
A Guide to Rural Living in Boulder County



Introduction

During the last several decades, more and more “city” people have migrated into or near rural areas to seek out a peaceful place in the country. The pastoral landscape and pace of life attracts urban people to the country, where land is in active agricultural production. As a result, many new residents lack an understanding of, and in some cases are unsympathetic to agricultural practices.

This encroachment of urban life into rural life results in an inevitable conflict. Life in unincorporated Boulder County is different from life in the cities. It is a social and economic system that has been evolving for 150 years and cannot be treated the same. Boulder County, like many other Colorado counties, does not provide the same services as city governments (for example, water and sewer). Those who move away from the hassles of the city must understand they will no longer have the same conveniences of city living. The transition is one of education and discovery.

A Guide to Rural Living in Boulder County was created to assist residents in making educated and informed decisions and to help with the transition to rural living in Boulder County. The following is a list of quick facts and items to consider when making the move into or near the rural areas of Boulder County.

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Agriculture Practices



Photo: Rich Koopmann

Agriculture is an important part of the human environment. Productive agricultural land is a limited resource of both environmental and economic value in the rural areas of Boulder County. It is the policy of Boulder County to promote the conservation and preservation of these agricultural resources. Owning rural land means knowing how to care for it, and the following list outlines a few issues you need to be aware of.

- ✓ Farmers often work around the clock, especially during planting and harvest seasons. Livestock bawling and equipment can be noisy. These noises are normal, and a necessary result of farm/ranch operations. Colorado has a Right-to-Farm Act that protects farmers from the nuisance laws that apply to ordinary neighbors.
- ✓ Farmers and ranchers have a legal right to use certain public rights-of-way and historic easements as “stock drives” in order to move their animals across certain public and private lands. In addition, farmers and ranchers have the legal right to use public rights-of-way in order to drive or transport their farm equipment.
- ✓ Odors associated with livestock production or the application of fertilizers can be expected as part of normal agricultural operations.
- ✓ Planting and other operations can create dust, especially during windy, dry weather.
- ✓ Boulder County limits the number of animals that can be kept on a property. Contact the Boulder County Land Use Department for further information at 303-441-3930 or <http://www.co.boulder.co.us/lu>.
- ✓ Colorado has an open range law. This means that if you do not want cattle, sheep, or other livestock on your property, it is your responsibility to fence them out. It is not the responsibility of the rancher to keep their livestock off your property. However, if your property is fenced and livestock trespass through the fence, you can collect damages.
- ✓ Those residents who intend to keep livestock on their property should be prepared to handle and store manure properly to prevent water pollution. Concentrated pollutants from large and small Animal Feeding Operations have been known to contaminate both surface and ground waters. Owners of these operations have resources available to enable them to minimize water quality impacts from their activities. One of the key resources is the Soil Conservation Board (970-242-4511) where information is available on “Best Management Practices” that can be used, such as composting and diverting surface water run off.

✓ Landowners should try to utilize the “best management practices” as they relate to soil and water management. These practices could potentially reduce sedimentation, soil erosion, and increased nutrients in the watershed. Contact the local Colorado State University extension office at 303-678-6238 or the Natural Resources Conservation Service at 970-242-4511 for further information on techniques and methods associated with the “best management practices.”

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

1. limiting or minimizing impacts to riparian areas to provide shelter and movement corridors for local wildlife;
2. control exotic plants and animals, and other invasive pests;
3. control and manage visitor activities;
4. minimize habitat fragmentation;
5. simulate natural disturbances, as necessary;
6. establish buffer zones and corridors;
7. establish reserve areas; and
8. link reserve areas and corridors.

The goal of the county is to maintain or enhance the natural functions of an ecosystem to increase the diversity of a community.

✓ There are laws regarding free-roaming pets (particularly dogs). If you reside in close proximity to

large numbers of livestock you need to be aware that pets can be destroyed if they harass livestock.

✓ Under Colorado law, landowners are responsible for controlling noxious weeds on their property. Land management, or lack thereof, can lead to conflict among adjacent property owners and can sometimes carry legal penalties. Work together with your neighbors to keep weeds from spreading (See *Article 14-400* of the Boulder County Land Use Code). Contact the Boulder County Parks and Open Space Department at 303-441-3950 or the Colorado State University Extension at 303-678-6238 for further information on weed control.

✓ Under Colorado law, agricultural landowners who share a property line have a duty to equally share in the maintenance of the existing fence or in the construction of a fence that divides the two properties.

However, agricultural burning is exempt from Colorado air quality standards and Boulder County Public Health permitting. Conversely, it is illegal for county residents to burn trash, leaves, branches, etc. without a permit issued by Boulder County Public Health. If you have any further questions about burning or how to obtain a permit, please call Boulder County Public Health at 303-441-1100. If you are burning for agricultural purposes or have an open burning permit, please contact the local fire department and Boulder County Communications Dispatch office at 303-441-4444 before and after the burn.

Small Farms, Organic Farms, or Hobby Farms

Hobby farming, organic farming, gardening, or small-scale farms have become relatively popular agricultural practices among the residents of Boulder County. These activities can provide personal, social, and financial satisfaction. The cost of investing practices can be relatively small, and the gain can be tremendously satisfying. Careful attention to costs can create very little overhead. There is virtually little or no risk for small-scale farmers and gardeners if crops are destroyed by hail, since initial investment is small.

✓ Boulder County has seen an increase in demand for farm fresh or organically grown products. The Boulder County Farmers Market, established in 1987, has become a well-known place to purchase these types of products. The market provides direct marketing opportunities for the local growers and the wide variety of agricultural pursuits found throughout Boulder County. Market hours are every Wednesday and Saturday from May to October and are limited to Boulder County growers only. New farmers are welcome to apply. Current guidelines are available on the Boulder County Farmers Market website at <http://www.boulderfarmers.org> or by calling 303-910-2236.

Rural Property

When purchasing property in unincorporated Boulder County for the construction of a new residence, you should be aware that not all lots are buildable. 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 A”building lot” when:
 - 1) It is a lot within a platted subdivision,
 - 2) It is a parcel that was approved by a Subdivision Exemption,
 - 3) It is at least 35 acres,
 - 4) The land was divided by deed prior to the enactment of 1972 Senate Bill 35, requiring counties to pass regulations to approve parcels less than 35 acres, or
 - 5) 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 applications for Site Plan Review or building permits can be submitted for the property. Contact the Boulder County Land Use Department at 303-441-3930 or <http://www.co.boulder.co.us/lu> for further information on Building Lot Determinations.

✓ When purchasing property, you may be provided with a legal description of the property. Fences that separate adjacent properties are often misaligned with the true property lines. Unless the land has been surveyed and pins placed by a licensed surveyor, you cannot assume that the legal description or parcel map is accurate. A survey of the land is the only way to confirm the location of your property lines.

*Note: Under Colorado state law, a fence that has been in place for 18 or more years may become a legal property boundary.

Access

If you are considering the purchase of property in a rural area, you should carefully examine the most common method of access. The fact that you can drive to your property does not necessarily guarantee that you, your guests and emergency service vehicles can achieve that same level of access at all times. Please consider the following obstacles that may arise.

✓ If you are planning to build a new residence, you must be aware that the county will not issue a building permit unless the building lot has a lawfully established right of vehicular ingress and egress. (See Article 7-700 of the Boulder County Land Use Code) An access permit must be obtained whenever any new drive onto a Boulder County maintained road is constructed. Specific construction requirements will be listed on the access permit. For more information contact the Boulder County Transportation Department at 303-441-3900.

Article 7-700(B)(3)(a) of the Boulder County Land Use Code states: The building lot must have the legal

right to cross other private lands or a permit to cross public lands for vehicular access.

✓ Maintenance of the road may be your responsibility. Boulder County maintains 685 miles of roads but does not maintain all county roads at all times, which can mean no grading or snow removal. Make sure you know what type of maintenance to expect and who will provide that maintenance. Any further questions concerning road maintenance contact the Boulder County Road Maintenance office at 303- 441-3962

✓ Extreme weather conditions can damage and even destroy roads. It is advisable to know if your private road was properly engineered and constructed. Contact a qualified engineer for more information.

✓ Legal problems can arise where property is landlocked. The most common method of access would thus be gained through another person’s property. Therefore, an easement would need to be acquired.

Planning Processes

Currently, 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. If you have any questions call the Land Use Department at 303-441-3930 or look online at <http://www.co.boulder.co.us/lu>.

✓ The **zoning of rural property** 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 1,000 square feet; or for the construction of an accessory structure less than 1,000 square feet (excluding telecommunication facilities using an existing structure). See *Article 4-800* of the 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 Boulder County Land Use Code, earthwork exempted from this requirement would be any normal grading activity associated with agriculture, allowed mining activity, or foundation construction. See *Article 4-600* of the Boulder County Land Use Code.



Photo: Rich Koopmann

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 in order to preserve agricultural, environmental, or open space 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 resource 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.

Contact the Boulder County Land Use Department at 303-441-3930 or <http://www.co.boulder.co.us/lu> for further information.

Public Services and Utilities

Most services are available in Boulder County, but the level and consistency of service may be different from urban areas. In addition, repairs can often take much longer than in municipalities.

✓ If sewer service is not available, you will need to get a permit for an approved septic system or another approved treatment process from Boulder County Public Health. The type of soil, as well as the proximity to ground water and other physical features, will have an influence in determining the cost and function of your septic system. Have the system checked by a reliable sanitation firm and ask for assistance from Boulder County Public Health at 303-441-1190.

✓ If you do not have access to treated water; the most common method is a water well. To obtain a water supply for a rural residence, you must meet strict exemption criteria or go to water court (also see Rights below). Drilling, re-drilling, or relocating a well requires a well permit from the Division of Water Resources. The quality and quantity of well water can vary considerably from location to location and from season to season. It is strongly advised that you research this issue very carefully. Contact the State Engineer's Office at 303-866-3587 for further information.

✓ Many rural properties have drinking water supplies dependent on private wells. In some situations the quantity of that supply is limited and even subject to interruption. The quality of water in all wells should be monitored regularly as there are any number of factors that can affect that quality, including natural mineralization, bacteria, radium, uranium, and proximity to septic systems and livestock operations. Radon gas in well water can potentially increase the indoor air level of radon in a building. Boulder County Public Health can provide some guidance on these issues. Contact them at 303-441-1180.

✓ Natural gas for heating purposes is not always available to all areas of Boulder County. You may need to purchase propane or use electricity to heat your house.

✓ The Rocky Mountain Region has been ranked as a Zone 1 area for radon by the Environmental Protection Agency. A Zone 1 area has the highest radon potential possible. Radon is listed as a Group A carcinogen and is definitely known to cause cancer in human beings. It is recommended that all new dwellings and buildings in Boulder County be built using the EPA recommended Radon-Resistant Construction Techniques. Boulder County Public



Health Environmental Health Program at 303-441-1176 can provide information on these construction techniques and on mitigation of existing buildings.

✓ Easements may require you to allow construction of roads, power lines, water lines, sewer lines, etc. across your land. There may be easements that are not on record. Contact the Boulder County Clerk and Recorder, to obtain information on historical deeds and easements affecting your property, at 303-413-7770.

✓ Emergency and public safety response times cannot be guaranteed. Under some extreme conditions, you may find that emergency response is longer than typical urban service.

✓ It is illegal to create your own trash dump. Trash removal services in rural areas are generally more expensive and are typically provided by private haulers. There are usually no government sponsored

“curbside” pick ups of trash and recyclables; these are limited to those rural areas where housing density makes such services practical. Because of problems associated with long driveways, snow, high winds and animals, many rural residents prefer to “self-haul” their trash and recyclables directly to a landfill or to an intermediate transfer station.

✓ Many products used in the home, garden, garage and hobby shop contain hazardous ingredients and need to be used and stored safely. Once you decide to discard these products, they become household hazardous wastes requiring proper disposal. Contact the Boulder Resource Conservation Division at 720-564-2220 for more information.

✓ Mail delivery is not available to all areas of the county. Ask the postmaster to describe the system for your area. In addition, standard parcel and overnight package delivery can be a problem for those who live in the country. Confirm your status with the service providers.

Water Rights

Colorado water law is complex, with its own law-enforcement and court system. These laws follow the prior appropriation doctrine, “first in time, first in right.” These property rights are in place on every river and stream in Colorado and can be inherited, bought, and sold. Every year a person’s rights to use water “in priority” are strictly enforced by the Colorado Division of Water Resources. Be aware that the land you own or are purchasing may not have water rights included. Here are some important issues to consider:

✓ Water rights that are sold with the property may not give you the right to use the water from any ditches crossing your land without coordinating with a neighbor who also uses the water. Other users may have senior rights to the water that can limit your use or require you to pay for the over sizing or other improvements to the ditch.

✓ It is important to make sure that any water rights you purchase with the land will provide enough water to maintain trees, pastures, gardens, or livestock.

✓ Existing irrigation ditches have legal rights-of-way through properties, even if they serve another property. If you have a ditch running through your property there is a good possibility that the owners of the ditch have the right to come onto your property with heavy equipment to maintain the ditch.

✓ An empty ditch is not to be used for recreational purposes or the grazing of cattle. There is a 50-foot setback from the centerline, of the ditch, for all structures. In addition, planting near or next to a ditch is not recommended.

✓ The water flowing in irrigation ditches belongs to someone. You cannot assume that because the water flows across your property you can use it.

✓ Flowing water can be a hazard, especially to young children. Before you decide to locate your home near an active ditch, consider the possible dangers to your family.



Photo: Rich Koopmann

Mineral Rights

If you own or are purchasing land, you should be aware that the mineral rights may not be included. Mineral rights include, but are not limited to, oil, gas, and hard rock products. Many property owners do not own the mineral rights on their property. Therefore, owners of mineral rights have the ability to change the surface characteristics in order to extract their minerals. It is very important to know what mineral rights may be located under your property and who owns them.

✓ Rural Boulder County is best known for its hard rock metal mines and mills, however, more than 80 documented coal mines were worked in the eastern portion of the county starting in the 1860s. The mining took place in the Louisville, Lafayette, and Superior areas. These areas are situated in the western portion of the Boulder-Weld Coal Field.

✓ Inactive mine sites are included under the Colorado Storm Water Discharge Permit Regulations.

If there is an inactive mine on a property, the property owner must apply for a Colorado Storm Water Discharge Permit. If he or she believes that a Storm Water Discharge Permit is not applicable to his or her site, he or she needs to send a letter to the Colorado Department of Public Health and Environment/Water Quality Control Division/Storm Water Unit (303-692-3500) detailing his or her reasons for this.

✓ Be advised that any mining site may have additional environmental hazards/impacts associated with them such as heavy metal accumulation, subsidence, underground fires, and mine dumps, etc. There can also be physical hazards such as open mine shafts and adits (a nearly horizontal passage to a mine). The Colorado Inactive Mine Program works toward safe closure of mine hazards. They can be reached at 303-866-3567.

Everyday Living Conditions

✓ School buses travel only on maintained county roads that have been designated as school bus routes by the school district. You may need to drive your children to the nearest county road so they can get to school.

✓ Having a home compost container is a good way to “recycle” kitchen and yard wastes into a rich and useful soil amendment. Please remember that meat wastes should not be composted. For more information contact the Recycling and Compost Authority at 720-564-2220.

✓ Some rural communities hold spring cleanup projects, with free trash dumpsters to encourage residents to spruce up their neighborhoods. For more information contact the Resource Conservation Division at 720-564-2220.

✓ Newspaper delivery is similarly not always available to rural areas. Check with the newspaper of your choice before assuming you can get delivery.

✓ Many subdivisions, planned unit developments, NUPUDs, and TDRPUDs have covenants that limit the use of the property. It is important to obtain a copy of the covenants and make sure that you can live with those rules. Also, a lack of covenants can cause problems between neighbors.

✓ Homeowners Associations (HOAs) are required to take care of common elements, roads, open space, etc. A dysfunctional homeowner association or poor covenants can cause problems for you and even involve you in expensive litigation. Dues are almost always a requirement for those areas with an HOA. The bylaws of the HOA will tell you how the organization operates and the dues that are set.

Open Space

Within the context of the Boulder County Comprehensive Plan, open space is defined as those lands being intentionally left free from future development, and in which it has been determined that it is, or may in the future be, within the public interest to acquire these properties in order to assure their protection.

✓ Conservation easements are important land preservation tools in Boulder County. They can be donated by the owner, purchased by the County or some other governmental entity or land preservation organization, or be required as part of the County land development approval process. Easements that are voluntarily given or sold can result in an income tax advantage under the rules of the U.S. Internal Revenue Service. These easements are expressly authorized in Title 38 of the Colorado Revised Statutes, and are becoming an increasingly common legal mechanism for keeping land in private ownership, while assuring that it is preserved for important open space, scenic, or agricultural production purposes.

✓ Much of the County's open space is closed to the public. The main emphasis for open space purchases, by the County, is to maintain or improve the well-being of the property. This is accomplished through a

leaseback program. The program creates an agreement between the seller of the land and the County, where the seller will continue to farm or manage the property for a negotiated period of time. In some cases, the seller has an established lease with another individual who is farming or managing the land. Therefore, the lease with the County could specify that the lessee will stay on the land, under the conditions of the current lease for a negotiated period of time, but the County will take over ownership of the property. In other situations, the County may purchase and lease land for farming to an interested party. Thus, the leaseback program is not limited to those who have sold agricultural land to the County.

✓ Boulder County open space retains its diversity through ecosystem management. This practice is directed at maintaining all the natural functions of the environment rather than managing a specific species, be it plant or animal. The goal is to maintain intact ecological functions of an ecosystem in order to provide a suitable habitat in which the species that live there will persist and flourish. This ecosystem management attempts to increase the diversity - vegetation and wildlife - of Boulder County's open space lands. The greater the diversity, the greater the health of the ecosystem.



Carolyn Holmberg Preserve at Rock Creek Farms Open Space. Example of a leaseback program with Boulder County.
Photo: Rich Koopman

Conclusion

Agriculture is an important business in Boulder County. If you choose to live among the farms and ranches of the rural countryside, do not expect county government to intervene in the normal day-to-day operations of your agricultural neighbors. In fact, Colorado has "Right to Farm" legislation that protects farmers and ranchers from nuisance and liability lawsuits. It enables them to continue farming and ranching which is very important to Boulder County.

Resources con't

Colorado Division of Wildlife	303-297-1192
Colorado Inactive Mine Program	303-866-3567
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Colorado Inactive Mine Program	303-866-3567
Colorado State University Extension Office.	303-678-6238
Department of Natural Resources	303-866-3311
State Engineer	303-866-3587
Water Conservation Board	303-866-3441
Water Resources Division-Colorado District	303-866-3581
Water Resources-State Engineer-Well Permit Application Information	303-866-3587
Water Rights-Well Records	303-866-3447
Mine Safety and Health Administration	
Coal Mine Health and Safety	303-231-5458
U.S. Dept. of Agriculture	970-243-5068
Soil Conservation Board	970-242-4511
Natural Resource Conservation Service	970-242-4511
Farm Service Agency	970-242-9137
website	http://www.fsa.usda.gov
Colorado.....	303-236-2868
website.....	http://www.fsa.usda.gov/EDSO/co/co/htm
Farm, Farm Loans, and Conservation Program	970-249-8407
Boulder County Farm Service Agency.	303-776-1242
Water Resources Information	1-888-ASK-USGS (275-8747)
USGS	970-243-5068
City of Boulder Water Resources	303-441-3266
Northern Colorado Water Conservancy District	970-667-2437
Wildlife Management Information	
Colorado Division of Wildlife, Denver Office	303-297-1192

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