

Planning Options

Conservation Easements



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Agriculture Classification Agriculture Property Tax

For property tax purposes, land must meet one of the following requirements to qualify for agricultural classification:

- (1) A parcel of land that was used the previous two years and is presently being used as a farm or a ranch or is being restored through conservation practices under either the Conservation Reserve Program or other plan approved by local conservation district. Such land must have been classified or eligible for classification as agricultural land during the 10 years preceding the year of assessment.
 - (2) A “farm” is parcel of land that is used to produce agricultural products that originate from the land’s productivity, for the primary use of obtaining a monetary profit; i.e., crops that have been raised, harvested, sold or fed.
 - (3) A “ranch” is a parcel of land used for grazing livestock for the primary purpose of obtaining a monetary profit. Livestock means domestic animals that are used for food for humans or animal consumption, breeding, draft or profit. Pleasure horses are not considered livestock. Thus, the keeping of pleasure horses does not qualify a parcel for agricultural classification unless it is a breeding operation that is specifically intended as a profit-making enterprise.
 - (4) A parcel of land is considered to be in the process of being restored through conservation practices if the land has been placed in a conservation reserve program established by the Natural Resource Conservation Service pursuant to 7 U.S.C. secs. 1 to 5506, or a conservation plan approved by an appropriate conservation district implemented for the land for up to a period of 10 crop years.
 - (5) A parcel of land that has at least 40 acres of forestland and that is subject to a forest management plan that is used to produce tangible wood products. The land must produce tangible wood products that originate from the productivity of the land for the primary purpose of obtaining a monetary profit. Land underlying any residence or other improvements used as an ancillary part of the operation is classified as agricultural land.
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(6) A parcel of land that a) consists of at least 80 acres, or less than 80 acres if the parcel does not contain any residential improvements, b) is subject to a perpetual conservation easement, c) was classified as agricultural at the time the easement was granted, d) the easement was granted to a qualified organization, e) the easement is exclusively for conservation purposes, and f) all current and future uses of the land are described in the easement. This provision does not include any portion of land that is used for nonagricultural, commercial, or non-agricultural residential purposes.

(7) A parcel of land used as a farm or ranch if the owner has a decreed water right or a final permit to appropriated ground water for purposes other than residential use, and water appropriated under such right or permit is used to produce agricultural or livestock products on the land. This provision does not include the two-year use requirement detailed in item 1.

(8) A parcel of land that was reclassified from agricultural to another classification and met one of the foregoing requirements during the three years before the year of assessment. The land need not have been classified or eligible for classification as agricultural during the 10 years preceding the year of assessment. Zoning classification of the land parcel has no bearing on how a parcel is classified for tax purposes. Colorado law requires that all parcels be classified for tax purposes according to the primary current surface use.

To ensure that land is accurately classified and valued, the assessor may request an on-site inspection and/or additional information such as the IRS 1040-F form filed in the previous year, grazing lease(s), or an agricultural land classification questionnaire. Any documentation provided to the assessor by the property owner is subject to confidentiality requirements as provided by law.

For additional information regarding property taxation procedures in Colorado, contact the Colorado Division of Property Taxation at (303) 866-2371 or the Boulder County Assessor's Office.

Resources:

Colorado Department of Local Affairs (DOLA); Division of Property Taxation

www.dola.state.co.us/propertytax

Useful publications from DOLA online:

- How Agricultural Land is Valued in Colorado

- Classification and Valuation of Agricultural Property in Colorado Colorado Revised Statutes 39-1-102

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Resources:

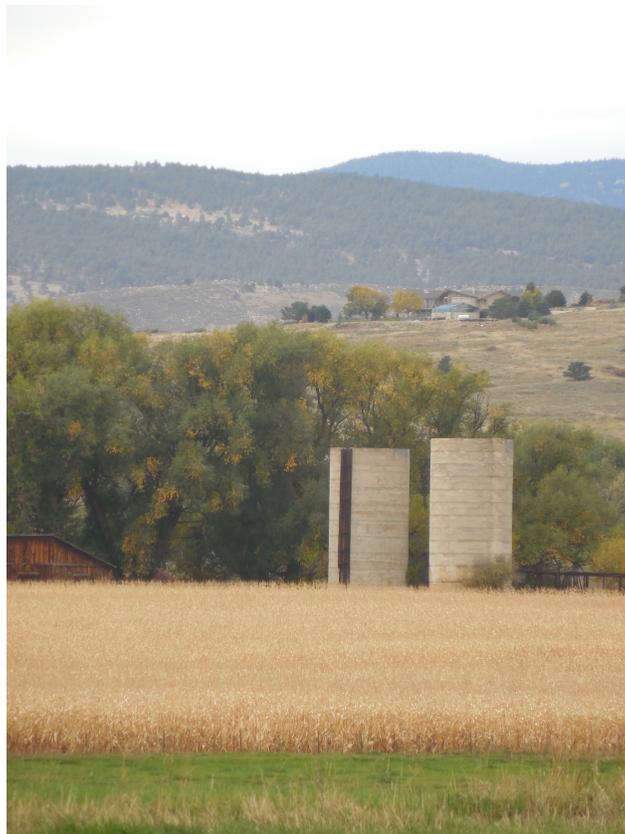
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Boulder County Land Use Code and Building Policy

Planning Process

New residential construction is having a direct impact on agricultural lands and the rural character of open areas. This impact of development on natural resources and existing character of the surrounding neighborhood have been issues raised by Boulder County citizens. Therefore, Boulder County has developed a series of planning processes for new construction. Contact Land Use Planning Division for further information.

The rural property zoning in unincorporated Boulder County is authorized and enabled by Article 4 of the Boulder County Land Use Code. Article 4 determines how land is controlled in each district; regulates the subdivision of land and building activities; and plans and regulates various activities on and uses of land. These provisions shall apply to all private and public lands located in unincorporated Boulder County.

Site Plan Review was created to mitigate the impacts of new development on important ecosystems, agricultural lands, surrounding land uses and neighborhoods, infrastructure needs and demands, and which may be unsafe due to natural hazards. This process allows any significant impact to be identified, evaluated and avoided. A site plan must be submitted for any building permit, grading permit, access permit, floodplain development permit, or a change of use. It is not required for the restoration of a building damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy or accident of any kind (if replacement is applied for within six months of the event and if the new structure is the same as the original structure); or for construction that does not change the use or increase the existing floor area by more than 1000 square feet; or for the construction of an accessory structure less than 1000 square feet (excluding telecommunication facilities using an existing structure). See Article 4-800 Boulder County Land Use Code.

Limited Impact Special Review is triggered for any project that involves movement of more than 500 cubic yards of material. As stated in the Land Use Code (LUC), earthwork exempted from this requirement would be any normal grading activity associated with agriculture, allowed mining activity or foundation construction. See Article 4-600 LUC

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Planning Options

Nonurban Planned Unit Development (NUPUD) is a residential development which may allow for an increase in density from one dwelling unit per 35 acres up to one unit per 17.5 acres on a minimum of 320 acres to preserve agricultural, environmental, or open spaces resources (residential lots clustered on 25 percent, with the remaining 75 percent being preserved as an agricultural outlot). The mechanism to preserve these resources is a conservation easement held by Boulder County on that portion of the parcel, referred to as an outlot, which is not developed for residential use. There are several variations to the NUPUD which may allow participation in the program for parcels between 35 and 320 acres. Transferred Development Rights Planned Unit Development (TDRPUD) is a program for the preservation of agriculture, rural open space and character, scenic vistas, natural features, and environmental resources for the benefit of the residents of Boulder County. The preservation and maintenance of these resources are ensured by encouraging county wide land use planning. Through the preservation of large areas, generally property suitable for agricultural use, the property owner is able to transfer the development rights from parcels suitable for preservation to properties meeting the criteria for development.

When purchasing property in unincorporated Boulder County, buyers should be aware that not all lots are buildable or allow for remodeling or expansion of existing buildings. The term “building lot” is used by Boulder County to refer to lots which were created in accordance with the zoning and subdivision regulations that were in effect at the time the parcel was created and have continued to meet the County’s definition of “building lot”.

The property may be a legal “building lot” when:

- o It is a lot within a platted subdivision,
- o It is a parcel that was approved by a Subdivision Exemption,
- o It is at least 35 acres,
- o The land was divided by deed prior to the enactment of 1972 Senate Bill 35, requiring counties to pass regulation to approve parcels less than 35 acres, or
- o It is a parcel which complies with the minimum lot requirements of the zoning district in which it is located at this time.

A determination whether a parcel is considered a legal “building lot” must be made before application for Site Plan Review or building permits can be submitted for the property. Contact Boulder County Land Use for further information.

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Suggested land use practices for wildlife include, but are not limited to:

- Limiting or minimizing impacts to riparian areas to provide shelter and movement corridors for local wildlife;
- Manage exotic plants animals, and other invasive pests;
- Manage visitor activities;
- Minimize habitat fragmentation;
- Simulate natural disturbances, as necessary;
- Establish buffer zones and corridors;
- Establish reserve and open space areas;
- Link reserve and open space areas and corridors.

If you're thinking about building a new garage, shed, or barn on your property in Boulder County, did you know that your new structure may require a Building Permit? To find out if your new structure requires a Building Permit and what the current Building Codes are, please call the Land Use Planning Division at (303) 441-3930 and they will be happy to answer any of your questions and help you with the application process.

Some of the most common questions asked are: Are garages, sheds or barns exempt from Building Permits? A building permit is required for any construction that physically changes or adds structures to your property, or for work regulated by County Codes such as:

New Building:

Examples include but are not limited to: dwellings, garages, detached storage sheds (if over 120 square feet contact a Land Use planner), carports, pole barns, commercial buildings, manufactured housing, or mobile homes.

Additions:

Examples include but are not limited to: buildings, swimming pools, decks, retaining walls over 48 inches, and fences over six feet high.

Alterations:

Beyond cosmetic, examples include but are not limited to: converting a garage to a family room, re-roofing, dry-walling, insulating, finishing a basement, window replacement, and re-siding.

Repairs:

Any repair involving structural members. Installations: Examples include but are not limited to: wood burning stoves, hot tubs, and solar collectors.

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Boulder County Building Code Requirements Residential accessory structures over 1200 square feet, require engineer designed foundation plans referencing an onsite geotechnical investigation (soils report), before a building permit can be issued.

Why? Boulder County has various soil types, some are considered expansive or compressible, if excavations and foundations are not designed correctly for these types of soils, damage will likely occur, causing the person who owns the structure at the time of failure, to pay for costly repairs.

What is the benefit of a Building Permit and Certificate of Occupancy?

When a building permit is issued, and inspections are completed and passed, a Certificate of Occupancy or completion for the use is issued and a copy is saved in the permanent file, which can be viewed by insurance companies, mortgage companies, real estate companies or the public in researching the legal use of the structure. Structures which have building permits issued are also eligible to have mechanical and plumbing systems installed in them.

Can the use of an Agricultural building be changed at a later date?

Yes, but this can be difficult because no inspections have been completed and the supporting foundations and walls may be covered, to start this process, the owner will need to apply for and be issued a building permit for the change of use; all building components and the foundation will then be required to meet all current applicable Boulder County building codes.

What does a Building Permit cost?

Building permit fees are calculated from a valuation of the building or structure and are changed occasionally, please call the Land Use Planning Division and provide an approximate cost of construction, the type and size of the structure and they can provide you with an estimated Building Permit Fee.

How long does it take to be approved or to be issued a permit?

It depends on the work load at the time of submittal but usually within 10 working days.

What would be the best way to make sure that all Boulder County requirements are met before work begins?

Make an appointment with the Land Use Official and Planner to discuss your project.

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Conservation Easements

What is a Conservation Easement?

* This description is general for informational purposes only and is not meant to be an all-inclusive list of restrictions contained in a specific existing conservation easement held by Boulder County or a new proposed easement to be held by the county.

A conservation easement is a voluntary agreement by a landowner to limit development on a property and/or restrict uses of the property for the purpose of protecting the property's natural features, agricultural land (if any), historical significance, and/or other open space qualities, such as preserving a buffer between communities. Conservation easements are held by a qualified holder (typically a local government, state government agency, or land trust), which is charged with upholding the interest for the benefit of the public. The public benefits from the preservation of the property's natural features, but the land remains privately owned and is not available for public on-site use of any kind. The landowner remains the land manager and retains all property rights that are not conveyed in the conservation easement, and the conservation easement holder monitors the property for compliance with the conservation easement's terms over time. Conservation easements are usually perpetual and remain in effect when the property is transferred to a new owner.

Below is an example list of provisions that Boulder County conservation easements may include. Boulder County requires the language in each conservation easement to be tailored to protect the conservation values of each individual property. It's essential to look at each document individually to learn about individual property restrictions. Conservation easements held by Boulder County generally do these things:

1. Remove or limit the number of building rights, limit the size of residences, and limit the number and size of agricultural structures and all associated buildings.
 2. Prohibit division or annexation of the property, and prohibit uses that are considered destructive to the property's conservation values, such as:
 - Equestrian centers
 - Intensive agriculture (agriculture conducted inside buildings)
 - Commercial uses
 - Educational facilities
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- Educational facilities
 - Community meeting uses
 - Commercial hunting
 - Active recreation (only passive recreation is typically allowed)
 - Fencing, unless wildlife-friendly
 - Signs greater than 20 square feet in size
 - Use of hazardous chemicals on the property, except for agricultural use (e.g. to control weeds)
 - Paving except for the entrance road to the one allowed residence
 - Running utility lines through the property to serve other properties
 - Pollution and/or drainage of surface and sub-surface water
 - Mining
 - Feedlots
 - Topography changes for non-agricultural uses
 - Changes to streams, creeks, wetlands, ponds and ditches except as necessary to maintain ditches
 - Off-road use of motorized vehicles, except for agricultural uses or snowmobiles for non-commercial recreation
3. Give Boulder County the rights to:
- Be involved in land use processes
 - Participate in negotiating surface use agreements with oil and gas companies
 - Enter the property with 48 hours' notice to monitor for compliance with the easement terms
 - Enforce the terms of the easement
4. Protect other resources on the property, such as:
- Riparian areas, wetlands, reservoirs, ditches and creeks important for wildlife and fisheries habitat
 - Structures of historic significance as determined by the Boulder County Historic Preservation Advisory Board
 - Agricultural productivity by 'tying' water rights to the property, ensuring that the water will never be sold, transferred or leased from the property, yet allowing the landowner to retain all ownership of the water.
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In general, landowners retain the rights and responsibilities to:

- Use the property for all purposes that are not prohibited or restricted
- Manage the property in accordance with the easement's restrictions
- Pay for all taxes, management and maintenance

Boulder County has been working since the 1970's to protect natural resources through land conservation. Over the years, conservation easements have contributed towards protecting the natural habitats, scenic views, community buffers and other open space in Boulder County for its citizens to enjoy in a variety of ways.

For more information on Boulder County's conservation easement program, please contact: Conservation Easement Program Staff Parks and Open Space Department 5201 Saint Vrain Road Longmont, CO 80501 (303) 678-6266.

Resources:

Boulder County Planning and Permitting Office
<https://www.bouldercounty.org/departments/land-use/>

Boulder County Assessor's Office
<https://www.bouldercounty.org/departments/assessor/>

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