



Land Use

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**BOULDER COUNTY
BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING**

**January 3, 2013 – 2:00 P.M.
Hearing Room, Third Floor
Boulder County Courthouse**

Staff: Abby Shannon, AICP

RE: DC-11-0003: Land Use Code Text Amendments – Agricultural Uses

This docket will propose text amendments to the Boulder County Land Use Code Articles 4 and 18 related to principal and accessory agricultural uses including but not limited to definitions, allowed zone districts, use-specific criteria, and required land use processes. In addition, this docket may propose new use classifications or propose to modify or delete existing classifications. Other related issues will be addressed as identified through the public process.

Public Hearing – Action Requested

Public testimony will be taken – In order to be respectful of everyone's time, comments are limited to 3 minutes at the hearing.

SUMMARY

This docket has had a thorough public review. The Board of County Commissioners authorized staff review and consider amendments to our agricultural uses on November 17, 2011. Goals were established at a joint Planning Commission and Board of County Commissioner meeting on December 14, 2011. Those goals are:

- Modernize and modify use classifications including adding or deleting use classifications where necessary.
- Consider agriculturally-based activities that supplement and support farming.
- Consider expanding options for local food production at a residential scale while maintaining neighborhood character.
- Consider local food production, sales, marketing, and production of value-added products while continuing to remain compatible with rural character.
- Encourage energy efficient and modern farming practices such as passive solar greenhouses while continuing to remain compatible with rural character.
- Consider the appropriate scale of rural and agricultural development including structure numbers and size.

Following a few months of research, public outreach, and focus group meetings, staff brought concepts back to the Planning Commission at a study session on May 16, 2012, to make sure we would be addressing the issues identified the previous December. The first half of draft Code amendments were introduced at a Planning Commission public hearing on August 15, 2012. The remaining draft amendments were introduced and discussed at a public hearing on November 14,

2012. At that time, Planning Commission tabled the hearing to December 19, 2012, so that staff could make revisions. Planning Commission unanimously (6-0) recommended approval of the Code amendments on December 19, 2012, and with a few suggested changes. The Planning Commission-approved draft is presented to the Board of County Commissioners in this staff recommendation with a few minor clarifications from staff.

Some of the amendments approved by Planning Commission are completely new use classifications while others are edits, clarifications, or alterations to existing Land Use Code provisions.

	Proposed New Use Classifications	Existing Uses Proposed for Revision
Accessory Uses	<ul style="list-style-type: none"> • Accessory Beekeeping • Accessory Chicken Keeping • Farm Events • Accessory Agricultural Structure • Accessory Farm Stand 	<ul style="list-style-type: none"> • Grading of more than 500 yd³ • Accessory Agricultural Sales • Demonstration Farm
Temporary Uses		<ul style="list-style-type: none"> • Group Gathering • Temporary Farm Stand
Agricultural Uses	<ul style="list-style-type: none"> • Winery (Agri-Business) – not recommended by Planning Commission 	<ul style="list-style-type: none"> • Commercial Nursery • Intensive Agriculture • Open Agriculture • Farm Stand
Other		<ul style="list-style-type: none"> • Residential Floor Area (Definitions) • Eating or Drinking Place (Retail and Personal Service) • Bed and Breakfast (Lodging)

Drafts previously considered by Planning Commission have not been included in this packet – only the Planning Commission-approved version is presented. However, staff recommendations and backup materials from the meetings noted above have been posted on the docket webpage and are available for your review:

<http://www.bouldercounty.org/property/build/pages/lucodeupdateag.aspx>

Accessory Beekeeping

Currently, keeping bees is defined as an agricultural use and is only allowed in zone districts where Open Agricultural Uses are allowed (Forestry, Agricultural, Rural Residential, Estate Residential, Light Industrial, General Industrial, and Mountain Institutional).¹ As such, bees are permitted and the maximum number of hives or colonies is not specified. This proposal would allow two colonies per building lot in the Suburban Residential zone district – one of the few zone districts where bee keeping is not currently allowed. Staff is aware of at least one property owner who is interested in keeping bees as a hobby who lives in a Suburban Residential (SR) zone district.

This would be a new Accessory Use under Article 4-516 of the Land Use Code.

¹ To say that Open Agriculture is *only* allowed in these zone districts might be misleading – these districts make up 99% of the unincorporated land in Boulder County (420,857 acres out of 423,976 acres total).

Accessory Beekeeping

1. *Definition: Raising domestic honey bees for the purpose of collecting honey.*
2. *Districts permitted: By right in F, A, RR, ER, SR, LI, GI, and MI*
3. *Parking Requirements: None*
4. *Loading Requirements: None*
5. *Additional Provisions:*
 - a. *Beekeeping is an Open Agricultural use.*
 - b. *Two (2) colonies are allowed per building lot in the SR zone district. (A queen and her worker bees are considered one colony.)*

Chicken Keeping

Similar to beekeeping, chickens are not allowed in the Suburban Residential zone district because they are also considered an agricultural use. The zone districts mentioned above (under Beekeeping) are allowed to have chickens as a use by right and their numbers are determined by the parcel size. Four animal units are allowed per acre in the Agricultural, General Industrial, and Light Industrial zones, and two animal units are allowed per acre in the other zone districts. Fifty chickens is equivalent to one animal unit. Planning Commission and Land Use staff recommend prohibiting roosters because they are known to be louder and more aggressive than hens – two characteristics that aren't appropriate in residential neighborhoods with small parcels. We also suggest establishing a maximum number of chickens (eight) as a use by right in the Suburban Residential zone. No registration process would be required. For comparison with other nearby local governments:

- City of Longmont – up to 4 chickens, registration required
- City of Lafayette – up to 6 chickens, registration required
- City of Fort Collins – up to 6 chickens/ducks, permit from Larimer Humane Society required
- City of Denver – up to 8 chickens/ducks, Livestock or Fowl permit required
- City of Boulder – no maximum number specified, animals must be kept “under conditions under which its enclosure is not overcrowded, unclean, or unhealthy” (Ordinance No. 5866)

This would be a new Accessory Use under Article 4-516 of the Land Use Code.

Accessory Chicken Keeping

1. *Definition: Raising chicken hens primarily for the people living on the parcel.*
2. *Districts permitted: By right in F, A, RR, ER, SR, LI, GI, and MI*
3. *Parking Requirements: None*
4. *Loading Requirements: None*
5. *Additional Provisions:*
 - a. *Keeping chickens is an agricultural use. For the F, A, RR, ER, LI, GI, and MI zone districts, the maximum number of animals on a parcel shall be determined by the animal units allowed in that zone district.*
 - b. *Building lots in the SR zone district are permitted to have as many as eight (8) hens.*
 - c. *Roosters are prohibited in the SR zone district.*
 - d. *Chicken coops are considered Accessory Agricultural Structures. See Art. 17-300.A. to determine if a building permit is required.*

There are over 2,000 parcels zoned SR including the subdivisions of Knollwood, Heatherwood, parts of Palo Park, Twin Lakes, parts of Gunbarrel Green, Gunbarrel Estates, Northwest Acres, Cottonwood Park West, and some enclaves within the City of Boulder. It is likely that some of these

subdivisions have privately-enforced covenants that would prohibit keeping chickens or bees. Land Use staff has been in contact with six of the eight subdivisions through their Homeowners Associations. They are aware of the proposals and have not expressed formal opinions on them.

Farm Events

The purpose of this new use classification is to explicitly allow farm-to-table dinners and other types of events that farmers would like to host to help showcase their farms. We have proposed a tiered level of review based on the number of events the farm will host annually. A farm could host six events or fewer annually by right – no review or approval process from Planning is required – provided the events meet the provisions described. A farm could host up to 12 events annually if approved through Limited Impact Special Review. Thirteen or more events annually would be considered a Reception Halls and Community Meeting Facilities use classification which requires Special Use review (see Article 4-504.G.).

This use classification is limited to 99 people. More than 99 people could be accommodated either through the Group Gathering/Special Events use classification (see pages 6-8 of this document) or the Reception Halls and Community Meeting Facilities use classification. We suggest prohibiting utilization of existing buildings because the majority (if not all) structures built on farms were constructed as agricultural structures – not commercial structures designed to host events. Commercial structures built to host events include accessibility features, identified and multiple means of egress, fire suppression sprinklers, and other features designed to keep customers safe. Building such structures is permitted but only through Special Use review as a Reception Hall and Community Meeting Facility.

This would be a new Accessory Use under Article 4-516 of the Land Use Code.

Farm Events

1. *Definition: A use accessory to a farm consisting of any group between 26 and 99 individuals assembled for or participating in an event where the farm is used as a venue. The purpose of this use is to allow commercial farms the opportunity to showcase their farm and crops, introduce their customers to the farm, demonstrate their farming practices, and host community-oriented events that provide marketing opportunities to the farm and help diversify farmers' incomes in a way that is low-impact on the land and neighboring property owners. This includes farm-to-table dinners, wedding receptions, and any other gathering where eating and socializing occurs.*
2. *Districts Permitted: By right or Limited Impact in A, RR unsubdivided*
3. *Parking Requirements: Vehicles should be accommodated onsite. On street parking may be permissible with review and approval from the Transportation Department.*
4. *Loading Requirements: None*
5. *Additional Provisions*
 - a. *This use requires a building lot.*
 - b. *Open Agriculture must be the principal use of the parcel.*
 - c. *The review process required is based on the frequency of events:*
 - i. *By right: No more than six (6) Farm Events per calendar year.*
 - ii. *By right: If Home Events also occur on a parcel where Farm Events occur, not more than 12 total events (including a maximum of six Farm Events) may occur per calendar year.*
 - iii. *By Limited Impact Special Review: Seven (7) to 12 Farm Events per calendar year.*

- iv. *Thirteen (13) or more Farm Events per calendar year will be considered a Reception Halls and Community Meeting Facilities use.*
- d. *This use must occur on a parcel large enough to accommodate the use, parking, and sanitary facilities in a manner that does not negatively impact the neighboring parcels and traffic and the principal use of the parcel itself.*
- e. *No event will occur before 9 am or after 10 pm.*
- f. *The majority of the food served at the event must be made with ingredients grown or raised in Boulder County.*
- g. *Building new Floor Area or utilizing existing Floor Area for these events is prohibited under this use classification. Utilization of structures that meet the definition of Floor Area would be considered a Reception Halls and Community Meeting Facilities use.*
- h. *This use shall also be granted and maintain all applicable local, state, and federal permits. It is possible separate permits or approvals may be required by County or State agencies for any food or drink provided. The applicant should contact the applicable agencies well in advance of the event to ensure adequate time for processing any applications, including Boulder County Public Health regarding requirements for food service handling and the County Commissioners' Office regarding requirements for Liquor Permits, County Transportation Department for Special Events that utilize or impact County Right-of-Way, and Parks and Open Space for Events or Group Gatherings on Parks and Open Space -owned property.*

Grading of more than 500 cubic yards

This is an existing Accessory Use found under Article 4-516.J. of the Land Use Code. The strike-through/underline format indicates suggested changes to the existing regulations. The proposed amendments continue to exempt agricultural grading from triggering a planning process (unless that grading is proposed to occur within a floodplain). It does say that all ponds deeper than 24 inches requiring a grading permit which is a fairly simple review process and allows the Land Use Department to disseminate best management practices for pond safety when issuing building permits for those ponds. This requirement was adopted into the Building Code and become effective January 1, 2013.

As part of this docket staff is recommending the County Commissioners adopt a flat fee for agricultural pond grading permits. The time necessary for review and issuance will be minimal and combined with the fact we want to encourage people to get these permits in order to complete simple reviews and distribute information to applicants on best practices and pond safety. As such staff recommends a fee of \$50 for these permits.

Grading of more than 500 Cubic Yards

1. *Definition: Movement of more than 500 cubic yards of material, with the following exceptions:*
 - a. *normal grading activity associated with agriculture, allowed mining activity, or foundation construction.*
 - b. *normal grading activity associated with trail or road construction by a governmental entity on publicly acquired open space land in accordance with an open space management plan approved by the Board of County Commissioners.*
2. *Districts Permitted: By limited impact special review in all districts*
3. *Parking Requirements: None*
4. *Loading Requirements: None*

5. *Additional Provisions:*
 - a. While it may be exempt from these provisions, grading which impacts a floodplain is not exempt from applying for and receiving a Floodplain Development Permit.
 - b. Normal agricultural grading that is exempt from the definition of this use includes but is not limited to: tilling fields, creating or altering irrigation ditch laterals, field leveling, field access roads for agricultural purposes, and other activities associated with farming and agricultural operations. Agricultural grading does not include terraforming for aesthetic purposes, landscaping ponds, altering wetlands, or other non-essential grading.
 - c. Ponds to be constructed at a depth of more than 24" must obtain a grading permit prior to construction. Ponds used to store/hold water for agricultural purposes (stock ponds, irrigation ponds) shall be exempt from the Site Plan Review or Limited Impact Special Review process (unless they require a Floodplain Development Permit).

Commercial Nursery

Planning Commission and staff recommend moving Commercial Nursery from Agricultural Uses (4-502) to Agri-Business Uses (4-501) in the Land Use Code. Due to the higher intensity of nurseries (structures, traffic, employees, etc.), it seems more appropriate to be classified as an Agri-Business. We have also suggested a modification of the definition to better reflect the use and to help differentiate this use from Intensive Agriculture (see page 10 of this document). The strike-through/underline format indicates suggested changes to the existing regulations.

Commercial Nursery

1. *Definition: A use, which may be wholly or partially contained within one or more greenhouses, where trees, shrubs, flowers, or vegetable plants are grown and sold ~~either wholesale or retail~~. The dominant characteristic of this use includes sales of products not necessarily grown onsite.*
2. *Districts Permitted: By right in A, LI, and GI; by special review in RR on unsubdivided land*
3. *Parking Requirements: One space per 1,000 square feet of floor area.*
4. *Loading Requirements: One space per 10,000 square feet of floor area.*
5. *Additional Provisions:*
 - a. *No more than ten percent of sales may be from nonagricultural or nonhorticultural products.*
 - b. *One single family dwelling, occupied by the owner, operator, or manager of the nursery will be considered customary and incidental as a part of this use.*

Group Gathering

The existing Temporary Use called Group Gathering is utilized for events that occur over multiple days or more than 10 hours in duration. Planning Commission and staff recommend changes that would both reduce the duration trigger (10 to 8 hours) and increase the number of people that would trigger a review (25 to 50 people). We are also proposing a list of Additional Provisions where none currently exist in order to provide some guidance for both property owners who might host such events and the Land Use Department who would authorize their occurrence. As it is currently written, it is unclear how many events one property could host before the "temporary" use becomes a recurring use. Because of this, staff proposes limiting the number of events to two and not to exceed 6 days total (two three-day festivals, for instance).

Based on the triggers proposed, there could be group gatherings that do not require a permit, for example, 200 people gathered for 4 hours, but those gatherings still need to relate to the principal use of the parcel. For example, if the principal use is a single-family home, there are no provisions that would allow a commercial gathering of this size: it would be too many people for a Home Occupation or Home Event and it wouldn't meet the definition of Garage Sale. If the principal use is a Church and the event is not specifically allowed by the Special Use (or perhaps the church did not require a Special Use Review due to its size), it is possible the event supports the principal use and would be allowed.

One question we regularly receive is, "How many weddings can I host on my property without triggering a planning review process?" If the property owner is not receiving any compensation from the wedding party (most likely because they are family or friend of the bride or groom), no planning process is required – events where the owner receives no compensation are exempt from these regulations. But here at the Land Use Department, we have discovered that people who typically ask this question are seeking to gain compensation for their efforts.

If the wedding will include more than 50 people assembled (and this includes everyone on the property who doesn't live there – band members, catering staff, guests, etc.) for more than 8 hours, the property owner can host two weddings annually provided they apply for and receive a Temporary Group Gathering permit. If the wedding will include more people for a shorter duration or fewer people for a longer duration, the gathering still needs to be accessory to the principal use of the property. Farms are permitted to have Farm Events (which are separately described and do not require Temporary Group Gathering permits). Churches host weddings as a regular religious practice. Residential property owners, however, cannot use their properties as a commercial wedding venue because this commercial use is not customary nor is it accessory to a single family home. The only accessory commercial activities permitted in conjunction with residential uses specifically described in the Land Use Code are Home Occupations ("a vocational activity conducted inside a dwelling unit"); Home Events ("an event where the group is assembled for live music, broadcast music, or other commercial entertainment on a property where a fee of financial donation is requested from attendees to pay for the event"); and Garage Sales or Occasional Sales ("the sale of tangible personal property at retail by a person who is not in the business of selling tangible personal property at retail"). Weddings do not fall within any of these definitions. The code allows wedding venues under the Reception Halls and Community Meeting Facilities use classification (Article 4-504.G.).

This is an existing Temporary Use so the strike-through/underline format is utilized to indicate suggested changes.

Group Gathering/Special Events

1. *Definition: Any group of ~~25~~ 50 or more persons assembled on a parcel as a venue for a meeting, festival, social gathering, or other similar purpose for a period of time which exceeds ~~10~~ 8 hours in a single day or is extends over ~~multiple days~~ a maximum of three consecutive days. A parcel may not accommodate more than two (2) Group Gatherings per calendar year as this is a Temporary Use. Additional events could be reviewed under the Reception Hall and Community Meeting Facility use.*
2. *Districts Permitted: By special authorization of the ~~Building Official~~ Zoning Administrator in all districts*
3. *Parking Requirements: To be determined by the ~~Building Official~~ Zoning Administrator*
4. *Loading Requirements: To be determined by the ~~Building Official~~ Zoning Administrator*
5. *Additional Provisions: ~~None~~*

- a. Exceptions:
 - i. Events that meet the Definition and Additional Provisions of Home Events or Farm Events do not fall within this use classification.
 - ii. Events occurring within, or upon the grounds of a private property where the property owner receives no compensation for hosting the event and guests/attendees are not charged an admission fee, are allowed by right without Special Authorization of the Zoning Administrator.
- b. This use must occur on a parcel large enough to accommodate the use, parking, and sanitary facilities in a manner that does not negatively impact the neighboring parcels, or the principal use of the parcel itself.
- c. A parcel may not accommodate more than two (2) Group Gatherings per calendar year. A group gathering which occurs over multiple days cannot exceed (3) consecutive days. Additional events could be reviewed under the Reception Hall and Community Meeting Facility use.
- d. Any tent (other than personal camping tents or recreational vehicles), trailer, or structure subject to the requirements of these regulations and intended or used for human occupancy shall comply with the International Codes, as amended by the County, as well as with any County Health Department requirements, and shall not be used or occupied until approved by the Chief Building Official.
- e. Permanent alterations to the subject site are prohibited.
- f. Any activities or ground disturbance must not have adverse impacts on agricultural or environmental resources as mapped in the County Comprehensive Plan or otherwise identified on site.
- g. The site must be returned to its original condition prior to the establishment of the use within 48 hours of its discontinuance.
- h. It is the applicant's responsibility to notify adjacent property owners of the Group Gathering/Special Event in writing at the time of application to the Zoning Administrator. If the applicant wishes to notify a larger surrounding area of the proposed event, they should contact the Land Use Department and request a mailing list of all property owners within 1500 feet of the property.
- i. This use shall also be granted and maintain all applicable local, state, and federal permits. It is possible separate permits or approvals may be required by County or State agencies for any food or drink provided. The applicant should contact the applicable agencies well in advance of the event to ensure adequate time for processing any applications, including Boulder County Public Health Department regarding requirements for food service handling and wastewater treatment, Colorado Department of Public Health and Environment as a potential water supplier to more than 25 people, the County Commissioners' Office regarding requirements for Liquor Permits, County Transportation Department for Special Events that utilize or impact County Right-of-Way, and Parks and Open Space for Events or Group Gatherings on Parks and Open Space-owned property.

Open Agricultural Uses

The majority of the agriculture we see in Boulder County falls within this category. It could look like acre after acre of sunflowers, cattle or horses grazing, or a plot of vegetables covered by white row cover. We are proposing a few amendments to clarify which structures would constitute Residential Floor Area and which would not (within this use classification and in the new use Accessory Agricultural Structure – see page 15 of this document).

We heard a fair amount of public testimony related to Additional Provision 5.c. The revised provision proposed here would allow anyone to live in the single family home regardless of their involvement in the farming operations. Planning Commission and members of the public supported this change because it would allow for the property to continue to be farmed, even if the house was rented to someone not engaged in farming. Staff thinks the increased impacts (such as additional vehicle trips) would likely be minimal. We would like to consider multiple principal uses more broadly in a forthcoming Land Use Code amendment docket but, for now, support this revision. The remaining suggested amendments are clarifications which will hopefully aid in the administration of this classification.

This is an existing Agricultural use (Article 4-502.E.) so the strike-through/underline format has been used to indicate suggested changes to the existing regulations.

Open Agricultural Uses

1. *Definition: Agricultural uses which predominantly occur outside ~~which do not have structures, other than accessory structures, associated with their operation,~~ including but not limited to the grazing, keeping and use of livestock, the production, harvesting, and selling of agricultural or horticultural products, and accessory storage. Accessory structures such as hoophouses or high tunnels used to extend the growing season, or for storage or maintenance of items that support the agricultural use are allowed as part of this use.*
2. *Districts Permitted: By right in F, A, RR, ER, LI, GI, and MI*
3. *Parking Requirements: ~~One space per 1,000 square feet of floor area.~~ Sufficient to accommodate the use*
4. *Loading Requirements: ~~One space per 1,000 square feet of floor area.~~ Sufficient to accommodate the use*
5. *Additional Provisions:*
 - a. *This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located unless it has an associated principal or accessory dwelling.*
 - b. *Accessory Sales associated with ~~Intensive Open~~ Open Agricultural Uses shall conform to the requirements of ~~section 4-516.A~~ Accessory Agricultural Sales.*
 - c. *One single family dwelling, ~~occupied by the owner, or manager of the farm,~~ will be considered customary and incidental as a part of this use. Single family dwellings must be located on building lots.*
 - d. *Boarding of horses is permitted. Improved riding facilities may be provided in connection with boarding and made available to fewer than 15 different individual people per month, in addition to the owner or manager of the property.*
 - i. *Limited impact special review is required for any equestrian center with amplified sound and/or lighted outdoor riding, driving, or showing of horses. Special review is required for competitive events open to participants outside of those who board or train at the facility.*
 - e. *Any accessory structures must be ~~predominately~~ predominately accessory to the use of the property on which the structure is located except for storage of associated agricultural equipment and agricultural and horticultural products grown on-site. On-site means agricultural and horticultural products that are grown in Boulder County on parcels under the same ownership, lease or contract as the parcel on which the accessory structure is located.*
 - i. ~~*On-site means agricultural and horticultural products that are grown on parcels under the same ownership, lease or contract as the parcel on which the accessory structure is located. [Moved into paragraph e.]*~~

- ~~f. A demonstration farm (as defined in section 4-516) may be allowed as an accessory use by limited impact special review in A, and in RR on unsubdivided land.~~
- g. Structures that support the residential use on the property shall be considered Residential Floor Area.
- h. Structures that support the agricultural use shall not be considered Residential Floor Area.

Intensive Agricultural Uses

This is an existing Agricultural Use and is generally described as agricultural that occurs inside a building. We are suggestion amendments to the definition of this use to better describe this distinction from Open Agricultural Uses (which occur out in the open). Many farms have components of both Intensive and Open uses. In the Agricultural zone district, there is no impact in the distinction because this is a use by right. In the Forestry and Residential zone districts, however, Special Review is required. Planning Commission and staff recommend amending Additional Provision 5.b. in order to be consistent with this same provision in Open Agriculture (see discussion above).

This is an existing Agricultural use (Article 4-502.E.) so the strike-through/underline format has been used to indicate suggested changes to the existing regulations.

Intensive Agriculture

1. *Definition: Agricultural uses where the ~~principal nonresidential use of the property is contained within use~~ predominantly occurs inside one or more structures, including but not limited to agricultural storage facilities, ~~accessory~~ greenhouses, indoor riding facilities, and storage for accessory sales of agricultural or horticultural products.*
2. *Districts Permitted: By right in A, LI, and GI; by special review in F and RR*
3. *Parking Requirements: ~~One space per 1,000 square feet of floor area.~~ Sufficient to accommodate the use*
4. *Loading Requirements: ~~One space per 1,000 square feet of floor area.~~ Sufficient to accommodate the use*
5. *Additional Provisions:*
 - a. *Accessory Sales associated with Intensive Agricultural Uses shall conform to the requirements of ~~section 4-516.A.~~ Accessory Agricultural Sales.*
 - b. *~~One single-family dwelling, occupied by the owner, operator, or manager, of the farm, would~~ will be considered customary and incidental as a part of this use.*

Residential Floor Area

The intent of this amendment is to help support residential-scale agriculture even if agricultural uses are not allowed in the zone district or if there is no agricultural use on the property. Staff and Planning Commission suggest adding detached greenhouses and hoopouses to the exceptions from the definition of Residential Floor Area up to 400 square feet total. We also suggest adding “storage shed” to the list of possible accessory structures because it is a common accessory structure to a residence. This is an existing Definition (Article 18-189.D.), so the strike-through/underline format has been used to indicate suggested changes to the existing regulations.

Residential Floor Area

For the purposes of Site Plan Review and the presumptive size thresholds associated with the Expanded Transfer of Development Rights Program, Residential Floor Area includes all attached and

detached floor area (as defined in 18-162) on a parcel including principal and accessory structures used or customarily used for residential purposes, such as garages, studios, pool houses, storage sheds, home offices, and workshops. (Exemptions: Gazebos, ~~and~~ carports, detached greenhouses and hoopouses up to a total combined size of 400 square feet.)

Winery

There have been a few Boulder County wineries owners and aficionados who have been very involved in the evolution of this docket. Two businesses are currently located in light industrial areas within the City of Boulder but they would rather be located in an area that, they believe, better fits the image of a winery. These existing Boulder County wineries produce wine from Western Slope grapes. In addition, there is at least one farmer experimenting with locally grown grapes for wine. Another farmer is growing apples and making hard cider. And there are a handful of mead producers in Boulder County (although they have not been involved in the docket and they may be located within municipalities).

Planning Commission was presented with the option to adopt a new use classification called “Winery” at their November 14, 2012, meeting. Land Use staff was opposed to adding this use classification because allowing manufacturing or processing of products that were not grown on the parcel is outside the goals of this project and is not supported by the Boulder County Comprehensive Plan. Planning Commission continued their discussion on December 19, 2012, and decided not to recommend approval of this new use. They agreed with staff that vineyards in Boulder County can process grapes into value-added products (wine) and sell the product from the parcel where the grapes are grown under the proposed amendments to Accessory Agricultural Sales. They also agreed with staff’s determination that wineries which grow grapes elsewhere (not in Boulder County) or imports grapes for producing wine should not be allowed to locate in the county’s unincorporated agricultural areas.

Planning Commission and staff recommend, instead, allowing small-scale beverage processing in business and commercial areas in Boulder County. After talking with two of the winery owners, we believe this recommendation may meet some of their goals (relocate from light industrial areas) while supporting small-scale beverage processing in appropriate locations within Boulder County. To achieve these goals, we suggest amending the *Eating or Drinking Place, without drive through service* use classification to specifically allow these businesses (more commonly known as restaurants and bars) to produce their own beverages. Note that while these proposed amendments would not open up the Agricultural zoning district to this type of use, they would make clear that the existing restaurant use, as allowed in the more intense zoning districts, could include accessory beverage processing that otherwise would be confined to the LI zoning district.

Article 4-512 Retail and Personal Service Uses

F. Eating or Drinking Place, without drive through service

1. *Definition: An establishment for the sale and consumption of food and beverages on the premises, which does not include drive through service. This may include small scale accessory beverage processing such as wineries, nanobreweries and microdistilleries.*
2. *Districts Permitted: By right in B, C, and G1; by special review in T*
3. *Parking Requirements: One space per 75 square feet of public seating area*
4. *Loading Requirements: One loading space for 10,000 or more square feet of floor area*
5. *Additional Provisions: None*
 - a. *Small scale food and beverage processing means less than 3,000 square feet of processing or manufacturing area.*

In allowing small scale processing, the intent is to keep the scale and impacts similar to what is expected from a restaurant or bar use. We suggest adopting a maximum manufacturing area but not limiting the size of the restaurant or bar area. There are small pockets of Business and Commercial zoned property throughout the unincorporated county including Hygiene, Niwot, east of Lyons, east of Boulder, and in Allenspark, to name a few general locations. One of the existing winery owners supported the area limitation as proposed, the other supported increasing the floor area limitation (up to 5,000 square feet).

Seasonal Farm Stand

Included with the Temporary Uses in Article 4-517 is a provision for Temporary Farm Stand. By definition, the farm stand cannot operate for more than 42 days. This use classification was added to the Land Use Code in 2006 through docket DC-05-002B (Resolution 2006-121). The intent of this use was to allow, for a limited time, agriculturally-based recreational activities. It also grouped Christmas tree sales with agricultural sales rather than Fireworks Sales (where it was previously grouped). According to Land Use Department legend, 42 days was selected because it is the maximum number of calendar days between Thanksgiving and Christmas. However, the requirement that “products which are not grown onsite may comprise no more than ten percent of sales” was inadvertently prohibitory – most (if not all) of Boulder County Christmas trees which are pre-cut are not grown here in Boulder County.

Staff suggests removing the requirement that 90% of the agricultural or horticultural products be grown on site. We also suggest moving this use from the Temporary Uses group of use classifications to the Agricultural Uses group because of the recurring nature of the use, and renaming it “Seasonal” Farm Stand. After working with the Transportation Department, we suggest amending the parking requirement language to provide an avenue to review and allow on-street parking. We have proposed to amend the parking requirement in other uses accessory to farms as a result of this docket.

This is an existing Temporary Use – staff proposes changing the name from *Temporary* to *Seasonal* and moving it to Agricultural Uses (Article 4-502) because of the recurring nature of the use.

~~Temporary~~ Seasonal Farm Stand

1. *Definition: A location for the sale of agricultural and horticultural products, for a period not to exceed 42 days in any calendar year. Nonagricultural and nonhorticultural products ~~and products which are not grown on-site~~ may comprise no more than ten percent of sales. This use includes Christmas tree sales and pumpkin sales.*
2. *Districts Permitted: By right in B, C, and GI; by limited impact special review in A, and in RR on unsubdivided land.*
3. *Parking Requirements: ~~One space per 200 square feet of floor area~~ Vehicles should be accommodated onsite. On street parking may be permissible with review and approval from the Transportation Department.*
4. *Loading Requirements: ~~One loading space for 10,000 or more square feet of floor area~~ Sufficient to accommodate the use on site*
5. *Additional Provisions:*
 - a. *~~The Temporary Farm Stand~~ This use may include agriculturally based recreation activities.*

Farm [Stand] Store

Farm Stand is an existing Agricultural Use. It sometimes causes confusion with the public seeking to establish a retail area to sell products they grow on their own land. To help alleviate some of this confusion, staff proposes changing the name of this use from Farm Stand to Farm Store. We believe this name change will more accurately reflect the use and differentiate it from Accessory Agricultural Sales (existing use) and Accessory Farm Stand (proposed new use – see page 16). No other changes are proposed.

This is an existing Agricultural use (Article 4-502.C.).

Farm Stand Store

1. *Definition: A location for the sale of agricultural and horticultural products for more than 42 days in a calendar year. The products for sale may include, but are not limited to, the sale of seasonal produce, which does not have to be grown on-site.*
2. *Districts Permitted: By right in B, C, and GI; by limited impact special review in A, and in RR on unsubdivided land.*
3. *Parking Requirements: One space per 200 square feet of floor area.*
4. *Loading Requirements: One loading space for 10,000 or more square feet of floor area.*
5. *Additional Provisions:*
 - a. *One single family dwelling, occupied by the owner, operator, or manager of the business will be considered customary and incidental as a part of this use.*
 - b. *No more than ten percent of the Farm Stand sales may be of nonagricultural or nonhorticultural products.*
 - c. *This use requires a building lot.*

Bed and Breakfast

While not directly related to agricultural uses, bed and breakfasts have been mentioned by the public as something that perhaps should be addressed. Bed and breakfasts can currently be established in conjunction with an agricultural use if the following circumstances are satisfied:

- the principal use of the property must be Open Agricultural, and
- the owners/proprietors of the farm must live in the house which is to be utilized as the bed and breakfast, and
- the parcel is a legal building lot.

Staff is proposing clarifications to the definition and parking requirements and changing the review process from Special Use approval to Limited Impact Special Use approval. Planning Commission also recommended allowing “tenant-occupied” structures to qualify for this use classification as well.

This is an existing Lodging Use (Article 4-507.A.), so the strike-through/underline format has been used to indicate suggested changes to the existing regulations.

Bed and Breakfast

1. *Definition: An owner-occupied or tenant-occupied single family dwelling unit offering transient lodging accommodations within that dwelling where meals may be provided.*
2. *Districts Permitted: By limited impact special review in F, A, RR, SR, and MI*
3. *Parking Requirements: ~~To be determined through special review~~ One space per guest room in addition to the two spaces required for the single family dwelling*
4. *Loading Requirements: None*

5. *Additional Provisions:*
 - a. *A Bed and Breakfast may have no more than three guest rooms or serve no more than six guests per night.*

Accessory Agricultural Sales

Whether growing alfalfa or sunflowers or kale, most farmers in Boulder County utilize Accessory Agricultural Sales to sell their crops. Some farmers may set up a table where they sell their produce a few days each week, some may establish a Community Supported Agriculture model, and others sell their product wholesale. We are proposing a few amendments to clarify that value-added production is allowed as a use by right but the majority of the ingredients must come from that farm. For example, if a farmer wants to make salsa, the tomatoes, peppers, onions and cilantro must come from the farm but the minor ingredients (such as lime juice, salt and black pepper) can come from other sources. Staff has amended the parking requirement to be consistent with other uses accessory to farms.

Based on Planning Commission discussion and public input, we are proposing to allow Accessory Agricultural Sales in Rural Residential subdivisions through the Limited Impact Special Review process. We have also added provision 5.e. which would allow the Director to waive the public hearing if the Director believes the applicant has demonstrated that the criteria for approval have been met.

This is an existing Accessory use (Article 4-516.A.); strike-through/underline format indicates suggested changes to the existing regulations.

Accessory Agricultural Sales

1. *Definition: A location for the retail sale or wholesale of agricultural or horticultural products which are grown on-site. Nonagricultural and nonhorticultural products and products which are not grown on-site may comprise no more than ten percent of total annual sales.*
2. *Districts Permitted: By right in F, A, RR on unsubdivided land, ER, LI, GI, and MI; By Limited Impact Special Review in RR (subdivided) unless waived by the Director.*
3. *Parking Requirements: ~~None~~ Vehicles should be accommodated onsite. On street parking may be permissible with review and approval from the Transportation Department.*
4. *Loading Requirements: ~~None~~ Sufficient to accommodate the use*
5. *Additional Provisions:*
 - a. *For purposes of this use, the term "on-site" means agricultural and horticultural products that are grown in Boulder County on parcels under the same ownership, lease or control as the parcel where the Accessory Agricultural Sales use is located.*
 - b. *Agricultural or horticultural products grown on the farm may be processed to create a value-added product where the majority of the ingredients are grown on-site.*
 - c. *A commercial kitchen for the express purpose of processing agricultural products grown on-site may be constructed. It may not be utilized by others who are not the producers of the products grown on-site for example catering businesses, restaurants, or other uses not expressly authorized through a Land Use review process. It may be used in association with a Demonstration Farm use.*
 - d. *Sales of value-added products can be sold onsite. Sales may require a license from Boulder County Public Health.*
 - e. *The requirement for limited impact special review may be waived if the Director determines the Accessory Agricultural Sales will not have a negative impact on the neighborhood and that there is no potential for any significant conflict with the*

criteria listed in Article 4-601 of this Code. In considering this determination, the Director shall notify adjacent property owners. The Director shall not issue the determination for seven days and shall consider any comments received from the public.

Accessory Agricultural Structure

Adding a new use classification for accessory agricultural structures will help staff and the public know when a structure is considered residential floor area and when it is not. This has become an important distinction since the County Commissioners adopted neighborhood compatibility standards (based on Residential Floor Area on a parcel) and also adopted the Transferrable Development Credit program (which says that any new residential floor area above 6,000 square feet requires the purchase of credits) in 2008. The zone districts proposed are those where agricultural uses are permitted.

This is a proposed new Accessory Use classification (Article 4-516). Currently, only Residential Floor Area is defined in the Land Use Code (Article 18-189.D., see pages 10-11 of this document).

Accessory Agricultural Structure

1. *Definition: A structure that is accessory to a principal agricultural use.*
2. *Districts Permitted: By right in F, A, RR, ER, LI, GI, and MI*
3. *Parking Requirements: None*
4. *Loading Requirements: None*
5. *Additional Provisions:*
 - a. *Accessory agricultural structures are subject to the minimum requirements of the zoning district in which they are located.*
 - b. *Accessory agricultural structures must be of a size and scale that relates to the size and scale of the agricultural use on-site. Property owners may be asked to demonstrate the agricultural use including the area where the agricultural use will take place, describe how the structure will be utilized, and discuss how the structure and its proposed size is necessary to support the agricultural use on-site. Property owners may be required to sign a zoning affidavit restricting the structure to agricultural uses.*
 - c. *For purposes of this use, the term "on-site" means agricultural and horticultural products that are grown in Boulder County on parcels under the same ownership, lease or control as the parcel where the Accessory Agricultural Structure is located.*
 - d. *Structures that support the agricultural use shall not be considered Residential Floor Area. Structures that do not support an agricultural use are considered Accessory Structures and will contribute to the total Residential Floor Area on the subject parcel.*
 - e. *Agricultural structures may include barns that store animals or agricultural implements, detached greenhouses, hoopouses, indoor riding arenas, farm stands, or other accessory structures depending on their demonstrated use.*

Accessory Farm Stand

At first blush, you may not think that adding a fourth use classification related to selling agricultural products would be simplifying the Land Use Code. But staff asserts this proposal fills an important niche. The feedback we received from the stakeholder outreach meetings was that, for a market farmer with a farm stand, requiring 90% of the products to be grown on that farm is too stringent of

a requirement. People who stop at farm stands want a variety of vegetables and fruits to choose from, according to the producers. Offering more variety will attract more customers. However, attracting more customers is a cause for review from a land use and transportation standpoint.

This new use classification requires the property owner to grow at least 60% of the products (based on annual sales): Not more than 10% can be nonagricultural products (such as crafts) and not more than 40% can be grown offsite (assuming no non-agricultural products are sold). The review process proposed, Limited Impact Special Use Waiver, is an administrative process utilized to review uses such as vacation rentals (Lodging in a Dwelling) and community cisterns. Staff suggests this process because the review criteria are more applicable than the review criteria for Site Plan Review. The cost of this process is currently a \$400 flat fee.

This would be a new Accessory Use under Article 4-516 of the Land Use Code.

Accessory Farm Stand

1. *Definition: A location for the retail sale or wholesale of seasonal agricultural products, the majority of which are grown on-site. Agricultural products grown on-site must comprise at least 60% of total annual sales. Nonagricultural products and products which are not grown on-site may comprise no more than ten percent of total annual sales.*
2. *Districts Permitted: By Limited Impact Special Review in A, RR on unsubdivided land, ER, LI, and GI*
3. *Parking Requirements: Vehicles should be accommodated onsite. On street parking may be permissible with review and approval from the Transportation Department.*
4. *Loading Requirements: Sufficient to accommodate the use*
5. *Additional Provisions:*
 - a. *For purposes of this use, the term "on-site" means agricultural and horticultural products that are grown in Boulder County on parcels under the same ownership, lease or control as the parcel where the Accessory Agricultural Sales use is located.*
 - b. *Agricultural or horticultural products grown on the farm may be processed to create a value-added product where the majority of the ingredients are grown on-site.*
 - c. *A commercial kitchen for the express purpose of processing agricultural products grown on-site may be constructed. It may not be utilized for catering business, restaurants, or other uses not expressly authorized through a Land Use review process. It may be used in association with a Demonstration Farm use.*
 - d. *Sales of value-added products may require a license from Boulder County Public Health.*
 - e. *The requirement for limited impact special review may be waived if the Director determines the Accessory Farm Stand will not have a negative impact on the neighborhood or Significant Agricultural Lands and that there is no potential for any significant conflict with the criteria listed in Article 4-601 of this Code. In considering this determination, the Director shall notify adjacent property owners. The Director shall not issue the determination for seven days and shall consider any comments received from the public.*

This chart summarizes the four uses relating to the selling of agricultural products. The level of review relates to the percentage of total sales that comes from products grown on site. The greater the variety of products will likely lead to increased interest from the public which translates into, from a land use perspective, additional vehicle trips and impacts on the land and surrounding neighborhood – impacts which should be reviewed through a planning process.

Summary of All Agricultural Sales Use Classifications

Use Classification	Review Process	Required % grown on site	Non-Ag Products
Accessory Agricultural Sales	By-right	90%	Less than 10%
Accessory Farm Stand	LISR-waiver	60%	Less than 10%
Farm Store	LISR (A, RR unsub)	None	Less than 10%
Seasonal Farm Stand	LISR (A, RR unsub)	None	Less than 10%

Demonstration Farm

Demonstration farm is an existing use that requires Limited Impact Special Review. Through the public outreach process, I heard that some farms were provided learning opportunities to their customers because it was something the customers demanded. Community Supported Agricultural (CSA) customers were interested in learning how to cook or preserve some of the vegetables they received in their weekly share, some people are interested in learning how to save seeds, and parents want to provide an opportunity to educate their children about farming and farm animals. Planning Commission and staff suggests allowing classes (including day camps for children) as a use by right at low levels of intensity.

The by-right level proposed is eight (8) people per day. Assuming those 8 people drive to the farm in personal automobiles and leave the farm in personal automobiles, 16 vehicle trips per day would be generated – the same number of vehicle trips allowed for Home Occupations. We suggest that this is an appropriate level for children attending day camps as well even though the traffic pattern might be different. We propose deleting the prohibition of this use with commercial, institutional, lodging, or recreational uses because it may be overly restrictive and lacking any clear land use impact mitigation basis (Additional Provision 5.d.). It may be appropriate for a School to have a Demonstration Farm or a Bed and Breakfast to be located on the same farm where classes are hosted – and all of these uses require a discretionary process where staff, referral agencies, and the Board of County Commissioners can consider such a request.

For day camps, staff proposes adding a requirement for farms to either provide a written exemption from the Colorado Department of Human Services from child care licensing requirements or provide a copy of the child care license regardless of the number of children attending the camp. Information from the CDHS website regarding exemptions has been included as Exhibit A.

We have been working with Transportation staff to better evaluate the impacts of multiple uses on farms. The outcome of these discussions will most likely result in either administrative policies or amendments to the Multimodal Transportation Standards.

Demonstration Farm or Farm Camp

(This is an existing Accessory use so I’ve used strike-through/underline format to demonstrate suggested changes.)

1. *Definition: An area of agricultural land including accessory structures, used to demonstrate farming, ranching and agricultural practices, to assist in the evaluation of farming practices and technologies, and to increase public awareness of food production and preparation practices. This accessory use must be accessory to Open Agricultural Uses. Overnight classes and overnight camps are not permitted as part of this use.*
2. *Districts Permitted: By limited impact special review or by right in A and in RR on unsubdivided land (see Additional Provisions below).*

3. Parking Requirements: To be determined through limited impact special review. Vehicles should be accommodated onsite. On street parking may be permissible with review and approval from the Transportation Department.
4. Loading Requirements: To be determined through limited impact special review. Sufficient to accommodate the use on site
5. Additional Provisions:
 - a. Classes or farm camps for 8 or fewer people per day are allowed by right.
 - b. Classes or farm camps for more than 8 people are allowed by limited impact special review.
 - c. ~~a.~~ A related educational facility structure, including a classroom or kitchen for food preparation, may be approved as part of the Demonstration Farm use.
 - d. ~~This use does not include commercial, institutional, lodging, or recreational uses such as hay rides, petting zoos, corn mazes, day care centers, or summer camps.~~
 - d. A building lot is required for this use.
 - e. All farm camps for children must provide a copy of their child care license or a written exemption from the Colorado Department of Human Services to the Land Use Department regardless of the number of children participating in the camp.

The following proposed amendments are necessary for the administration and implementation of the proposed agricultural amendments but they are not agriculture-specific. Planning Commission and staff recommend the Board of County Commissioners approve these revisions as well.

Article 3-100 Processes

Article 3 contains processing requirements for all types of Land Use reviews. The Group Gathering amendments proposed on page 7-8 would require authorization by the Zoning Administrator instead of the Building Official. Article 3-100 D. should be amended to recognize the Zoning Administrator as a possible authorizer in addition to the Building Official. Staff also suggests adopting a time frame by which applicants should apply for special authorization, and updating the Division title to reflect the recently adopted division name: Building Safety & Inspection Services.

D. Special Authorization of the Building Official or Zoning Administrator

1. Approvals for certain temporary uses require special authorization of the Building Official or Zoning Administrator. The Building Official or Zoning Administrator will require information, as appropriate, concerning traffic, parking, sanitary facilities, water availability, hours of operation, and other information necessary to determine the impacts of the proposed use. The uses requiring special authorization are defined in Section 4-500 and listed in the Zoning District regulations Section 4-100.
2. Application forms and processing information for special authorization are available from the Boulder County Land Use Department, Building ~~Division~~ Safety & Inspection Services Team. Property owners should apply for special authorization at least 30 days in advance of the desired approval in order to allow for adequate processing time. If the owner applies for authorization less than 30 days in advance, Land Use may not be able to review and approve the application.

Zoning District Additional Provisions (Article 4-101 et al.)

Each zoning district includes a number of additional provisions including setback requirements, animal unit limitations, and triggers for additional review processes. This is an editorial change that will assist in interpretations of the Code. Capitalization of the words *agricultural*, *forestry*, and

mining will more accurately convey that any of the uses that fall under each of these classifications are eligible for multiple principal uses within and across these categories. We also propose to delete one comma (first line) and replace two commas with semi-colons (second and fifth lines).

Article 4-101 Forestry Uses

F. Additional Requirements

4. *No parcel shall be used for more than one principal use, except for allowed ~~agricultural~~ Agricultural uses, ~~forestry~~ Forestry uses, ~~mining~~ Mining uses, or any combination thereof; for multiple principal uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark; or for second principal uses approved through Special Review under 4-103.F.2.e, above.*

This clarification will need to be made in every zone district: 4-102.F.4., 4-103.F.4., 4-104.f.4., 4-105.F.4., 4-106.F.5., 4-107.F.4., 4-108.F.5., 4-109.F.5., 4-110.F.5., 4-111.F.5., 4-112.F.5., and 4-117.F.4.

Article 4-604 Limitation of Uses by Special Review

In a previous draft, staff suggested adding an administrative annual renewal provision added to Seasonal Farm Stand. This would provide consistency in processing this annual recurring use since some previous approvals, for example, were conditioned to be valid for only a few years. Based on concerns raised from the public, Planning Commission recommended removing that provision and it has not been presented to the Board of County Commissioners. However, this language will reinforce the rules of interpretation (Article 1-900.A.3.) particularly for those docket that have been conditioned in their approvals. This provision would apply to all projects reviewed under the Special Review and Limited Impact Special Review processes.

Article 4-604 Limitation of Uses by Special Review

- A. *Subject to vested rights, no use by special review shall commence operation or construction later than five years from the date of the Board approval or conditional approval.*
- B. *Any approved use by special review that does not significantly commence operation or construction as described and approved in a building permit on any portion of the special use permit within five calendar years after the Board has approved the use, shall lapse, and shall be of no further force and effect unless a new discretionary approval is granted under this Code. If a vesting period of longer than five years is expressly approved as part of the special use permit, the approval shall lapse if operation or construction is not commenced within the vesting period.*
- C. *Any approved use by special review which commences operation or construction as required under Subsection (B), immediately above, shall lapse, and shall be of no further force and effect, if the use is inactive for any continuous five-year period or such shorter time as may be prescribed elsewhere in this code or in a condition of a specific docket's approval. If this period of inactivity occurs, the use may not be recommenced without a new discretionary approval granted under this Code. An approved special use shall be deemed inactive under this Subsection (c) if there has been no activity under any portion of the special use permit for a continuous period of five years or more as a result of causes within the control of the special use permittee or agent.*
- D. *The Land Use Director may declare a special review and limited impact special review application withdrawn if more than 24 months have passed without any public hearings or submittals from the applicant. The 24 month time frame may be extended should the Director determine that circumstances beyond control of the applicant prevent a timely completion of the application. If*

the application is withdrawn, a new application and new fee must be submitted in order to continue the project.

Article 17-300 Zoning Regulation Enforcement

Land Use regularly requires zoning affidavits as a condition of approval or before a building permit may be issued. They memorialize the approved use of a structure and are recorded so that future owners, upon reviewing the title work when deciding to purchase a property, understand the approved use and, in some instances, limitations of the structure. Staff suggests codifying the use of this tool in the Enforcement chapter of the Land Use Code.

Article 17-300 Zoning Regulation Enforcement

A. Building Permit Requirements

2. The Building Official shall not issue any building or grading permit unless the following requirements are met:

- a. The plans for the proposed erection, construction, reconstruction, alteration, or use fully conform to all applicable provisions of this Code, including but not limited to any existing approval granted under this Code. A zoning affidavit may be required prior to issuance of a building permit or Land Use approval to ensure the structure or use conforms to the planning or building review and approval of the proposal. The approved use may not change without approval from the Director, and a revised affidavit reflecting any changes may be required. Zoning affidavits shall be recorded with the Boulder County Clerk and Recorder and shall apply to subsequent owners of the property;*
- b. ~~the Boulder County Public Health Department~~ has issued a permit for or has otherwise approved the sanitation system to serve the proposed structure or use, if applicable;*
- c. The County Engineer has approved the access for the proposed structure or use pursuant to this Code and the Transportation Standards and Specifications; and*
- d. The proposed plans comply with all applicable provisions of the Building Code.*

TEXT AMENDMENT CRITERIA ANALYSIS

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

The existing text is in need of amendment:

Staff has identified the goals of this docket and the reasons why these amendments should be made. Those goals are:

- Modernize and modify use classifications including adding or deleting use classifications where necessary.
- Consider agriculturally-based activities that supplement and support farming.
- Consider expanding options for local food production at a residential scale while maintaining neighborhood character.
- Consider local food production, sales, marketing, and production of value-added products while continuing to remain compatible with rural character.
- Encourage energy efficient and modern farming practices such as passive solar greenhouses while continuing to remain compatible with rural character.
- Consider the appropriate scale of rural and agricultural development including structure numbers and size.

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

The amendments are not contrary to the intent or purpose of the Code. They seek to provide clarity and additional flexibility for agricultural uses.

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

There are a number of references to agriculture in the Boulder County Comprehensive Plan. Indeed, there is an entire element dedicated to Agriculture. The Land Use Code amendments proposed by this docket are in accordance with the Comprehensive Plan. The following goals are found in the Goals section of the Comprehensive Plan under various headings.

A.1 Future urban development should be located within or adjacent to existing urban areas in order to eliminate sprawl and strip development, to assure the provision of adequate urban services, to preserve agriculture, forestry and open space land uses, and to maximize the utility of funds invested in public facilities and services.

A.3 Diverse, compatible, and functional land use patterns should be established and, when necessary, revised to prevent urban and rural decay.

B.7 Productive agricultural land is a limited resource of both environmental and economic value and should be conserved and preserved.

E.1 Preservation and utilization of water for agricultural purposes within the county shall be encouraged.

F.1 A balanced, diversified economy should be encouraged in order to maintain and enhance the quality of life of Boulder County citizens by assuring desirable local employment opportunities and strengthening and stabilizing the tax base.

H.1 The county shall encourage public participation in the making of decisions by public and quasi-public bodies which significantly affect citizens.

I.1 The county should encourage and promote coordination and cooperation between Federal, State, and Local Government entities charged with making decisions which significantly affect land use in Boulder County.

M.1 Agricultural enterprises and activities are an important sector of the Boulder County economy and the county shall foster and promote a diverse and sustainable agricultural economy as an integral part of its activities to conserve and preserve agricultural lands in the county.

The Plains Planning Area Element does not directly address agricultural lands but rather helps guide appropriate residential development in the plains. This element does, however, contain a nice tidbit of wisdom in Objective #2. It states that one of the purposes of the Plains Planning Area is, "To create land use regulations that provide for flexibility, predictability, promotion of environmentally sensitive land use patterns and insurance of the efficient provision of public services."

The Sustainability Element also includes a goal related to agricultural land:

(6) The preservation and viability of the increasingly precious resources of open and rural lands, whether devoted to agriculture, forestry, open space, or plant and wildlife habitat, as well as the sustainability of uses that provide for the long-term preservation of such lands,

should be fostered and promoted through innovative regulatory and acquisition programs, public-private partnerships, and public education, outreach and participation.

Finally, the amendments proposed by this docket support the Agricultural Element of the Boulder County Comprehensive Plan. There are two paragraphs in the Objectives of this element which highlight the balance that must be struck between competing interests of economic viability, agricultural preservation, and the responsibilities to the residents and environment of Boulder County. (These can be found on pages AG-2 and AG-3.)

The objective of the subsequent policies is the preservation of the agricultural lands in the county, and their related uses, by whatever means are available to the county and effective in achieving this end. The county recognizes that agricultural lands do not exist in a vacuum. Without the ability to conduct economically viable agricultural activities upon them, agricultural lands become merely vacant lands. The key to preserving agricultural lands in the county is maintaining a healthy agricultural economy in the county. Therefore, a corollary objective of the subsequent policies is the encouragement, promotion, and fostering of agricultural enterprises and activities in the county.

It is important to note that, notwithstanding the county's continued backing of agricultural preservation and activity, there are intensities and kinds of agricultural uses that can have detrimental impacts on land, water and other components of the environment if not held accountable to some level of management and regulation. A commercial feed lot, for example, is a far different form of legitimate agricultural enterprise than is an alfalfa field in terms of its potential impacts. The Comprehensive Plan recognizes these differences and the carefully exercised responsibility the county must assume in balancing an earnest support for agriculture with necessary degrees of regulation to protect the health, safety and welfare of residents and the environment of Boulder County.

Staff finds all three criteria for text amendments to the Boulder County Land Use Code have been satisfied.

REFERRALS AND PUBLIC INVOLVEMENT

Public involvement has been an important component to the success of this docket. In addition to notifying the Land Use Code listserv (631 subscribers as of 12/26/12) of pending regulatory changes and upcoming public hearings, we wanted to identify as many agricultural stakeholders as we could. Staff began with an email list compiled internally by gleaning email addresses from known farms, farms with Community Supported Agriculture programs, farms (and neighbors of farms) that had been through Land Use approval processes in recent memory, equestrian center owners, and people who expressed interest in agriculture while meeting with other planning staff members. Our stakeholder list now has 165 email addresses. These folks receive notice of upcoming meetings, emails recapping previous meetings, and requests for input. Their participation has helped staff understand the issues faced by farmers and has helped Planning Commission refine the draft presented to you today.

In addition to regular email correspondence, Boulder County staff hosted eight issue-specific meetings last winter. The purpose of those meetings was to review the existing regulations and their purpose and to discuss how the regulations could be improved. We hosted eight meetings with farmers and interested parties in January and February 2012. Approximately 15-30 people attended each meeting including staff from Land Use and other county departments.

1. Wineries – January 5, 2012
2. Farm Camps – January 17, 2012
3. Farm-to-Table Dinners/Special Events – January 20, 2012
4. Demonstration Farms/Classes – January 27, 2012
5. Farm Stands – January 30, 2012
6. Ag Worker Housing – February 2, 2012
7. Hoophouses and Greenhouses – February 7, 2012
8. Agriculture and Public Health – February 24, 2012

The meetings were a useful format to flesh out concerns, discuss possible strategies for improvement, and identify interrelatedness of policies and regulations with other county departments. We also hosted a meeting on May 7, 2012, targeted at neighbors of farms. The purpose of that meeting was to discuss the impacts of farms on non-farmers. Approximately 30 people attended this meeting, the majority of whom self-identified as both “neighbors” and “farmers.”

Staff is thankful and impressed at the level of engagement we have received from farmers, county staff and other stakeholders during this process. There were also a few organizations involved in the public review of the proposed amendments including the Boulder County Horse Association and Farmers Alliance for Integrated Resources (F.A.I.R.) whose members generally include traditional farmers and ranchers in Boulder County. Many of the concerns written and voiced during public hearings were taken into consideration as the Planning Commission revised and approved the staff recommendation. It is difficult to categorize a year’s worth of public comment. We did not receive form letters from organized constituencies or broad statements against the project. We did receive detailed, nuanced, thoughtful responses of staff’s proposals from people who clearly understand the challenges in drafting Land Use Code regulations as they relate to agricultural uses. All of the written public comments received on this docket through December 27, 2012, are presented in Exhibit B in chronological order.

Unlike some dockets, this docket did not necessitate formal referrals from other county departments (although a few have been provided regarding specific issues). Land Use staff worked very closely with staff from Parks and Open Space, Public Health, and Transportation over the course of this project. Staff representatives participated in the issue-specific meetings last winter, attended Land Use staff meetings to discuss the drafting, and were available at Planning Commission meetings to address questions from the Commissioners.

And finally, you may recall the Board of County Commissioners took a tour of a few farms late last fall (November 14, 2011). Commissioners Toor and Domenico attended. The tour was scheduled before Commissioner Gardner joined the Board. Planning Commission toured a few farms as well (October 3, 2011). These field trips were a helpful way for you to get outside, ask questions of the farmers, and learn a little more about the day-to-day operations of their farms.

STAFF RECOMMENDATION

STAFF AND PLANNING COMMISSION RECOMMENDS THE BOARD OF COUNTY COMMISSIONERS APPROVAL OF DOCKET DC-11-0003, LAND USE CODE TEXT AMENDMENTS – AGRICULTURAL USES, and approve a flat \$50 fee for Agricultural Grading Permits.

Attachments

- Exhibit A Colorado Department of Human Services – Legal Exemption from a Child Care License
- Exhibit B Public Comments



CDHS Home Child Care Child Welfare Youth Corrections Domestic Violence Training Academy

Home > Child Care > Licensing > Legal Exemption From A Child Care License >

- Child Care Facility Search
- Public Notice Information
- Contact Us
- Child Care Background Check Information
- Colorado Child Care Assistance Program (CCCAP)
- Colorado State Plan for Child Care and Development Fund (CCDF) Services
- Director Qualifications
- Early Childhood Teacher
- Hague Accreditation
- Licensing
 - Appeals for Child Care Licensing
 - 24-Hour Facilities
 - Child Care Centers
 - Family Child Care Home Provider
 - FAQ for Child Care Licensing
 - Fees
 - Legal Exemption From A Child Care License**
 - Food Program for Child Care Facilities
- Neighborhood Youth Organization
- Statistics and Reports
- Licensing Advisory Committee
- Early Care and Education Organizations
- Quality Initiatives
- Quality Rating & Improvement System (QRIS) The Next Generation
- Resources
- Rules, Regulations, and Interpretive Memorandums
- Training Vendors
- For Employees

Legal Exemption From A Child Care License

REQUIREMENTS FOR AN OFFICIAL AND LEGAL EXEMPTION FROM A CHILD CARE LICENSE FROM THE CHILD CARE LICENSING ACT (C.R.S. 26-6-103)

A child care license is not required for:

- A special school or class in which more than 75 percent of the time that children are present is spent in religious instruction. Religious instruction is defined to include such developmentally appropriate children's activities as worship, singing religious songs, listening to religious stories, learning and practicing religious cultural activities, and participating in religious celebrations. Colorado law and state regulations do not exclude child care programs from licensing just because traditional religious values or philosophy are an integral part of the child care program. Religious institutions that operate child care programs are required to be licensed.
- A special school or class operated for a single skill-building purpose.
- A child care center operated in connection with a church, shopping center, or business where children are cared for during short periods of time, not to exceed three hours in any twenty-four hour period of time, while parents or persons in charge of such children, or employees of the church, shopping center, or business whose children are being cared for at such location are attending church services at such location, shopping, patronizing or working on the premises of the business. This facility must be operated on the premises of the church, business, or shopping center. Only children of parents or guardians who are attending a church activity or patronizing the business or shopping center or working at the church, shopping center or business can be cared for in the center.
- Occasional care of children with or without compensation, which means the offering of child care infrequently and irregularly that has no apparent pattern.
- A family care home in which less than 24-hour care is given for only one child or two or more children who are siblings from the same family household at any one time.
- A child care facility that is approved, certified, or licensed by any other state department or agency, or by a federal government department or agency, which has standards for operation of the facility and inspects or monitors the facility.
- The medical care of children in nursing homes.
- Guest child care facilities – Public Services short-term child care facilities as defined at Sections 26-6-102(5) and 26-6-103.5, C.R.S.

How do you request an exemption from the requirement to be licensed as a child care facility?

- Any organization or individual that is requesting to be declared exempt from the Child Care Licensing Act based on the subject matter of their program must submit a written request for exemption to:
 - David Collins, Associate Director
Colorado Department of Human Services
Division of Child Care
1575 Sherman St., 1st Floor
Denver, CO 80203-1714
- That request must include:
 - the name and address of the facility;
 - the number of children in care and their ages;
 - the hours and days of operation;
 - a basic description of the program;
 - the daily activity schedule of the program including times of different activities for each age group of children;
 - the philosophy or mission statement of the program;
 - a sample of the curriculum;
 - the qualifications of the staff; and
 - a copy of the promotional material used to advertise the program.

Decisions of the State Department regarding exemptions are the final agency decision of the Department and cannot be reviewed by an Administrative Law Judge. All final agency decisions are effective and binding three days after the date of the written notice of the approval or denial of the requested exemption even if the third day falls on a Saturday, Sunday or legal holiday. The organization or individual requesting the exemption has the right to apply for judicial review of the agency decision by the filing of an action in District Court pursuant to the provisions of Colorado Revised Statutes 24-4-106(4). Any such action must be filed in accordance with the Rules of Civil Procedure for courts of record in Colorado within 30 days after this decision has become effective.

Shannon, Abigail

From: Jim Williams <jimewill99@hotmail.com>
Sent: Monday, April 02, 2012 11:44 AM
To: Shannon, Abigail
Subject: RE: Beekeeping in Boulder County

Hi Abby,

I think beekeeping is a great idea and should be allowed everywhere in Boulder County. Honey bees are very tame and bred for their ability to work with people. When a beekeeper finds that his bees are not behaving properly, the colony gets a new tamer queen and very shortly the colony is back to normal. Since wild bees are visible throughout Boulder County, I'm not sure that a colony in someone's back yard poses a threat to society.

The Boulder neighborhoods are sorely missing pollinators. Ten years ago, the Gunbarrelly neighborhood that I live in was alive with honey bees. This year, I have seen no bees, only the stingy little yellow jackets. Perhaps the county will step fill the void and support more folks keeping bees in their backyards. In ten more years, it would be nice if every neighborhood had at least one community or private bee colony and perhaps Open Space will get involved and set up Apiary's in open space for citizens to have a place to home their bees and polliunate all the wild flowers and grasses one the hillsides. Only time and proactive folks at the county will allow this to happen.

I'd recommend you chat with some of the following folks to get an idea of what might work for Boulder County. The following list of folks are some of the founders of beekeeping in Boulder and a great source of information on best practices.

Tom Theobald,
Niwot Honey Farms,
bkpr.tom@indra.com, 303.652.2266
<http://www.frontrangeliving.com/cooking/Honeybee.htm>

Miles McGaughey, President,
Boulder County Beekeepers' Association
<http://www.bouldercountybeekeepers.org/>

John Green, Treasurer,
<http://nocobees.org/web/>

Beth Conrey, President,
Berthoud, Co. 970-532-0329,
Colorado State Beekeepers Association
<http://coloradobeekeepers.org/>

Please let me know if I can help in anyway. Thanks for looking into Urban Farming practices as I think it is very necessary for our community and our children's future.

Shannon, Abigail

From: Bruce W. Warren <bwarren@niwotlaw.com>
Sent: Friday, May 04, 2012 11:55 AM
To: Shannon, Abigail
Subject: Ag Uses Impacts

Hi Abby,

I won't make the neighborhood meeting on Monday, but would generally state that the impacts of agricultural uses are positive in Boulder County. In your words, "I think we should be doing everything we can as a community to help farmers maintain their businesses. "

Biff Warren

Bruce W. Warren

Warren, Carlson & Moore, LLP
www.niwotlaw.com
P.O. Box 610
Niwot, CO 80544-0610
303 652-2433; 303 652-2449 (fax)

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Shannon, Abigail

From: Martin Tobias <daedalus33@yahoo.com>
Sent: Friday, May 04, 2012 12:24 PM
To: #LandUsePlanner
Subject: Comment on Project #: SPR-09-002: DUMLER detached

Project #: SPR-09-002: DUMLER detached
8047 Neva Road
<http://www.bouldercounty.org/property/build/pages/docketdetails.aspx?docid=312>

To the Boulder County Commissioners,

I respectfully oppose this Application in its present form. In the worst case, it has the potential for creating a nightmare for the people living around the property (including, possibly, my family) and if you discount that possibility, I suggest that you would be failing in your duty to safeguard our interests.

Personally, I have no problem with the proposed garage or with the driveway that would provide access. Nor would I personally have a problem with Mr. Dumler keeping "a few" chickens in his back yard to provide chickens and eggs for family consumption. But the Application does not state how many chickens the coop will house, nor whether the purpose is farming them for commerce. The problem is that if the purpose is commerce, by my calculation (per document "P29KeepingAnimals.pdf") Mr. Dumler could keep up to 112 chickens on his 1.12 acre property (1.12 acres x 2 Animal Units x 50 chickens).

Since there is nothing in the Application that predicts otherwise, I respectfully ask the Commissioners to consider that worst case, which is that the venture eventually becomes a 112-chicken farm, even though it may well start out with a much smaller number. (I am not a farmer and I don't know how many chickens can reasonably be housed in a 156 square foot coop; I would be surprised if it were 112.)

The Meadowdale area is an established and quiet residential community, not a farming community, and having a 112-chicken farm spring up at 8047 Neva Road would likely have major adverse impacts (such as odors from chickens and chicken waste, round-the-clock animal and machinery noises, greatly increased traffic, and loss of property values) on a lot of families living around there, including mine.

Here is a draft list of questions that I respectfully suggest Boulder County and affected homeowners should consider, to assess the possible scope of that adverse impact.

- * what will be the scale of the poultry-raising activity?
 - * is my calculation of 112 birds maximum, correct?
 - * will all the birds always be chickens? Or will other poultry be raised also?
 - * how many mature birds does Mr. Dumler plan to have on-site, at any time?
 - * how many of those will be males? (Roosters are noisy)
 - * will the birds ever be permitted to roam outside the coop?
 - * what government agency will be responsible for enforcing that upper limit?
 - * would a commercial poultry-raising operation have any employees not resident at that address?
- (increased traffic)
- * regarding waste and waste removal...

- * what regulations (local and/or federal) apply to the removal and/or disposal of the poultry litter? ("poultry litter" consists of rice hulls or wood chips after they are spread on the floors of poultry houses to soak up poultry manure.)
- * what agencies will be responsible for enforcing it?
- * how will the waste be stored on site? (solid and/or liquid?) (odor, insects, vermin)
- * how and how often will solid waste be removed from the site? (includes poultry litter, feathers, and maybe carcasses)
- * how and how often will liquid waste be removed from the site?
- * how will solid waste ultimately be disposed of? (trash collection? landfill?)
- * how will liquid waste ultimately be disposed of?
- * will there be a waste pond? (odor, insects)

- * will poultry be butchered on site?
- * if so, exactly where would that be performed?
- * if so, would there be refrigeration equipment on site and where would that be installed? (noise)

- * will the chicken coop be heated in the winter and/or cooled in the summer?
- * if so, how? Will motors or compressors be used? (noise)

- * if raising poultry for commerce, how much additional traffic will be generated along Neva Road? (estimate)
 - * taking delivery of supplies? (Poultry food? Fresh poultry litter?)
 - * shipping out eggs?
 - * shipping out live poultry?
 - * shipping out butchered poultry?
 - * selling eggs at the front door?
 - * waste removal?

- * what recourse would affected homeowners have in the event that the poultry-raising activity prevents quiet enjoyment of their homes?
 - * what would they be able to do about noise from the birds, and from associated machinery?
 - * what would they be able to do about odor from the birds and/or the waste?
 - * what would they be able to do in the event that insects and/or vermin and/or predators (raccoons, coyotes) are attracted to the chicken coop and/or the poultry waste?

Therefore, if it is within the Commissioners' power, I respectfully request that you require that the Application be amended by Mr. Dumler by addition of a legally binding declaration of the maximum number of chickens that will ever be housed, together with a legally binding declaration of the purpose of the venture (family consumption versus commerce), and then hold a Public Hearing so that the people living around the property can fairly assess the possible scope of the adverse impacts of the "chicken coop."

Sincerely,

Martin Tobias
 8198 Dry Creek Circle
 Niwot, CO 80503

Shannon, Abigail

From: Dick Dunn <rcd@talisman.com>
Sent: Friday, May 04, 2012 6:14 PM
To: Shannon, Abigail
Subject: Farm Stands comment (re Prelim Issue Identification worksheets)

Abby -

I have two comments on the "Preliminary Issue Identification" material. Is email like this sufficient to have the comments included in what is presented? (I'll send two separate messages since my comments pertain to different headings in the document.)

Pertaining to what can be sold at Farm Stands: Under "State" (p.7 of draft) it notes the consequences of recently signed SB 12-048 "Colorado Cottage Foods Act". However, second paragraph under "Public Health" is inconsistent with this, still prohibiting "Value-added food products" without a commercial kitchen and retail food license.

Shouldn't this be changed to make it clear that foods which fall within the classification of SB 12-048 may be sold at farm stands? After all, if someone can come to our house to buy (for example) raspberry jam, why shouldn't we be able to sell it at our farm stand? The Cottage Foods act applies to anybody in Colorado, but it is of particular interest to farmers.

Thank you,
Dick Dunn rcd@talisman.com Hygiene, Colorado USA

Shannon, Abigail

From: Dick Dunn <rcd@talisman.com>
Sent: Friday, May 04, 2012 7:57 PM
To: Shannon, Abigail
Subject: Wineries comment (re Prelim Issue Identification worksheets)

Abby -

Second of two comments which I'm requesting be passed along to the Planning Commission, this one concerning the Wineries section.

Re wine being an "agricultural product" or not: Grapes used for wine and apples used for cider are generally of varieties not suitable for direct consumption. The fermentation is part of the agricultural production; it is a biological activity. Perhaps the best term for wine/cider/mead (and a term used for them in other domains) is "finished agricultural products".

Note WTO considers wine an agricultural product.

Winery regulation is a situation where Boulder County is curiously behind the times and behind other counties in Colorado. (We're supposed to be leaders, not followers!) It hasn't mattered an awful lot because we're in a challenging area for growing traditional (European cultivar) wine grapes. But new world varieties and newer hybrids are opening up the agricultural potential of the county. Also, fermented cider and perry (fermented pear) are seeing an explosive growth in the US now...and the county has a lot of land well-suited to premium apples and pears. We (growers/producers) need the county to set regulations which will allow us to ride this wave.

Wine and cider are also of particular interest to us because they have such high revenue potential per acre: We have so much development pressure in the county; low-return crops don't give farmers much help in resisting offers to sell to developers. Consider that an acre of hay might produce 150 bales in a good year, which is under \$1000 gross. That same acre planted to (for example) cider apples might produce 1600 gallons, which is more like \$80,000 gross. And need I mention that the cider gives tax revenue to the county?

I support allowing small scale wineries in unsubdivided RR. Building codes and other land-use regs are sufficient to keep them within reason. Small producers should be encouraged--they add very much to diversity, interest, and agri-tourism.

Under Land Use Code: What is the purpose of the suggestion of a minimum parcel size of possibly 10 acres? At typical production levels this is about 40 tons of grapes or perhaps 100 tons of apples--this could be well beyond what a single producer or family might be able to handle. It's a comfortable number for a small winery, but challenging as a lower limit.

Question at the end of the Land Use Code section asks "Would adding Winery open all value-added food production in the unincorporated county so long as the ingredients were grown in Colorado?" Will this question be moot in light of the Cottage Foods Act?

Shannon, Abigail

From: David Pinkow <pinkow@gmail.com>
Sent: Sunday, May 06, 2012 5:17 AM
To: Shannon, Abigail
Subject: Farms

Hi Abby,

I am a strong, but passive, supporter of the Boulder County farm policy. It seems like a great idea to me that farming in the vicinity of Boulder is maintained and encouraged and know that otherwise many financial, social and urban pressures would make this impossible.

To me, maintenance of a varied social, economic and industrial (in the broadest sense) environment is important. Local farming is an important part of this, and I think that locally/regionally grown and produced products and food will become increasingly important.

Boulder County is in the forefront of many things, and I think that the maintenance of family farming is one of the best.

I also have serious reservations about GMO products and am not willing to accept industry's assertions about the safety and benefits of the products they have developed.

Dave Pinkow

Shannon, Abigail

From: Mary Anne D'Agata <cuisinequeen2000@yahoo.com>
Sent: Sunday, May 06, 2012 8:45 PM
To: Shannon, Abigail
Subject: May 7 LUL meeting

I will not be able to attend this meeting tomorrow, but as I live rural outside of the Hygiene area I would like to stay in contact about these issues and if I can add my 2 cents now I think it is all right for folks to set up small stands in their yards to sell extra produce they grow for themselves. The Farmers Market Association is incredibly expensive for small growers to participate in and I remember a time in Boulder county when it was fun to drive around to the all the small stands with our kids and buy fresh produce, eggs and berries.

I think the abusive commercial uses of some of these oversize hay barns or garages should be looked into a lot more closely by the zoning commission, they run extensive power lines in across your land and voila your neighbor isn't storing hay or cars like they were approved for, (wink, nod, rubber stamp) they have full blown commercial businesses with FedEx and UPS pick up and deliveries scheduled daily. Colorado Horse Rescue is an example of commercial biz gone bad in a residential area, the hazmat disaster down the street at 65th and Nelson Rd this past fall another, and Chance Acres subdivision is full of business / residential violations that fly under the radar from commercial trucking to machine shops. When these people sell their property, others move in and continue to run commercial businesses. No one from zoning board looks around out here and fines these activities or makes them tear them down.

Instead of harassing the actual farmers out in rural areas driving their machinery from field to field on rural roads where they make their living, we really should be doing 'anything' we can to encourage their agri-business ventures. Start with lowering speed limits eliminating the back road raceways to IBM, Seagate and Amgen. Stop 'paving' and 'improving' dirt roads so we can have safe areas to ride horses. How about eliminating the every weekend bicycle races that happen out here all the time? Boulder throws these races out in the same area around Hygiene all the time where it is a hazard to commute to work, or get around normally for the residents from sun up to sundown with the continual daily flow of bicyclists that ride out here ignoring cars, livestock and pedestrians by riding all over the road not the shoulder, stop signs and lights are ignored, traffic laws are not enforced for pack riders congesting roadways. Give residents out here a break all ready and have these races limited to one a month or less. Believe me we pay for the privilege of our peace and quiet by our taxation rate on our properties and should be able to benefit from it by not having to deal with these arrogant idiots in spandex with nothing better to do riding around out here all the time. Hold these races in downtown Boulder, Longmont, Lafayette, Louisville and inconvenience the locals there for a change and see how many races get approved....we are not entertained but inconvenienced daily.

Anyway that is my 2 cents, let me know if there are future meetings to be held on area use as they come up and you get others input.

Mary Anne D'Agata

Shannon, Abigail

From: sue lion <lionink@wildblue.net>
Sent: Sunday, May 06, 2012 10:47 PM
To: Shannon, Abigail
Subject: Ag use meeting May 7

Hi Abby,

Thanks for sending me the pdf of issues you are considering. I won't be able to come to the meeting Monday night but would like to be kept on the list.

In my opinion, I do think we should keep agriculture defined as what you grow, you can sell, within the rules and regs of "ag" land. Not only does that gives local farmers the ability to have a sustainable operation, it speaks to the environmental impact of shipping from far distances.

I'm also against permanent structures and size of operations in areas that would impact the quality of life of the neighbors. More is not necessarily better.

I think there needs to be some system in place that holds farmers/ag people accountable for what they sell and build - regular inspections, for example. I can see a hoop house go up one season, then someone tires of it, and it becomes run down and disheveled, then becomes an eyesore or hazard, especially in the windy season.

Thanks for taking my comments,

Sue Lion

--

Sue Lion : ink | 303.499.9891 | lionink@wildblue.net



BOULDER COUNTY HORSE ASSOCIATION

BOULDER COUNTY

HORSE ASSOCIATION

BCHA RECOMMENDATIONS **LAND USE CODE DISCUSSION: AGRICULTURE**

For the past several decades, the **Boulder County Horse Association (BCHA)** has spent many hundreds of hours working closely with the Land Use Department to create a set of "horsekeeping regulations" that everyone could live with.

We believe that the existing Land Use Code has been working extremely well, and in fact we have been unable to obtain any information from Staff that it hasn't. There have been few, if any, complaints from the public – and in a "complaint-driven process" such as Boulder County Land Use, that information in itself is a remarkable indicator of success!

We are also unable at this time to determine whether there are elements of the horsekeeping components that seriously need to be changed.

Therefore, if it isn't broken, we strongly suggest not trying to fix it. Regulations just for the sake of having regulations is not a good use of anyone's time or resources.

We do have a few recommendations at this initial stage of the "Agricultural" section discussion:

- 1) **Keep the definition of "Agriculture" as outlined in 18-104** ("Uses involving the cultivation of land, production of crops, raising, breeding, and keeping of livestock and the buying and selling of crops, products or livestock associated with the agricultural operation.")
- 2) **Add a definition of "Normal Farming Practices,"** which is currently not in the Code. We suggest something similar to the US Army Corps of Engineers' definition, which is: "normal farming operations include cultivating, harvesting, minor drainage, plowing, and seeding" (Clean Water Act Section 404); and add the phrase "livestock grazing."
- 3) **Support Agritourism.** Agriculture in Boulder County is diverse and colorful. The agriculture community would benefit economically, and the spin-off economic benefits would extend to the entire County, if Land Use constraints on activities such as B&B's and Farm Stays were made less burdensome. We suggest reducing the levels of review and other requirements on these uses in the Agriculture Zoning District.

We remain, as always, willing to work with Staff to provide more information about the realities of horsekeeping in Boulder County, and to be part of a task force with Staff to revise the Code if necessary.

Shannon, Abigail

From: perkmarsh@comcast.net
Sent: Monday, May 07, 2012 9:22 AM
To: Shannon, Abigail
Subject: Re: Ag Neighbor Meeting - May 7, 2012

There are TWO very large houses on property now ,one in final stages of construction and if the additional new construction is suppose to be an indoor riding arena it will be the first one i've ever heard of with a concrete floor and it certainly does not look as if it could function as that...all this is right next to the creek and evidently floodplain rules do not apply to this property, to say nothing of the fact that the rules that encouraged the Eldo residents to create a waste water treatment plant to protect the creek do not apply to this property..a horse/cattle facility right next to the creek???What's up with that?? AND yes,it offends me visually as does the size ..right next to the bridge at the beginning of Mesa trail (Eldorado Springs Trailhead) Letty Perkins

From: "Abigail Shannon" <ashannon@bouldercounty.org>
To: perkmarsh@comcast.net
Sent: Wednesday, April 25, 2012 8:27:19 AM
Subject: RE: Ag Neighbor Meeting - May 7, 2012

Letty,

I'm guessing this is in reference to the large house and indoor riding arena on the north side of Eldorado Springs Drive. What is it about the project you do not like? The visual impacts of the large house and riding arena? The environmental impacts of these structures? The environmental impacts of horses? Do you feel like the Board of County Commissioners didn't value your opinion? Land Use staff and the Board of County Commissioners follow the Land Use Code when we review and approve (or deny) development. We can't amend the Land Use Code if we don't know what is broken. I hope you'll consider calling me to discuss your experience in greater detail. My direct line is 720.564.2623. The best time to call me today will be around lunchtime or after 3:00.

Sincerely,

Abby Shannon

From: perkmarsh@comcast.net [mailto:perkmarsh@comcast.net]
Sent: Tuesday, April 24, 2012 10:46 PM
To: Shannon, Abigail
Subject: Re: Ag Neighbor Meeting - May 7, 2012

After that fiasco you people allowed at the east side of the beginning of Mesa Trail don't even pretend to listen to reason or address environmental concerns,you're a joke--a bad one..Letty Perkins

Shannon, Abigail

From: Aaron Harber <aharber@msn.com>
Sent: Monday, May 07, 2012 9:30 AM
To: Shannon, Abigail
Cc: Cindy Domenico; Will Toor; Deb Gardner
Subject: Expansion of activities on agriculturally-zoned properties



GOLDEN RUN FARMS, LLC

2500 North 119th Street, Lafayette, CO 80026-9216

(303) 666-6161 Info@GoldenRun.com www.GoldenRun.com

7 May 2012

Boulder County Planning Commission

c/o Ms. Abigail Shannon

Boulder County Land Use Department

2045 13th Street

Boulder, CO 80302

RE: Agricultural Land Use Regulation Improvement

Dear Abby,

Thanks very much for sending the draft to me. It is clear the County's current policies are too restrictive and discourage creative thinking on the part of agricultural property owners. In regard to my conversations with Dale Case and others, my suggestion for one of the best ways the County could help those of us engaged in agricultural activities (such as on my 320-acre farm)

would be to allow uses which generate income on the property which are not necessarily agricultural in nature.

The current limitations regarding what business activities can be conducted on ag properties is severely limiting and self-defeating. By allowing a wider range of activities, the County would allow those in agriculture to (1) better survive the vagaries of agricultural markets and (2) allow farming families to stay on their properties. I would hope the County would seek to promote both goals.

Obviously, there should be limits on these activities but my suggestion would be for the County to try and avoid the complex process of micromanaging these activities and, instead, achieve the same result by limiting their financial scope. One example would be to limit such activities to a maximum annual revenue (e.g., \$250,000) or annual profit (e.g., \$100,000) total with the property owner responsible for reporting his or her results annually.

Another approach would be to limit the activity to a percentage of the revenue generated by formal agricultural activities. So, for example, if the limit were 50% and a farm generated \$100,000 in gross income, the supplementary activities would be limited to a maximum of \$50,000.

The Planning Commission and the Commissioners probably have a number of additional ideas but I think this approach could be very effective in encouraging entrepreneurial activities which ultimately preserve more of the farms and ranches in Boulder County.

Please share this with the Planning Commissioners and do feel free to call me any time at (303) 666-6161.

Sincerely yours,

Aaron Harber

Shannon, Abigail

From: K. Starek <starek@mac.com>
Sent: Monday, May 07, 2012 2:47 PM
To: Shannon, Abigail
Subject: Re: Ag Comments due Tues, Meeting Tonight

Thanks Abby.

Comments:

Special Events:

*Why do weddings need to be different? Why not allow weddings based on whether they fit whatever other regulations are adopted? In other words, why would a 75 person wedding be more impactful to a neighbor than a 75 person farm dinner?... The wedding should certainly be required to have a meal which should be required to be farm food (just as the farm dinner should) so that it stays primarily a farm centered event.

*The Mariposa County special events codes seem excellent and well thought through. We would strongly support adoption of these codes as presented. The addition of up to 3 annual large events (150?) also seems like a good idea with a temporary permit. We think 250 is a huge event and should only be allowed in appropriate places (like Frog Belly- i.e. huge, out of the way farms).

*To limit farms to 5-10 events of 25-75 people when 12 regular Home Events are allowed at up to 99 people for residential properties seems counter productive unless this would be in addition to the Home Events rule for farms.

Agricultural Structures:

Commercial vs. residential greenhouses and hoopouses:

*We think citizens should have the right to grow their own food without overly burdensome constraints imposed by zoning restrictions. Because of natural growing season constraints in our area, we think that residential as well as commercial growing structures should be encouraged and that including them in residential floor areas would be counterproductive in part due to taxation and the fact that there are already strict size regulations on residential square footage. However, neighbors and impacts are obviously important. Perhaps passive growing structures could be allowed with the same setback type requirements and with the square footages to be based on a percentage of allowed residential sq. footage on site. Perhaps, for example, if a given site is allowed a 3,000 square foot house, they would also have a right to a 1,500 square foot growing space- (50% of allowed residential, or something like that).

Agricultural Worker Housing:

*We agree that provision "f" is problematic. We are in the process of building one of these ADUs. When we die, our kids will inherit this farm and may not want to live there. It will have an ADU and they may want to continue to own the property and keep it in farming as an asset that benefits them as well as the community. If they opt to keep it in farming and not live there, they will have a large ADU problem as it will no longer be legal. We do not believe that owners living/ working on the farm should be important. The intention and incentives should be to keep the property in farming the land well, not to control where the owners live and work. Perhaps the point should be that the residents of both houses should be working on the farm if the owner does not live there. There is an old adage that the most important infrastructure on a farm is people and community. Also, to paraphrase Wendell Berry, it takes more people to "use the land well" than it does to just "use the land".

*Another version of this issue also came up for us when we first bought our property. It had an ADU on it that was in very bad shape. While we were in the process of going through land use to get permission to revitalize the farming infrastructure on our property, we allowed the Black Cat farm to move temporarily into the main house on the property because they were under "extreme farm duress". In order to allow them to continue their farm operations, they needed a place for their poultry, their pigs and them while they waited in line for an open space parcel that could accommodate them. As you can imagine it is not easy to find a short term rental when you have a large livestock herd. In the end this created the situation where we were not living on the property and therefore the ADU was no longer legal even though we were in the process of bringing back the full agricultural use of the property and helping other local farmers to successfully establish their own farms. We think that the point should be to keep (and to cultivate) farmers and ranchers who are committed to sustainable local production, not to keep the owners on the farms under any and all circumstances.

*I am sure that there are other issues that could come up as well. What if we want or need to move for some reason? Would it be a bad thing for two families other than us to be farming the land? This rule also would keep a farmer who is renting or leasing a farm from having access to a potentially very useful ADU, thus creating an uneven playing field. Just because a farm/ranch operator cannot afford to buy the land does not mean that they could not use the help intrinsic with an ADU.

*We strongly believe that provision "f" is an unnecessary complication that is not helping the cause of keeping farmers on the land.

Thanks again Abby. Best. Karel and Alice Starek.

On May 7, 2012, at 8:20 AM, Shannon, Abigail wrote:

Hi everyone,

There was a typo in the email I sent to you on Friday. Comments regarding the document I sent to you are due tomorrow, Tuesday, May 8 at 9:00 am. I attached it again for your convenience. The purpose of sending this document to you is to let you review the same information that Planning Commission will be discussing at their meeting on May 16 and, if you are able, to provide comments in writing for the Planning Commission to consider. To those of you who have already sent comments to me – thank you!

I hope to see you tonight at the community meeting for neighbors of agricultural properties. It starts at 6:00 pm in the Commissioner's Hearing Room, 3rd floor of the Courthouse. The purpose of the meeting is for you to let staff know what you like and don't like about living near farms so that we can add to the Issue Identification document if there are concerns that we haven't identified.

Boulder Creek

WINERY

5971 Scotswood Court Boulder, Colorado 80301 Phone:303-516-9031 Fax:303-516-9360 Email: bouldercreekwine@msn.com

Memo

To: Boulder County Planning Commission
From: Jackie Thompson, Owner
Boulder Creek Winery
Date: 5/6/2012
Re: Winery Signage Regulations

As owner of a tourist-oriented winery in Boulder I would like to comment on just one small element of the proposed changes to Land Use Regulations for Wineries: **TODS Signs** (Tourist Oriented Directional Signs).

BACKGROUND

I opened my winery in 2003 in an industrial park in Gunbarrel.

By 2004 it was apparent that a large number of tourists hoping to visit my tasting room were having a very difficult time locating me.

Having noticed two other Guide Signs in Gunbarrel:



(Shelby American Collection)



(Leanin' Tree)

I requested through CDOT a similar sign:



At that CDOT informed me that wineries had been the subject of a totally new TODS (Tourist Oriented Directional Signs) Program that they had specifically developed for wineries. They advised me to apply for a TODS sign, which I did in early 2005:



CDOT promptly processed and approved the sign, but the County denied the sign because it advertised a specific business.

CURRENT PROPOSAL

As part of Winery Land Use discussions earlier this year, I brought the issue up again. After a bit of discussion it seemed logical to make the sign generic, like the Brown Guide Signs:



Staff is supportive of this approach and recommended that it be considered in the context of the Land Use Regulations currently under consideration.

SUMMARY

Since the primary objective of such a sign is to assist tourists in finding our tasting room, I do not care if the sign is brown or blue, or if it has my business name on it or just the generic term "winery."

I think this is reasonable compromise. Thank you to your Staff for their assistance, and thank you in advance for your consideration of this issue.

Farm Stand in Our Neighborhood.
 Anhawa Manor, Rural Residential Zoning.
 May 5, 2012

Because we are zoned Rural Residential and in a Subdivision Boulder County currently does not allow us to sell vegetables on our properties.
 On Monday May 8, 2012 there will be a town hall meeting to discuss options for community or individual Farm Stands.

I would like to request a variance to allow either an individual Farm Stand or a combined Farm Stand for our Community.

Please join me in this request by signing my petition.
 Sincerely

Kat Connelly

Kat Connelly
 Do you want a Farm Stand in our Community?

Name	Address	Yes	No
Kathleen Connelly	9214 Anhawa Ave.	X	
Denis Hamel	"	X	
DEBBIE PUZO	9225 ANHAWA AVE	X	
David Jackson	9245 ANHAWA AVE	X	
Dennie Zabler	12931 Sheramdi St	X	
MARILY SWAN	12931 Sheramdi St	X	
SUZANNE BARRETT	12911 SHERAMDI ST.	X	
Judy Gold	12871 SHERAMDI ST.	X	
LAWNY & LINDA BERGSON	9119 JOTIVA DR	X	
ANDY PATTERSON	9176 ALJAN DR	X	
PATRICIA YARMAN	9179 Aljan Dr.	X	
Jim Whitkey	12884 Anhawa	X	
Sherry Knoll	12887 Anhawa Ave		
Tom Smith	12887 Anhawa Ave		

Do you want a Farm Stand in our Community?

Name	Address	Yes	No
Sandra Lanham	12904 Anhawa	✓	not in open space
Esther Amistad	12837 She on 61	✓	
Wendy Close	12924 Anhawa	✓	not in open space
Linda Jackson	9204 Anhawa	✓	
Fred Jacobs	" "	✓	
Cesar Marquina	12803 anhawa	✓	
Belinda Marguina	" "	✓	
Mark Keszpe	12869 ANHAWA	✓	
Amylta m. Ramsey	12851 Anhawa	✓	
John Pazour	12827 Anhawa	✓	
Judith E. Zeager	12846 Anhawa Ave	✓	
Stan Norris	12777 ANHAWA AVE	✓	
Betty Bethune	12624 Anhawa Ave	✓	
Eve Wittes	12648 Anhawa ave	✓	
Maudie	9111 JOTIPA DR	✓	
Don & Dore	9111 Jot. PA DR	✓	
Janis Griffin	9140 Jot. pa Pr		

Do you want a Farm Stand in our Community?

Name	Address	Yes	No
Clayton Temper	9265 Anhawa	Yes ✓	
Jim [unclear]	9165 Lot 4	Yes!	
Rent (Nichol)	720-272-4220	yes	
Debbie [unclear]	(303) 772-7310	yes!	
[unclear]	(303) 772-5579	yes	
Ken Raper	303-931-7369 / 9148 FLEETWOOD AVE.		
Yon [unclear]	303 651 4691	yes	
Doug P. [unclear]	303 651-6390 YES 9126 Fleetwood		
[unclear]	12822 SHERMAN		
Tomasz Kudrinski	12891 SHERMAN		
John R. Lee	12932 SHERMAN ST	YES	
Marecella Drow	9294 Anhawa Dr	yes	
Mike Smith	9356 Anhawa Ave	yes	
Bob [unclear]		yes	
Wayne [unclear]	9336 Anhawa Ave	yes	

Do you want a Farm Stand in our Community?

Name	Address	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Jean Billings	9396 Anhawa		
Louise Jackson	9458 Anhawa	yes	
Carol Parker	9478 ANHAWA	YES	
Fred Neal	9427 Anhawa Ave	yes	
Diane Torbeck	9385 anhawa ave	yes	
Alvie Sterkel	9365 Anhawa Ave	yes	
Patti Puzo	9345 Anhawa Ave.	YES	
Marilyn Palmer	9285 Anhawa Ave	"	
Niane Lass	9467 Anhawa Ave	yes	

BOOKCLIFF VINEYARDS

E

May 8, 2012

Boulder County Planning Department
Abigail Shannon
2045 13th Street
Boulder, CO 80302

Dear Abby:

Below are our comments with regard to your work identifying agriculture issues for the upcoming Planning Commission Study Session:

(notes in red by BookCliff Vineyards)

Purpose of the current regulations

The Land Use Code regulations are a means to implement the Boulder County Comprehensive Plan (BCCP). The Boulder Valley Comprehensive Plan (BVCP), Intergovernmental Agreements (IGAs), and perhaps the Building Code may also help explain or indicate the purpose of the regulations.

Wineries are compatible with the purpose of the comprehensive plan. If you visit wine country in Oregon or California it does not have an industrial look and feel, but rather looks agricultural. There are over 200 wineries in country side surrounding Portland and it still looks very rural. It might be thought that Oregon makes special provisions for wineries because viticulture makes up a large part of the agricultural activities in the area but actually it is a small percentage of the land use.

... skip to page 14 Re Wineries ...

In addition, we have a provision that states, "On-site means agricultural and horticultural products that are grown on parcels under the same ownership, lease or contract as the parcel on which the Accessory Agricultural Sale use is located" (4-516.A.5.a). The intent of this provision is to allow someone who leases POS land to sell ag products on private land they also own. It is good because it allows us to consider the total farm as one unit regardless of ownership or parcel patterns. It is not good

because it doesn't say the "other lands" need to be in Boulder County. It might be vegetables in Brighton or a vineyard in Mesa County, CO, or ag products from out of state (this is a correction we should make). **Consider the possibility of growing the grapes where the climate is favorable and produce the value-added product (for example wine) where it is convenient to the consumer, for example the front-range. Forcing wineries to be in industrial zones just because the grapes are grown in a different county seems artificial. The traditional location of wineries is in agricultural settings not in buildings that contain dry cleaning operations.**

Land Use Code – potential strategies for revision based on stakeholder meeting

Propose allowing wineries on a small scale in A (perhaps unsubdivided RR) through SU as an Agri-Business use

Require that grapes must be from Colorado **(75% to allow for weather events, etc.)**

Require that some grapes/fruit/bees come from the parcel where the production is occurring? (This would serve as a demonstration of the growing and perhaps development of locally-grown inputs) **(Demonstration vineyard OK, but keep it minimal ... we don't want to have to buy "specialized farm equipment" to meet this requirement).**

Establish a maximum floor area for storage, tasting room, wine production (2,000 sq ft?) **(this size is not a viable business winery ... 10,000 SF would be more feasible as a minimum for a "real winery business" as opposed to a gentleman farm with a hobby winery.);** establish minimum parcel size (10 acres?) **(The size of the parcel needs to be proportionate to the size of the winery a 2,000 SF winery can't support the mortgage of a 10-acre parcel of land, although a 10,000 SF winery might). Oregon allows for up to a 10,000 SF building for agricultural processing (which includes wineries) without special review.**

Allow as a home occupation provided:

- Tasting rooms prohibited; OR tasting rooms allowed if it would generate fewer than 16 ADT, AND
- No retail sales from the property unless it is in conjunction with a Farm (new use classification TBD) and accessory agricultural sales **Under the 90/10 rule for wineries the 90% includes value-added products namely the wine and the 10% are non-agricultural products related to wine.**

What about growing potatoes and setting up a vodka distillery?

What about growing agave and setting up a tequila distillery or nectar refinery?

How would this relate to allowing value-added food production on other ag parcels – needs to all be grown on-site? In Boulder County? Would adding Winery open all value-added food production in the unincorporated county so long as the ingredients were grown in Colorado? **The terror is expressed in the wine. Colorado wine based on the soil and climate tastes different from wine made in France, Chile or California. I don't know whether this is true for spirits and beer and other alcoholic products. Distilleries and breweries as far as I know are not tied to the crop cycle and produce all year round. There is also the question whether breweries and distilleries would be interested in locating in Boulder County.**

Transportation

While tasting rooms would likely have the greatest effect on the traffic volume associated with wineries, the off-peak nature of winery hours of operation present some challenges to effectively evaluating the impact of the traffic generated. Consequently, the transportation issues identified for wineries include this concern as well as ensuring appropriate access to sites and placement of signs in the ROW.

Wineries interested in signage – TODS: tourist oriented directional signs. The Standards allow for MUTCD-approved signs in the ROW. There are recreational/directional signs in the MUTCD that could note the location of wineries but not advertise for a specific winery. **(Generic "WINERY" signs, whether they are brown or blue, would be great - specific wineries need not be advertised.)**

County staff supports requiring a process (SU or LISR) for this use which would require a Transportation System Impact Analysis as described in the Transportation Standards. **(The State already has a TODS sign review process... the County should not require anything onerous beyond the existing process for TODS signs.)**

Building Code

Wineries/tasting rooms would require commercial occupancy (right?) which may trigger expensive retrofits to existing structures. **(There should be a minimum threshold (perhaps 2,000 SF Home Occupation wineries with tasting rooms with less than 16 ADT?) below which this should not apply.**

Public Health

Tasting rooms do not typically serve food. But if they do serve food for special events it would need to be catered by a licensed caterer or prepared in a licensed facility. Water utilized in the processing must be from a *public water source* as defined by CDPHE. Public water systems such as Left Hand or a municipal water provider qualifies as a public water source. So does well water that has been tested, treated, and certified. If the well is a *domestic well* (as defined by the State Engineer), it will need

to be converted to a *commercial* well. In Boulder County, this conversion requires an augmentation plan. **(This should not apply to Home Occupation wineries)**

What type/size OWS is needed? Are there cut-offs for numbers of visitors/day the Code should specify that would align with existing size thresholds (2,000 gpd)? Would it always require a Class V injection well because it is a commercial use? **(Wineries typically only use water to wash and rinse equipment ... and normal restroom use.)**

Thanks for allowing us to have input,

John Garlich
BookCliff Vineyards

Shannon, Abigail

From: Zia Parker <ziaparker@yahoo.com>
Sent: Tuesday, May 08, 2012 9:03 AM
To: Shannon, Abigail
Subject: Comments on Boulder County Land Use Codes in regard to Agriculture

Hello,

I will comment briefly, as I am selling my farm at 6481 N 63rd St. and moving out of Boulder County. My great-grandparents homesteaded 40 miles West of my farm, Willow Way. I have lived in Boulder since 1952, but the County Codes have made it unfeasible for me to continue to live here.

I was required to undergo a Low Impact Special Use Review Process because I wanted to teach a Permaculture Class (100 hour course) on my Ag zoned property in the Spring of 2008. This process became onerous in terms of time, money and cognitive attention to the point of impasse.

The economy, the inaccessibility of refinance or loan modification also have influenced my decision to leave Boulder County, but none of these influences was as great as the unreasonable character of the Boulder County Land Use Codes.

Mark up another "road kill" to the Boulder County Land Use bureaucratic steamroller.

Some say the County did the best they could in the case of Willow Way farm, given their responsibility to follow the codes. In my perspective, the County Commissioners carried out an unreasonable and unnecessarily strict interpretation of the codes in these ways:
severe limit on tours, etc
engineered traffic study
limit parking to the back
denying parking at neighbors, and neighboring park

All of these rulings of the County Commissioners were draining on the lifeblood of the farm. However, lack of communication of the bureaucratic process of the LISUR was the real clencher. I was handed a hefty application packet, and given next-to-nil coaching in the process, or its implications.

When I was asked to outline the schedule of all uses and car-trips to the farm for the Use Review, I was not told that I would be required to follow that schedule to the exact day and hour into the non-foreseeable future. That only an onerous bureaucratic process would provide the possibility of changing that schedule.

For 35 years, I have had a practice in Movement Therapy in Boulder. That is the income that could have supported the farm. Many Boulder County farmers have some professional pay-level job to support their farm operations. The Use Review requirements cut that income for me. I could not spontaneously add a class or a weekend workshop when the need arose from my client base. This was devastating to me financially.

It is clear that the Land Use Department is oblivious to the time-demands of farming. Returning to endless bureaucratic processes to change every tiny detail can be lethal to a farm.

I have two simple suggestions for the Boulder County Land Use Department in regard to Agriculture codes, and in regard to the entire Land Use code:

1) **At every opportunity for choice, choose sustainability.** Support projects and goals which are designed to support sustainability and the common good. The Boulder County Comprehensive Plan, and the mandate of the voting population are clearly in support of sustainability, support them.

2) When in the course of everyday business, it becomes apparent that the codes are not reasonable and do not support sustainable projects or goals, **change the codes.** Create a means for changing code which is more streamlined. We are in the winds of change. Environmental imperatives are demanding that we adapt on every level. **The process by which Codes can be changed must be simplified, and amenable to the common good.**

In the case of Willow Way farm, simply changing the code to allow for portable latrines could have "saved the farm". Of course, allowing well-designed composting toilets would be a better and more sustainable path, but simply allowing Porta-Potties would have provided the support that Boulder County's first applicant for "Demonstration Farm" sorely needed.

I am moving where the grass is greener-- to Ecuador, where "nature's rights" have been named in the Constitution, where is it possible to implement the sustainable practices I have been teaching in the Permaculture Design Course.

"White flight" is a term to describe white people fleeing a neighborhood because of fear of people of color moving into a neighborhood.

"Green flight" describes dedicated environmentalists that flee an area because it does not support green lifestyles. That is me. I also consider myself to be a "code refugee".

It is time to wake up, and support sustainability in every way possible at every opportunity possible.

Zia Parker

--

Zia Parker
Willow Way Wellness & Permaculture Farm
6481 N 63rd St.
Niwot, CO 80503
willowwaywellness.com
303-530-1415

Shannon, Abigail

From: Wyatt Barnes <wyatt@redwagonorganicfarm.com>
Sent: Tuesday, May 08, 2012 8:47 AM
To: Shannon, Abigail
Subject: • Re: FW: Ag Neighbor Meeting - May 7, 2012

Abby

I skimmed the 25 page document you sent out. There were a few thing I saw that I wanted to mention- the part about selling produce from land you control is not specific to Boulder County or even the state of Colorado. I was thinking Boulder County or counties that touch Boulder County.

I mentioned at the meeting last night about the loopholes being created by the farm worker housing. I think the burden of proof that your are farming needs to be reasonably high to make it so a non farmer can not just build additional housing on their property. I was thinking sales receipts of \$100k or something easily reachable by a working farm but difficult enough that someone would not start a farm operation of that scale just to build an extra house.

My other thought was about the explanation of why the small farms want or need these changes. I think you understand the issues but don't know if the explanation would be clear to someone new to the issue. I see the issue as - land and living expenses are very high- small farms are limited in production and it is hard to produce and sell enough to be profitable- many of the small farms are doing it for a community connection - the additional revenue from classes etc is critical to the financial success of the small farms- if we want a local small scale food system we need to legalize many of the things in your document.

thanks

Wyatt

On Fri, May 4, 2012 at 11:05 AM, Shannon, Abigail <ashannon@bouldercounty.org> wrote:

Hello Ag Stakeholder Email List,

Please see the email below. This is an announcement regarding the Monday Ag Neighbor meeting. It is also an announcement for the May 16 Planning Commission meeting. Please read! Particularly paragraphs 4 and 5!

Thanks,

Abby

Shannon, Abigail

From: John Wilkens <john.wilkens@zoinkmail.com>
Sent: Tuesday, May 08, 2012 8:05 AM
To: Shannon, Abigail
Subject: Re: Ag Comments

Dear Ms Shannon,

I cannot be at the meeting tonight, but would like to share with you my comments:

I live in the South Vale subdivision one mile northeast of Marshall off Cherryvale Road. I have few (or minimal) problems with many of the small agricultural uses detailed in your document. I am, however, one of those homeowners who was embroiled in the bruising fight over the expansion of the Zell-Peppet property.

One of my beefs arises over the amount of construction allowed for pleasure horse use under the rubric of agricultural use. Without rehashing the fight of a year ago, the primary issues are: 1) The 15,000 sf Zell-Peppet riding arena will alter the rural character of this area. 2) The Zell-Peppets are already operating a near-commercial facility which, under current regulations, allows up to 12 boarders along with concomitant traffic, dust, and noise associated with that use. (A similar buildup seems to be happening near the Eldorado Springs trailhead -- large houses and horse facilities being built adjacent to public open space.)

I believe that Boulder and Boulder County's agricultural zoning codes are in need of revamp with regard to pleasure horse use. What might have been sufficient 25 years ago is no longer relevant and should be updated to mitigate the new uses (and abuses) being allowed under them.

Secondly, the current process of land use applications notification is not serving the community (and, in the case of the Zell-Peppet review, actually precipitated a contentious confrontation over the proposed expansion). The neighbors of the South Vale subdivision did not receive adequate notification of the proposed expansion until the "official" postcard arrived two weeks prior to the comment period deadline. Such a short deadline short-circuited any civil discussion between South Vale and the Zell-Peppets, and the South Vale neighbors immediately jumped to "confrontational mode" (e.g., public protests) when faced with having to come together as a group, come up to speed researching the issue, and formulating a response to both the Zell-Peppets and the county commissioners within less than 12 days.

Once locked into public confrontation, it was very difficult to interact with the Zell-Peppets and no friendly negotiation to modify their plans to the satisfaction of everyone was possible. The county was left with angry letters (in the files and in the newspapers), and the calling of a confrontational public meeting (which, judging by the mid-afternoon time slot, the sharp glances of the county attorney, and the unanimous decision of the commissioners was simply a procedural show to mollify public outrage).

Such a short time period between public notification and public feedback serves only to foment confrontational reactions instead of neighborly problem solving. How is the public served by stirring up hostile relations between neighbors and neighborhoods following such a process? If

anything, once a hostile confrontation is triggered, there ought to be resources that could be enlisted (e.g., a better explanation of the rules and regulations by staff, or even mediation provided by another county agency) to prevent the outrage from reaching the commissioners and ending in a time-wasting meeting where the outcome is predetermined.

Bottom line: If the county has an obligation to notify neighbors of development actions that impact a particular area, it should be as interested in facilitating public input without fostering confrontation between neighbors that leaves ill will in its wake.

I hope you will consider these comments and formulate ways to make things work for both sides. Boulder is blessed with having a mix of rural, urban, and open space, but as our population continues to grow, confrontation over how this blend is managed in the future will only increase.

Sincerely,

John Wilkens
5927 South Vale Road
Boulder, Colorado 80303

On May 7, 2012, at 08:20 , Shannon, Abigail wrote:

Hi everyone,

There was a typo in the email I sent to you on Friday. Comments regarding the document I sent to you are due tomorrow, Tuesday, May 8 at 9:00 am. I attached it again for your convenience. The purpose of sending this document to you is to let you review the same information that Planning Commission will be discussing at their meeting on May 16 and, if you are able, to provide comments in writing for the Planning Commission to consider. To those of you who have already sent comments to me – thank you!

I hope to see you tonight at the community meeting for neighbors of agricultural properties. It starts at 6:00 pm in the Commissioner's Hearing Room, 3rd floor of the Courthouse. The purpose of the meeting is for you to let staff know what you like and don't like about living near farms so that we can add to the Issue Identification document if there are concerns that we haven't identified.

Abby

Abby Shannon, AICP

Senior Planner, Boulder County Land Use

ashannon@bouldercounty.org

303.441.3930

Stay informed! Sign up for email updates from the Boulder County Land Use Department:

<http://www.bouldercounty.org/gov/media/pages/listserv.aspx>

<Prelim Issue Identification worksheets 4May12.pdf>

Shannon, Abigail

From: Dick Miller <dmiller@mikaag.com>
Sent: Tuesday, May 08, 2012 10:41 AM
To: Shannon, Abigail
Cc: Case, Dale; Card, Adrian; Bell, David; bcfapc@googlegroups.com; scott@mikaag.com
Subject: RE: Ag Comments due Tues, Meeting Tonight

Abby...

As a past member of FAPC I know we encouraged you to look at land use regulations that were hampering and presenting obstacles to the agricultural community in Boulder County. Reading the 25 pages of your attachment it appears that you have taken the opposite position. As I read your material it refers to more control, standardization, and restrictions except for "local foods". You mention Brighton vegetables and West Slope fruit like they should be considered as undesirable alternatives to products grown in Boulder County. God forbid someone were to sell a California avocado, a Florida lime, a New Mexico hatch chile pepper, along with their Boulder County grown tomatoes to make salsa in Boulder County other than King Soopers, Safeway, or Whole Foods. Your lack of agronomic experience is showing. There are many reasons various vegetables and fruit are not grown in Our county due to soil types, well water availability, heat units or growing degree days, land costs, expensive housing issues, and even over controlling land use restrictions. That you have the ability to influence, the others you can't.

The meetings that I attended were heavily weighted with imposing more restrictions to restrict competition from existing operations. I don't think that is the job of your land use department but is a free market function. If somebody can do it better, offer more value, or better quality or service they deserve the right to do so without county imposed restrictions. Finally it bothers me you seek guidance and reference material from Mariposa County California and the State of Oregon which are not considered to be friends of agriculture. Why didn't you consult with Colorado Farm Bureau or the Colorado Farmers Union organizations? You really didn't address and propose solutions to agricultural housing, sign codes restrictions, non local product restrictions to round out and broaden farm market selection, or numerous other real problems that exist. They still are at the root of our problems. I know you have worked diligently to try to improve the land use code but you need to look at it from the agricultural perspective that when it comes to your LUD, less is better.

In closing, my sarcastic response is not to be critical, so don't take it personally, but to make you and your department think about the real solutions that need to be formulated to help the entire local agricultural industry. Agricultural zoning is not to "provide and serve as desirable buffer between urban communities" as you stated in a meeting but is to allow agriculture "Boulder County farmers and ranchers" to prosper, flourish and go about their business of producing food and fiber with minimal local interference.

Dick Miller

From: Shannon, Abigail [<mailto:ashannon@bouldercounty.org>]
Sent: Monday, May 07, 2012 8:21 AM
To: Shannon, Abigail
Subject: Ag Comments due Tues, Meeting Tonight

Hi everyone,

There was a typo in the email I sent to you on Friday. Comments regarding the document I sent to you are due tomorrow, Tuesday, May 8 at 9:00 am. I attached it again for your convenience. The purpose of sending this document to you is to let you review the same information that Planning Commission will be discussing at their meeting on May 16 and, if you are able, to provide comments in writing for the Planning Commission to consider. To those of you who have already sent comments to me – thank you!

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Abby

Abby Shannon, AICP
Senior Planner, Boulder County Land Use
ashannon@bouldercounty.org
303.441.3930

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<http://www.bouldercounty.org/gov/media/pages/listserv.aspx>

Shannon, Abigail

From: Dick Dunn <rcd@talisman.com>
Sent: Saturday, August 11, 2012 1:02 PM
To: Shannon, Abigail
Subject: comment on Draft Amendments for August 15

Abby -

I came across one problem in the draft amendments for consideration on August 15, under Farm Events, part 5:

d. The majority of the food served at the event must be made with ingredients grown or raised from the farm.

It's not clear what "majority" means--weight, volume, price, number of items?

Assuming it refers to any of weight, volume, or cost, this requirement is not reasonable. Problem: Most farm dinners have a meat main course, and quite possibly meat in an appetizer and/or soup course. Most farms which are intensively produce-oriented aren't producing their own meat. Meat is dense, so usually the heaviest item in the meal. Dessert is also a problem for meeting the requirement unless the farm has an orchard as well.

Suggestion: Require that the majority of food be produced in Boulder County, and that at least some of it come from the farm where the event is held.

Rationale: Any farm dinner event should be able to procure almost all ingredients from within the county, and this meets the intent of having these events represent local agriculture.

I can't suggest a firm number for how much of the food should come from the farm itself. It should be more than a token amount so that it can't be used to subvert the intent. Maybe somewhere 20-30%? Not over 30%.

Thank you,
Dick Dunn rcd@talisman.com Hygiene, Colorado USA

Shannon, Abigail

From: katcon@earthlink.net
Sent: Tuesday, August 14, 2012 12:59 PM
To: Shannon, Abigail
Subject: Re: Land Use Code Ag Amendments: PC is next week!

Hi Abby,

I can't make it to the meeting tomorrow, I'm just too busy at work, but I am still grateful to be kept in the loop.

I'll try to make the next meeting, and still appreciate all you can do to assist the question of my having a farm stand even though I'm in an RR subdivision.

I recalled from your map in the last meeting that my neighborhood is outside of the area that can be annexed into Longmont.

I don't know if this makes any difference, I can only hope that the codes give some relief to folks like us who live in area's that are like mine where there are no coventents, home owner association, and based on my petition there is support for sharing.

Thanks Again, and Best Regards,

Kat Connelly

-----Original Message-----

From: "Shannon, Abigail"
Sent: Aug 8, 2012 11:37 AM
To: "Shannon, Abigail"
Subject: Land Use Code Ag Amendments: PC is next week!

Good morning,

The staff report for amendments to the Land Use Code related to Agricultural Uses is attached to this email for your convenience. The proposed regulations have been amended slightly since I sent you the preliminary draft on July 31. The changes reflect input from you, Land Use staff, and staff in other Boulder County departments. You can find this staff report along with past staff reports here: <http://www.bouldercounty.org/property/build/pages/lucodeupdateag.aspx>

The Planning Commission will be discussing these proposals on Wednesday, August 15, 2012. That's one week from today! This portion of the meeting will begin at 2:30 (perhaps later but not before). The Planning Commission will provide direction to staff but they won't be taking final action on these proposals. You are encouraged to attend and speak during the public hearing (Boulder County Courthouse, 1325 Pearl St, 3rd floor).

Please let me know if you have any questions. 720-564-2623

Abby

Abby Shannon, AICP
Senior Planner, Boulder County Land Use
ashannon@bouldercounty.org
303.441.3930

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<http://www.bouldercounty.org/gov/media/pages/listserv.aspx>

To: Abby Shannon, Boulder County Land Use Dept.
 From: Dick Schillawski
 Date: August 14, 2012

cc: Boulder County Planning Commission

Subject: Proposed Land Use Code Amendments – Agricultural Uses (DC 11-0003)

Hi Abby,

As indicated in our telephone conversation last week, I have some concerns about the changes to the general agricultural use definitions (i.e., Open Agricultural Uses and Intensive Agricultural Uses) proposed for the Land Use Code. I think these can in the main be boiled down to the difficulties presented by trying to distinguish among the residential, open agricultural, and intensive agricultural uses which all have traditionally been performed in combination on rural properties in Boulder County and elsewhere. In contrast, your department allows only one principal use per parcel. The fairly recently imposed restrictions on residential floor area have compounded these difficulties, which I expect has posed significant problems for members of your department trying to provide coherent interpretation and policies.

I'm going to start with some specific, minimum recommendations for changes to your proposed language, and then offer some examples of current and potential future problems with the Code.

Proposed changes to your proposed language:

Open Agricultural Uses:

A) Change the **Definition** to read: "Agricultural uses which occur **predominantly** outdoors, ..." The major idea here is to add the word "predominantly" since many of the activities associated with producing agricultural products, and livestock in particular, occur indoors.

B) **Additional Provisions (c)** concerning the single family dwellings contains your proposed change from "will" to "may". The reason for this change remains unclear to me. Is there some case in which a single-family dwelling would not be allowed on an agricultural parcel which meets Boulder County's requirements for a building lot? If not, then this proposed change appears to me to add unnecessary and counterproductive uncertainty to the existing provision.

C) **Additional Provisions (e)** appears to be concerned with agricultural accessory structures, as distinct from residential accessory structures. If so, changing the first words to read "Any **agricultural** accessory structures" would seem appropriate particularly given your proposed addition of (g) and (h) to the list of Additional Provisions. I would also recommend changing "storage of associated agricultural equipment" to "storage **and maintenance** of associated agricultural equipment" as some of the more egregious difficulties experienced by county farmers have been associated with construction of shops to maintain their equipment.

D) **Additional Provisions (g) and (h)** require a structure to have either a residential or an agricultural use, but apparently not both. As indicated in our telephone conversation, this is often not the case on agricultural properties -- and is certainly not the case on mine in particular. I have no suggestion for how to resolve this difficulty, but have to indicate that the proposed distinction is very unrealistic on many farms and contrary to how they have traditionally been operated. Under (h) regarding agricultural structures, shops for maintenance of agricultural equipment should be added to your list, consistent with my comments concerning section (e), above.

Intensive Agricultural Uses:

A) **Additional Provisions (b)** concerning a single-family dwelling: see comments on this general topic above.

B) It would seem to me that many of the other “Additional Provisions” listed for Open Agricultural Uses should also apply to this use. I would recommend they be added as appropriate.

C) Some agricultural activities involving livestock (in addition to indoor riding arenas) occur mainly indoors, notably many dairies. Is a dairy an Intensive Agricultural Use for purposes of this Code? If so, it should be added to your list in the Definition of this use; if not, consider adding it to the Definition of Open Agricultural Uses.

Some Problems with Agricultural Provisions of the Land Use Code:

The Code's current provision for “Single Family Dwelling” is:

E. Single Family Dwelling

1. Definition: A detached building which is occupied or which is arranged, designed, and intended to be occupied, by not more than one family, and which contains not more than one dwelling unit.

2. Districts Permitted: By right in all districts

3. Parking Requirements: Two spaces

4. Loading Requirements: None

5. Additional Provisions: None

Many problems are associated with the residential versus agricultural use distinctions touched upon here previously, some of which possibly could be fixed by language changes. Some examples of current and potential problem areas:

A) A Boulder County farmer buys an adjacent farm, including a residence, barns, etc., intending to farm it himself while renting the residence to someone else. The Code does not seem to allow this since Open Agricultural Use requires a residence to be occupied by the owner or manager of the farm, while general agricultural use does not appear to be a “Permitted Accessory Use” for a residential property in the Agricultural zoning district. Note that this is the case even if the farmer wanted to rent the house to a member of his own family, such as a grownup child who works in town.

B) A Boulder County farmer has spare space in a barn for storage of hay or equipment. A neighboring farmer has need of storage. The Open Agricultural Use provisions do not seem to allow use of the spare space by the second farmer.

C) Boulder County buys a farm with its associated residence and agricultural buildings for its Open Space program, separates a lot containing the buildings from the undeveloped farmland, and sells that lot. Are the former agricultural buildings thus converted to “Residential Floor Area” since they are no longer associated with an agricultural use?

D) A Boulder County farmer decides raising chickens is no longer economically feasible and goes out of the business. The large buildings associated with the former chicken business no longer have an agricultural use. Would these now be classified as “Residential Floor Area”? If still classified as agricultural, would these buildings have to be removed, if your proposed language is adopted, since they are not “sized appropriately for the intended agricultural use”?

Shannon, Abigail

From: Holly Running-rabbit <hdhughes77@hotmail.com>
Sent: Wednesday, August 15, 2012 2:31 PM
To: Shannon, Abigail
Subject: Ag product def

Hello!

"18-105 Agricultural Products
Products intended for direct human or animal consumption such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants and wool."

So, I'd like to pursue that compost is an agricultural product.

I just don't know what else it would be.
How about adding "plant" consumption?
Is pot an ag prod? Just curious.
Compost happens, just as pollination and procreation do, very natural stuff. And without it, food growing would be tough.

"Components of a Compost Pile

Food Fruit and vegetable scraps and anything growing in your yard is potential food for compost "critters."

Is a "critter" an animal to Land Use or just to Resource Conservation?
How does this relate to the new county study on Compost? Lots o cash went into this market study, but what will it be sold as?

No rush, Abby, and thank you for listening!

Holly

Submitted at PC mtg
8/15/12

Comments on Draft Land Use Code Amendments – Related to Agricultural Uses

Submitted by Richard D. Andrews, 6803 Jay Road, Boulder, CO 80301

Date: 15 August 2012

Abigail Shannon has held a series of public input sessions regarding potential amendments to Boulder County Land Use code with respect to agricultural lands and associated uses.

My overall comments are:

1. Where the current codes are unnecessarily restrictive with regard to engaging in sustainable agriculture in the county, those codes need to be relaxed to encourage more such agricultural activity in our county. Just because something new is happening in the county on ag lands does not mean it needs regulation, or approvals. Regulation should only occur out of a real need, not simply trying to cover all possibilities.
2. Where existing codes are unclear or subject to inconsistent interpretation by Land Use and Building Permit staff and commissioners, those codes need to be clarified, again with the overriding purpose to allow great flexibility by farmers and to eliminate unnecessary rules and oversight by the county Land Use and Building Permit staff.
3. With respect to innovative practices by farms and farmers of the county such as holding associated activities on agricultural lands, if there have not been reported land use problems then there need be no additional rules. And according to staff no such problems have actually occurred. Farmers should be allowed to conduct freely without complex rules and approval processes such activities as farm dinners, special agri-tainment events, community fund raisers, innovative R&D, demonstration of sustainable practices, farmer education, etc. all of which help build community connection and engagement in the support of local agriculture.
4. To the extent lands and irrigation water and soil and other environmental characteristics are suitable, a shift from current more passive hay and grazing to higher value specialty crops should be encouraged. Farms that are merely lifestyle farms should be encouraged to engage in the highest and best use of their lands to produce foods, herbs, fiber, and feeds, whether by the actual owners or by leasing, crop sharing or cooperative methods. Land use codes should be designed to encourage these higher uses, not discourage them. The mere appearance of rural should not be the guiding principle, it should be actual productivity of the lands for rural agricultural uses.
5. Encourage cooperative agricultural practices among those in the farming and greater community by allowing farmers and ranchers and other supporting parties to freely collaborate and support each other. This would include eliminating the artificial barriers to cooperatively process crops on all agriculturally suitable lands, regardless of zoning category. For example, processing crops from other farmers is currently not allowed on rural residential which inhibits cooperatives or farmers from providing services to other farmers. Eliminating the rural residential category would solve this.

6. Ultimately, land use codes should strongly support policies of the county encouraging “sustainable agricultural practices”. This would include such things as prohibiting such things as (a) pesticide chemical and genetic contamination offsite onto neighboring or public lands, and banning aerial spraying, (b) wasteful use of resource limited water, (c) contamination of ground and surface waters, (d) erosion of the soil base, and (e) other such matters.

In order to accomplish some of these objectives I specifically call for:

1. Allow both open and intensive agriculture in all lands suitable for agriculture, whether currently zoned as “agriculture” or “rural residential” or “estate residential”. There is no need for this distinction.
2. For any rural property greater than perhaps two acres in agriculturally suitable areas, all such lands should be “agricultural” zoning, eliminating the rural residential and estate residential categories entirely. Zoning should be about the capability of the land for sustainable agriculture, not an arbitrary definition of just a rural feeling not necessarily engaged in actual agriculture, or in the case of estate residential, simply an elite classification. These other zoning classifications currently can inhibit engaging in certain types of agriculture and inhibit diversity of agricultural practices. The zoning for agriculture should be based on the parcel capability for agriculture, not an arbitrary land use designation. There is a growing movement towards small acreage specialty farms in the county and that should be encouraged to maximize our local ability to feed to our local county populations. Our farm currently farms under three acres, and less than 1.5 acres is in vegetable production serving 40 households in a Community Supported Agriculture operation. That kind of activity needs to be encouraged and simply not regulated at all. It connects people to the land, their food and each other.
3. In a related county purpose regarding taxation, for properties to obtain favorable agricultural zoning tax basis, those properties should be required to actually engage in bonafide agriculture, not mere appearance of agricultural activity. So zoning should relate to whether the owner actually engages in agriculture, and if not, a tax hike is appropriate. We need to incentivize true agriculture on all suitable lands.
4. Eliminate the regulations that state that only a single business activity can occur on agricultural lands. This is simply unrealistic for many farms and farmers in Boulder due to the high land prices and the fact that almost all farms do need supplemental sources of income to even exist here. Multiple activities and even multiple incorporated businesses do, can and should be allowed on a single property. This is particularly true for those activities that are personal businesses of the actual residents of the properties. I do not propose making farm lands into industrial zones but freedom to engage in the businesses of one’s choice should be preserved.
5. Do not create un-needed rules for “farm events”, or “group gatherings/special events” beyond the rules that already cover group gatherings in the county. To do so will stifle creativity in our county and since there have never been any reported complaints about farm dinners or other events and gatherings, there is no basis for regulation. Such happenings are to be encouraged, not regulated. Furthermore, such events are actually building broader community awareness

and involvement in the local food supply and importance of agriculture as the fundamental and most essential of all human endeavors.

6. Farm stands for fresh and other produce should be totally a use by right on all agriculturally suitable lands.

Finally, some comments on a few specific county proposals:

1. The changes to expand zones allowing chickens, beekeeping are generally good. However, to call out specific animals and not include others which may happen opens the door to arbitrary land use decisions; for example, if someone wants to raise quail, pheasants, guinea, peacocks, turkeys, doves, etc. You may wish to broaden your language to be more inclusive of animal types. Let your agricultural community be diverse and creative.
2. Changes easing up on hoop houses and greenhouses are good.
3. Clarification is still in order to state that hoop houses do not require building permits.
4. The requirement for a grading permit for any pond deeper than 18 inches is simply silly. All such ponds will necessarily be deeper to be functional; to incentivize very shallow ponds would use larger than necessary areas and cause excess evaporation and mosquito issues.
5. Farmers should not be restricted by only selling produce actually grown on their own parcels; this inhibits cooperation among farmers and would probably result in a proliferation of farm stands rather than fewer cooperatively operated farm stands.
6. The farm event proposals require that food served must be grown or raised on the farm hosting the event. This is unnecessary and once again discourages cooperative activities among farmers and the broader community. It discourages, if not simply outlaws the American tradition of potlucks. It discourages the involvement of caterers and other food suppliers which also support Boulder County business activity. The requirement that events cannot be on strictly ag lands without a building lot is unnecessary and would seem to have no basis. Why was Estate Residential excluded? There should be no need for LISR process; it is unnecessary and cumbersome. Limiting farm events to 99 maximum people is unreasonable; numbers should be based on the hosting capability of the land parcel, not an arbitrary number.
7. The Group event/special event use is similarly unnecessarily restrictive (see comment 6 above). The number of events allowed (two max) is too strict. The approval of tents restriction is unneeded. Most events will likely rent from a reputable event supply company. It is unreasonable to expect that events will not receive any compensation for hosting, even if for the purposes of a non-profit fundraiser or to simply cover owner expenses in hosting. These rules are inhibiting community cooperation and appreciation of farm lands and farmers.

Wrap up:

Just because something new is happening in the county on ag lands does not mean it needs regulation, or approvals. Regulation should only occur out of a real need, not simply trying to cover all possibilities.

The overall objective of rules about agriculture in the county as we move ahead must remain the encouragement of high productivity agriculture that is environmentally and economically sustainable to

build our local food supply with high quality and safe foods and feeds, and to provide a greater diversity and security of supply from local sources.

It is understood that more topics remain uncovered in the current round of proposed amendments. We will comment on those as they occur and community input is sought.

Respectfully submitted,

Richard D. Andrews

Shannon, Abigail

From: Kristy Anderson <kanderson@thefreshherbco.com>
Sent: Wednesday, August 15, 2012 3:02 PM
To: Shannon, Abigail
Subject: Ag Land Use proposals

Hi Abby,

I am unable to be at the Planning Commission Meeting this afternoon as I will be at Farmers Market.

I am interested in discussing a couple of things that I have questions about in the proposed regulations. In particular, I would like to point out in the 'Farm-to-Table' section, ag producers grow many things that are not "food" which should be capable of being showcased. We grow flowers, and others grow grain, grapes for wine, etc. Please expand the permission for Farm Events to include farmers like us.

I realize you are really busy today, but would appreciate an opportunity to meet with you to discuss our concerns.

Thanks!

Kristy Anderson
The Fresh Herb Co.
O: 303-449-5994
C: 720-270-1132
kanderson@thefreshherbco.com

Shannon, Abigail

From: K. Starek <starek@mac.com>
Sent: Thursday, August 23, 2012 11:31 AM
To: Shannon, Abigail
Subject: B&Bs

Hey Abby.

Just wanted to follow up from our conversation about B&Bs on farms. From my understanding of the code, B&Bs are allowed only as a primary use and cannot currently be allowed on any land that is being used as a farm. As I see it, a B&B would be a perfect accessory use for a Demonstration Farm. The guests would be there to experience and learn about farming. It's the perfect hands on opportunity if you could actually stay for a day or two on a farm and help with the chores. Many people read books about farming/ growing, but are intimidated about starting on their own. If more people were given the opportunity to learn small scale farming first hand, I think we would have a lot more people growing their own food.

We would love to have a B&B on our Demonstration Farm where people can learn how to raise chickens or sheep or whatever in a hands on way. I think it would be an amazing way to promote local food production and healthy living (and it would be a lot of fun).

As to the other issues brought up at the last meeting, our main concern is that it seems wrong that farms should have less opportunities for "home events" than homes. We think that 12 should be the baseline for farm events.

We also believe that people should be encouraged to grow food on their own land and that most small scale, home operations are in no way offensive to neighbors (as long as roosters and other noisy animals are not allowed). Sheep and (female) goats are in no way more offensive than dogs and they make great lawn mowers too. They are quiet, easy to handle and tasty too.

Our final comment would be that most horses really should be considered pets. Some are used for agricultural purposes, but those are few and far between around here. Perhaps now would be a good opportunity to give horses their own category and avoid future confusion on this topic.

The rest all sounds really great.
Thanks for all of your efforts.

Alice Starek
The Golden Hoof
3375 75th
Boulder, CO. 80301

Shannon, Abigail

From: Linda Cooke <lpcookellc@aol.com>
Sent: Sunday, September 30, 2012 11:09 AM
To: #LandUsePlanner; Boulder County Board of Commissioners
Subject: DC-11-0003

To the Boulder County Commissioners and Planning Staff,

Please share the following feedback with the non-staff members of the Planning Commission.

I live at 4326 Oxford Road in unincorporated Boulder County. I am aware that you are considering amendments to Land Use Code Articles 4 and 18. I am very appreciative of the fact that you are seeking to further define land use in rural areas such as the one I live in, which have historically been primarily agricultural in nature.

I am writing because I want to make you aware of the real life context within which some of your regulations play out. I live on a 1.3 acre residential property. The property immediately to the west (4290 Oxford Road) is a 4 acre property that includes a small (2 bedroom) house, a large barn, a pond, and several outbuildings. We share a driveway, no doubt because the two properties were originally owned by the same family (the Brewbakers). The primary use of this property for more than 23 years, and perhaps much longer than that, has been residential. The only agricultural use has been the occasional kitchen garden, and, in the last couple of years, accessory chicken keeping.

My neighbor has made significant improvements to his barn, and has hosted "home events" both in his barn and outdoors on his property. These events, which he is entitled to conduct by right, have had a significant impact on us, in part because attendees are accessing the event using our shared driveway. In some instances, vehicles have been parked on our property, in spite of our neighbor's attempts to prevent this from occurring. He is now constructing a new driveway, which should mitigate some of these impacts. Other impacts, such as attendees filling our recycle bins with beer bottles and leaving trash behind, may continue.

As you define new uses, such as "farm events" and "group gatherings," I would ask that you consider imposing an aggregate maximum number of events that can occur on a property by right. Without such a maximum, my neighbor could, by right, hold 6 "farm events" per year (if he meets other criteria), 2 "group gatherings" per year, and 12 "home events" per year, for a total of 20 such events. The number could rise if he were granted the right to hold additional events through the special review process. While 20 or more events may be appropriate for larger properties in my area, it overburdens the land and adjacent neighbors where small acreage properties are concerned.

Do not hesitate to contact me if you would like to discuss this further.

Regards,

Jim Cooke
4326 Oxford Rd.
Longmont CO 80503
303-449-5878 (home)
303-440-9400 (office)

Shannon, Abigail

From: Kathleen Connelly <katcon@earthlink.net>
 Sent: Saturday, November 03, 2012 11:52 AM
 To: Shannon, Abigail
 Subject: Re: Agricultural Amendments to the Land Use Code - DRAFT staff recommendation

Hi Shannon,
 I read the document and continue to see the RR unsubdivided land.
 Does this pertain to my request that I'd like to have a Farm Stand even though I'm in a sub division?
 Is there no way to allow for a variance in our neighborhood?
 Everyone I speak to in our neighborhood supports the idea.

We recently had a porgressive dinner in our neighborhood and everyone was asking about how this was going. I'd like to be able to provide accurate responcees to thier questions, but I'm still unclear as to wether we are being considered or not. Could you please clarify for me?

Thanks and Best Regards,
 Kat

----- Original Message -----

From: Shannon, Abigail
To: Shannon, Abigail
Sent: Thursday, November 01, 2012 5:02 PM
Subject: Agricultural Amendments to the Land Use Code - DRAFT staff recommendation

Hi everyone,

As I mentioned to you last week, the Boulder County Planning Commission will be considering amendments to the Land Use Code related to agricultural uses at their meeting on Wednesday, November 14, 2012, at 1:30 pm. The meeting will be held in the Hearing Room on the 3rd floor of the Courthouse Building at 13th Street and Pearl. This is a public hearing – you will have the opportunity to speak to these proposals (3 minutes, please) and Planning Commission will be asked to take action.

I have attached the DRAFT staff recommendation for your review and comment. It will be posted on our webpage soon:

<http://www.bouldercounty.org/property/build/pages/lucodeupdateag.aspx>

Here are your deadlines for emailing written comments to me regarding this docket:

- Midnight, Tuesday, Nov 6 – if you want your comments included in the Planning Commission packet.
- Noon, Tuesday, Nov 13 – if you want your comments emailed to the Planning Commissioners 24 hours before the meeting.
- Noon, Wednesday, Nov 14 – if you want your comments hand-delivered to Planning Commission.

I will incorporate your comments into the staff recommendation and will (most likely) make some edits to the report as well. I'll send you the final staff recommendation next Thursday. Please be aware that Tuesday, November 6 is a Boulder County holiday. I am available to answer any questions you have regarding this docket or the staff recommendation. ashannon@bouldercounty.org or 720.564.2623.

Abby

Abby Shannon, AICP
Senior Planner, Boulder County Land Use
ashannon@bouldercounty.org
303.441.3930

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<http://www.bouldercounty.org/gov/media/pages/listserv.aspx>

Shannon, Abigail

From: Dick Dunn <rcd@talisman.com>
 Sent: Monday, November 05, 2012 3:36 PM
 To: Shannon, Abigail
 Subject: comments on DRAFT Ag Amendment recommendations

Abby - My comments on the Draft Amendments for Nov 14, focusing specifically on Wineries.

I'm disappointed that Land Use staff decided to recommend against adding Winery to agricultural-use classification. I had thought that at the last Planning Commission meeting, the sense of the commission was that there were problems to be worked out, but that the principle was a good one and would help Boulder County keep up (or catch up) in the agri-tourism boom.

Regarding Land Use staff's reasons for objecting to Winery use:

The problems where services and infrastructure don't support "industrial uses" (volunteer fire, gravel roads, wells, etc) don't apply overly much to wineries, inasmuch as small wineries don't look or act like "industry."

If some piece of infrastructure or service were needed, but couldn't be met within agricultural context, that would say it's not the right place for a winery. If a winery needed a commercial well and treatment, yes it could be expensive but isn't that for the winery owner to work out? And if there isn't a reasonable way to obtain suitable water within existing regulations, that in itself would rule out the winery.

It's asked:

Why should wineries be given special treatment, as compared to other production (cheese, burritos, etc.)? Fair question, but it's because they are historically treated differently--as a part of agriculture and increasingly of tourism. (There are "wine trails" mapped out and promoted, but I'm unaware of any "burrito trails"!)

On the statement that "The Boulder County Comprehensive Plan seeks to limit new commercial uses outside the cities and Community Service Areas"--yes, we understand this, but note that the word is "limit", not "prohibit".

The Comp Plan recognizes that changing patterns in people's lives, the cost and return of agriculture, and so on, will require -some- changes in allowed rural uses. It's necessary to adapt in order to keep ag areas alive in a changing economy. The changing view of wineries in rural/ agricultural areas across the US is a change which we should follow.

I agree that a winery should show some connection to the land it's on, if it's to be allowed on A or RR land.

Under "If adopted": A minimum parcel size of 5 acres is reasonable.

For building size, could you apply the size restriction only to new structures, which would have to go through all other approvals as well?

My point is to suggest allowing use of existing buildings (re-purposed for winery use) without applying the restriction? If a farm had a 5000 square ft building which could be converted to a winery, there is no real change in the property.

--

Dick Dunn rcd@talisman.com Hygiene, Colorado USA

Shannon, Abigail

From: Dick Dunn <rcd@talisman.com>
Sent: Monday, November 05, 2012 5:09 PM
To: Shannon, Abigail
Subject: Re: comments on DRAFT Ag Amendment recommendations

Abby - Thanks for the background email, and yes that was what I was looking for.

On the matter of buildings, you said:

> The way Wineries is drafted, the property owner would need to go through the Special Review process even if the buildings are existing. The review would encompass all of the impacts from the business (special events, traffic, impact on neighborhood, etc.) and not just the impacts of the structures themselves.

Yes, I didn't expect that existing buildings would eliminate the need for other review items. I was only asking if an existing building could be exempted from the size restriction you're suggesting. Otherwise it could mean constructing a new, smaller building for the winery while leaving an existing larger building unused.

thanks,

--

Dick Dunn rcd@talisman.com Hygiene, Colorado USA

Boulder Creek

WINERY

5971 Scotswood Ct Boulder, Colorado 80301 Phone:303-516-9031 Fax:303-516-9360 Email: bouldercreekwine@msn.com

To: Boulder County Planning Commission
From: Jackie Thompson, Owner & Winemaker
 Boulder Creek Winery
Date: November 5, 2012
Re: Winery Land Use Issues

First of all, I would like to thank the Planning Staff for inviting our input to a process that has profound implications for the Colorado Wine Industry within Boulder County. Although they recommend *against* new provisions, the ones they put forward for your consideration are actually quite appropriate and workable. It shows they were at least listening.

The Kiss Of Death

I am disappointed that Planning Staff did not *visit* our winery and tasting room as part of the process. Had they personally visited the winery tasting room, perhaps they would have included something about *agri-tourism* instead of just *agri-business*. As a result their analysis only takes into consideration the portion of our business that “*manufactures*” something and, thus:

“... staff does not find a compelling reason to expand this use into the Agricultural or Rural Residential zone districts.”

For what it’s worth I note that our “*production*” period consists of about 6 weeks per year (...this year’s grapes were harvested, processed and completely fermented between the dates of September 8th and October 25th). Unlike breweries or other “real” manufacturing uses which operate actively year-round, wineries get *one* batch of each grape variety each year, in the fall. The nature of the production is such that within 24 hours of harvest from the vineyard, the grapes must be fully processed, to be followed by a fermentation period of 1 to 4 weeks.

That leaves about 46 weeks per year when the “winery” becomes an *agri-tourism* attraction that offers cultural, educational, and entertainment opportunities through the tasting room - which is anything but industrial in nature, use, appearance, or impact.

Be that as it may, I have an intimate knowledge of the Land Use Process (having been a Current Review Planner myself, as well as an Assistant Planning Director in Colorado and

Planning Director in Vermont). Thus, I understand fully the implication of a Staff Recommendation that is not supportive of our request. I consider it the kiss of death and will leave it to others to pursue if they wish.

My sole request at this point is to allow TODS signs within Boulder County (details follow after the next section).

Great Wine in a Weird Location vs. Weird Wine in a Great Location

But before I abandon the larger question altogether, Planning Staff's second conclusion is also worth comment:

“If the grapes were grown in Boulder County, property owners could process the wine and sell it onsite as Open Agriculture and Accessory Agricultural Sales by right.”

Yes, we could grow Concord or hybrid grapes here in Boulder, but the resulting wine would make ... well, just *weird wine*.

For those of us with a passion for wine, *vinifera* grapes are well-known as the king of grapes... the European giant that is the source of virtually all of the world's greatest classic-style wines, including Merlot, Cabernet Sauvignon, Chardonnay, Riesling, Syrah, etc.

Geographically, this grape species only grows in a narrow band of latitude around the globe. Too far north and it is destroyed by cold; too far south and it is destroyed by Pierce's Disease. There is a woefully limited global “*sweet spot*” for this species of grape.

When I moved from Vermont to Colorado in 1992 I was astounded to learn that *vinifera* grapes grew *here in Colorado* – not in Boulder, but *in Colorado!!* The same *vinifera* grapes that make \$100 bottles of Bordeaux and Chardonnay that my ancestors made (yes, I'm French), GROW HERE IN COLORADO! There was no question that I needed to turn *those* grapes into wine.

Building on my family history of winemaking as well as my undergraduate degree in Viticultural Plant & Soil Science, I promptly began the home production of Colorado wine and undertook the study of winemaking in earnest, taking two years of classes at UC Davis in California. In 2003 I opened Boulder Creek Winery as a commercial enterprise.

My goal was to produce great wine from Colorado grapes. At the time it did not matter so much that I had to do it in a *weird location* – industrial manufacturing. Over the past ten years my wine has received national and international recognition, winning 16 *Double Gold Medals* and 19 *Gold Medals* in international wine competitions. In 2009 our VIP Reserve won Colorado's first Jefferson Cup (awarded to only 15 wines nationwide), and we were invited to pour that wine at the US Ambassador's residence in Paris. Yes, a COLORADO wine in Paris ... from *vinifera* grapes.

So while today's Land Use Regulations would allow me to grow Concord grapes and have a lovely winery and tasting room in Boulder County, I have, and will continue to make world-class wines from the *vinifera* grapes that Colorado has been uniquely blessed with.

And I will choose to do this in spite of being forced into a very *weird location* for a winery and tasting room.

Bottom line: *great wine in a weird location* is better than *weird wine in a great location*.

Request for Minor Compromise

But back to reality. Planning Staff is not supportive of the *expansion* of world-class wine production in Boulder County so I will put that issue aside for perhaps a more achievable one. Instead I ask for one simple thing: the **Colorado Wine Trail TODS Signs** (*Tourist Oriented Directional Signs*) that were developed by the Colorado Tourism Board, approved by CDOT, and in use all over Colorado (*except Boulder County*) to aid Colorado wine tourism.

A sample survey of our Winery Guest List for July 2010 (below) indicates that 84% of our tasting room guests are from outside Boulder County, with over half (57%) from outside the state of Colorado (many from overseas). We are listed in *AAA Travel Guide*, *Frommer's Travel Guide*, *US Touring & Tasting*, and other national publications that attempt to guide tourists to winery attractions.

A major issue compounding the unexpected location of wineries in Industrial Manufacturing parks (where out-of-town guests are least expecting to find them) is the inability to utilize "*Colorado Wine Trail*" sign, part of the Colorado **TODS** Program).

Boulder Creek Winery	
Guest List by Location	
July, 2010	
36	Boulder County (16%)
61	Other Colorado (27%)
<u>127</u>	Out-of-State (57) %
224	
84% from outside Boulder County	

In May of this year I presented this request to the Planning Commission as part of the work session on the larger Land Use overhaul. As the issues on this specific request have not changed, I respectfully request your consideration of this specific issue once again (*see previous memo below*).

Thank you.

Memo

To: Boulder County Planning Commission
From: Jackie Thompson, Owner
Boulder Creek Winery
Date: 5/6/2012
Re: Winery Signage Regulations

As owner of a tourist-oriented winery in Boulder I would like to comment on just one small element of the proposed changes to Land Use Regulations for Wineries: **TODS Signs** (*Tourist Oriented Directional Signs*).

BACKGROUND

I opened my winery in 2003 in an industrial park in Gunbarrel. By 2004 it was apparent that a large number of tourists hoping to visit my tasting room were having a very difficult time locating me.

Having noticed two other Tourist Guide Signs in Gunbarrel:



(Shelby American Collection)

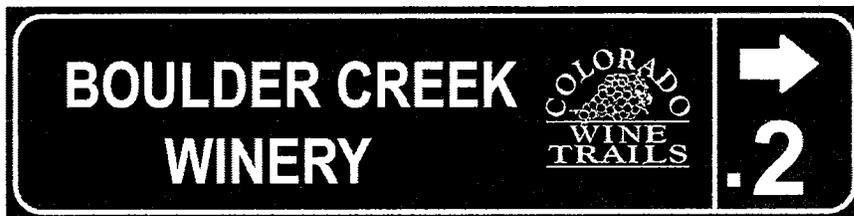


(Leanin' Tree)

I requested through CDOT a similar sign:



At that time, CDOT informed me that wineries had been the subject of a totally new TODS (*Tourist Oriented Directional Signs*) Program that they had developed specifically for wineries. They directed me to apply for a TODS sign, which I did in early 2005:



CDOT promptly processed and approved the sign, but the County denied the sign because it advertised a specific business.

CURRENT COMPROMISE PROPOSAL

As part of Winery Land Use discussions earlier this year, I brought this issue up again. After a bit of discussion it seemed logical to make the sign generic, like the Brown Guide Signs:



Staff is supportive of this approach and recommended that it be considered in the context of the Land Use Regulations currently under consideration.

SUMMARY

Since the primary objective of such a sign is to assist tourists in finding our tasting room, I do not care if the sign is brown or blue, or if it has my business name on it or just the generic term "winery."

I think this is reasonable compromise.

As we have already seen the 2012 tourist season pass since I first brought this request to the Commission, I urge you to extricate this provision from the larger Land Use consideration so that it may be implemented prior to the 2013 tourist season.

Thank you for your consideration of this issue

November 6, 2012

Dear Abby and Boulder County Planning Commission,

Thank you for helping agriculture in Boulder County take a huge step forward. We own two small restaurants, Black Cat Bistro and Bramble & Hare, off Pearl Street and a market farm. We grow a large variety of vegetables, herbs, flowers, fruits, and grains and raise heritage pigs, sheep and multiple varieties of poultry. We sell our farm's production in Boulder county at our restaurants, the Boulder Farmers' Market, local grocery stores, and CSA's. We have a few comments and questions regarding the current proposed Agricultural Land Use changes.

1. Farm Events:

For 5 years we have been waiting anxiously for regulations to change so we can host farm events.

- Farm Events are defined as 25-99 people. For clarification, what happens if we have a farm dinner for less than 25 people?
- What is the difference between a home event and a farm event? They seem to be overlapped. Both are defined with the same number of guests and close to the same hours. Home events are allowed by right in Agriculture, yet farm events are much more restricted here. The disparity is confusing. Are the regulations for home events changing too?
- In #5. Additional Provisions, a. "This use requires a building lot". What is the intent of this provision? Why is a non-building lot or agricultural outlot an inappropriate place for a farm dinner; for example, in the middle of a corn field or under a big cottonwood tree next to your market vegetables? We have been told this provision is a line being drawn in the sand. This provision would prohibit our farm, which farms on a collective 130 acres in Boulder County, from being able to host any farm dinners. The large majority of what we farm is City or County Open Space land. It is rare that agricultural land leased by Open Space is on a buildable lot. City and County Open Space write each lease appropriate to the specific parcel of land being leased. Requiring a building lot in Land Use code would restrict Open Space from ever having the option of allowing a farmer to have a farm dinner, even if the land were deemed appropriate for such use by Open Space. We also own agricultural land that we feel would be ideal for farm events, but it too would be eliminated because it has no building lot.

Open Agriculture is a use that "is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located unless it has an associated principal or accessory dwelling." It seems contradictory to then not allow farm events, which are showcasing what you are growing, to not be allowed on the same land. Additionally, g. states "Building new Floor Area or utilizing existing Floor Area for these events is prohibited under this use classification. Permanent facilities utilization of structures which meet the definition of Floor Area would be considered a Reception Halls and Community Meeting Facilities. Unenclosed open air structures such as gazebos may be utilized for this use." The intent here seems to be that these events are being allowed to be in open air or temporary locations only, not buildings. So why require a building lot?

The land that is the most private, the best place to showcase the farm and has the lowest impact on neighbors in many cases, like ours, is not a building lot.

2. Earlier in the year, farm worker housing was discussed at great length. Having more flexibility in being able to provide housing (both year-round and seasonal) for farm workers has a significant impact on us; including productivity, affordability and apprenticeship opportunities. We are not seeing any changes proposed and wondering if they will be included in future changes. In addition, we think it makes sense to have #4-516.D.6. "f. The property owner or a member of the owner's immediate family must work and live on the property." be reworded to include *leaseholder* in order to have an Accessory Dwelling for Agricultural workers be allowed when the land owner leases the property to a farmer.

3. Earlier this year there was discussion of changing the additional provisions in the Agri-business Uses for Custom Meat or Poultry Processing Facility(4-501.C). We are not seeing any changes proposed. We believe it would greatly serve our county to encourage both a USDA custom meat and a USDA poultry processing facility to open in Boulder County by changing the zoning regulations. We believe that a small, sustainable facility requires higher(at least double) provisions than the current "5 employees", "200 poultry or rabbits per day or 60 larger meat animals per week" and *should* be able to have retail sales. As a farm that raises both poultry and custom meat, we would support having a USDA facility in the county for both poultry/rabbit and meat. We also see the significant need in our greater, local community. There is no poultry processor in Boulder County and the only custom meat processor in Boulder County currently is Arapahoe Meats, but they are not USDA. In order to sell meat to a restaurant, at the Farmers' Market or local stores, you must use a USDA facility. The closest USDA poultry processor is Mountain States Poultry in Wellington and the closest USDA custom meat processors are Stevings Meat in Kersey and Innovative in Evans, which require about 5 hours driving time for drop off and next day pickup. If you drove up to these facilities, you would never know (except for the sign) that they are processing facilities. They are small family run businesses located in neighborhoods, rural areas and industrial areas equally successfully.

Thank you for consideration of these specific concerns.

Sincerely,

Jill and Eric Skokan
Black Cat Farm

Shannon, Abigail

From: K. Starek <starek@mac.com>
Sent: Tuesday, November 06, 2012 1:54 PM
To: Shannon, Abigail
Subject: Re: Agricultural Amendments to the Land Use Code - DRAFT staff recommendation

Dear Abby.

Thanks. We have the following feedback to include:

Farm Events:

I think it should simply be that 12 Farm Events or Home Events should be allowed to be consistent. I do not understand why a Home Event would be preferred. By my reading of this proposed code, after I have 6 Farm Events, for the seventh, I would have to go to the grocery store to buy the food instead of serving food grown on the farm. I do not understand the benefits of this, I only see the downside.

Bed and Breakfast:

I would like to see any spare bedroom (that has been approved as a bedroom by the building department) to be allowed to be used up to three bedrooms maximum. I do not see the benefit of limiting it to an owner occupied house. Farms need flexibility, so do B&Bs.

For Example, we have three kids. Before the kids were born, we needed 1 bedroom all the time, for a while we needed three bedrooms all of the time, now we need two and soon we will need one again. If we wanted a three bedroom B&B, we would have needed a six bedroom house to make this work through the years.

However, if we also have an approved Ag house with an agricultural worker or family, while we had three kids at home, perhaps they might not have kids and then their extra bedroom(s) could work for a B&B. This added flexibility would allow for smaller, more efficient buildings. This is a huge advantage for everyone on many levels.

Detached studios with bedrooms could also work in this way as they are technically a component of the main single family dwelling. (I don't know how the proposed code would view such a structure). I think the issue should be how many guests maximum and that they are safely housed.

Demonstration Farm:

This looks great, however I think that the proposed level of 8 people per day is too restrictive. I believe the same goal could be accomplished by making the limit an average of 8 people per day with a max of 20 people in any given day. For monitoring reasons, it may also be beneficial to limit it to 40 people per week so that these events could look like two events over a weekend at 20 each, or 5 events of 8 people over the week days (or some other combination like these). I think this would add considerable flexibility while not adding considerably to traffic and other

issues. There are many demonstration type events that would need to be prohibitively expensive to be profitable if they were limited to 8 people.

Other:

We are also hoping that we, and other people like us who went through Special Use Review just prior to these changes, may be allowed to use something like the Limited Impact Special Use Waiver to amend our Special Use agreements in accordance with the new rules. In particular, we would want to be allowed the flexibility I suggested above under Demonstration Farm and the ability to add whatever becomes allowed for a B&B. (When we applied, we were told by Land Use that a B&B with open Ag would constitute a multiple primary uses and was therefore not an option for us and we should not include it in our proposal. Second, we also designed a small 2 bedroom house for ourselves with a detached 1 bedroom studio as it did not occur to us that we might someday only be allowed B&B housing strictly in our own home. We would not want to build anything more, we would just ask for added flexibility with what we already have and to not regret the design of our home if it precludes us from using the spaces we have as a B&B under the new regulations.)

Thanks for all of the great work.

Best. Alice Starek.
The Golden Hoof.

On Nov 1, 2012, at 5:02 PM, Shannon, Abigail wrote:

Hi everyone,

As I mentioned to you last week, the Boulder County Planning Commission will be considering amendments to the Land Use Code related to agricultural uses at their meeting on Wednesday, November 14, 2012, at 1:30 pm. The meeting will be held in the Hearing Room on the 3rd floor of the Courthouse Building at 13th Street and Pearl. This is a public hearing – you will have the opportunity to speak to these proposals (3 minutes, please) and Planning Commission will be asked to take action.

I have attached the DRAFT staff recommendation for your review and comment. It will be posted on our webpage soon:<http://www.bouldercounty.org/property/build/pages/lucodeupdateag.aspx>

Here are your deadlines for emailing written comments to me regarding this docket:

- Midnight, Tuesday, Nov 6 – if you want your comments included in the Planning Commission packet.
- Noon, Tuesday, Nov 13 – if you want your comments emailed to the Planning Commissioners 24 hours before the meeting.
- Noon, Wednesday, Nov 14 – if you want your comments hand-delivered to Planning Commission.

I will incorporate your comments into the staff recommendation and will (most likely) make some edits to the report as well. I'll send you the final staff recommendation next Thursday. Please be aware that Tuesday, November 6 is a Boulder County holiday. I am available to answer any questions you have regarding this docket or the staff recommendation. ashannon@bouldercounty.org or 720.564.2623.

Abby

BOOKCLIFF

• VINEYARDS •

November 7, 2012

To: Abigail Shannon, Senior Planner, Boulder County
From: Ulla Merz, co-owner BookCliff Vineyards
Re: Land Use Issues Affecting Wineries in Boulder County

Thank you for the opportunity to provide input to the upcoming review of the Land Use Code of Boulder County. I want to thank Abby and the Land Use staff for organizing the special group meetings soliciting input from winery owners and considering the inclusion of wineries in the revised Land Use Code. This is in response to the proposed regulations about wineries in Boulder County.

In response to the proposed regulations on wineries I recommend NOT to include any mention in the revised land use regulations about wineries in Boulder County. I acknowledge the reservations from the Land Use staff. I feel further discussion is needed at this time for Land Use staff to understand the needs for a successful winery business and the opportunities that come along with it in Boulder County and for winery owners to understand the reservations of the Land Use staff. Instead I would like to see the Land Use staff to support businesses based on agricultural products by allowing directional signs to find their businesses. Allow directional signage for wineries just as they are currently allowed for museums and golf courses.

- Directional signs identifying a winery.
- Directional signs being compatible with regulations from CDOT for TODS signs

Following are my reasons for not including new regulations about wineries in the revised Boulder County land use code.

- Rules and regulations should not prevent economic success.
- Proposed regulations ignore the opportunities of connecting consumers with the producers of agriculturally based products.

Establishing a vineyard and a winery require large capital investments. Site selection for a vineyard is very important as grapes don't grow just anywhere and the cost of planting vines and installing a trellis system are high. Growing grapes is not like growing carrots where if it doesn't work you can plant potatoes the next year. Just like vegetable farmers in Boulder County wineries depend on the opportunity of marketing and selling their products through a variety of channels to make a living and recover the costs of their investment. Direct sales of wine to consumers connecting them to the producers are an important source of income for wineries. And in turn consumers appreciate learning where their products come from. The proposed regulations ignore what the public is looking for. Have you ever been invited to tour a winery in an industrial park? I also think wineries in Boulder County would be a welcome and complementary addition to the existing vibrant hospitality and restaurant industry in Boulder.

Some background on BookCliff Vineyards. BookCliff Vineyards was established in 1999. We have our farm (now five locations with a total of 35 acres of grapes) in Palisade, Colorado. The reason we bought land in Palisade is that we wanted to grow grapes commonly used for winemaking and do it where they grow successfully on a commercial level. We would have much rather done it in Boulder County if it would have been possible saving us many eight hour trips and managing staff and operations from the distance. I am and have been a strong supporter of maintaining agriculture in Colorado supporting the requirement of 75% use of Colorado grown grapes by Colorado wineries. We are blessed in Colorado that we can grow vinifera grapes that allow farmers to make a living just not in Boulder County.

5501 AZTEC COURT, BOULDER, CO 80303

PHONE: (303) 499 7301 • E-MAIL: ULLA@BOOKCLIFFVINEYARDS.COM



Land Use

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

Memorandum

To: Transportation Staff –
 George Gerstle, Director
 Mike Thomas, PE, County Engineer
 Lesley Swirhun, Traffic Engineer
 Anita Riley, Development Review Coordinator

From: Abby Shannon *AS*

Date: October 26, 2012

Re: Tourist Oriented Directional Signage (TODS)

As you are aware, I've been leading a project to review and amend the Land Use Code regulations related to agricultural uses. I have been working with a variety stakeholders including a few winery owners. They are currently located within municipalities but would like to see the regulations amended so they can relocate to Boulder County's agricultural areas. They have brought the issue of signage to my attention.

The Colorado Department of Transportation has a program called Tourist Oriented Directional Signage (TODS) – based on my (limited) research, I can say it is a program that allows a standardized size and color of signs for business identification and directional information. The winery owners are interested in having these signs installed in at least one County right-of-way location but they have found that our regulations do not allow them.

The Land Use Code contains regulations for signs. There are a number of prohibited signs including, "Any sign, except publically owned signs, attached to a tree, light pole, utility pole, or sign pole on public property or located in any public right-of-way except where required by law [is prohibited]." (See Article 13-500.A.2.) Simplified, this statement prohibits all signs on public property or within the public right-of-way... unless the sign is a public sign.

Because TODS is a statewide Colorado Department of Transportation, I presume a TOD sign would be considered publically owned and, according to the Land Use Code, could be permitted. Do the Boulder County Multimodal Transportation Standards allow TOD signage in Boulder County rights-of-way?

I've attached a memo from Jackie Thompson, owner of Boulder Creek Winery from May 5, 2012.

Thank you for your consideration.

Cindy Domenico County Commissioner

Ben Pearlman County Commissioner

Will Toor County Commissioner

Boulder Creek WINERY

5971 Scotswood Court Boulder, Colorado 80301 Phone:303-516-9031 Fax:303-516-9360 Email: bouldercreekwine@msn.com

Memo

To: Boulder County Planning Commission
From: Jackie Thompson, Owner
Boulder Creek Winery
Date: 5/6/2012
Re: Winery Signage Regulations

As owner of a tourist-oriented winery in Boulder I would like to comment on just one small element of the proposed changes to Land Use Regulations for Wineries: **TODS Signs** (Tourist Oriented Directional Signs).

BACKGROUND

I opened my winery in 2003 in an industrial park in Gunbarrel.
By 2004 it was apparent that a large number of tourists hoping to visit my tasting room were having a very difficult time locating me.

Having noticed two other Guide Signs in Gunbarrel:



(Shelby American Collection)



(Leanin' Tree)

I requested through CDOT a similar sign:



At that CDOT informed me that wineries had been the subject of a totally new TODS (Tourist Oriented Directional Signs) Program that they had specifically developed for wineries. They advised me to apply for a TODS sign, which I did in early 2005:



CDOT promptly processed and approved the sign, but the County denied the sign because it advertised a specific business.

CURRENT PROPOSAL

As part of Winery Land Use discussions earlier this year, I brought the issue up again. After a bit of discussion it seemed logical to make the sign generic, like the Brown Guide Signs:



Staff is supportive of this approach and recommended that it be considered in the context of the Land Use Regulations currently under consideration.

SUMMARY

Since the primary objective of such a sign is to assist tourists in finding our tasting room, I do not care if the sign is brown or blue, or if it has my business name on it or just the generic term "winery."

I think this is reasonable compromise. Thank you to your Staff for their assistance, and thank you in advance for your consideration of this issue.



Transportation Department

2525 13th Street, Suite 203 • Boulder, Colorado 80304 • Tel: 303.441.3900 • Fax: 303.441.4594
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

December 7, 2012

TO: Abby Shannon, Staff Planner, Land Use Department
FROM: Anita Riley, Development Review Coordinator
SUBJECT: DC-11-003: Land Use Code Text Amendments – Agricultural Uses

The Transportation Department staff would like to address the transportation-related issues that arose at the Planning Commission meeting held November 14, 2012.

Parking Requirements for Agricultural Accessory Uses

The first issue concerns the parking requirement language used for farm events. The intention of this language is make the option of on-street parking available to agricultural businesses where it is appropriate while allowing the Transportation Department staff the opportunity to review the safety of the proposal. Ensuring adequate sight distance would be the primary purpose of such a review but there could be other safety concerns, depending on the location, that staff would wish to address. Staff recognizes the lack of clarity present in the original language and is comfortable with the revised language: *Vehicles should be accommodated onsite. On street parking may be permissible with review and approval from the Transportation Department.*

The Transportation Department staff finds it appropriate to extend the parking requirement language to all accessory uses to agriculture.

Traffic Impacts of Multiple Agricultural Accessory Uses (Beyond Parking)

The second issue concerns the traffic impacts of accommodating multiple accessory uses to agriculture on one parcel beyond those related to parking. A Planning Commissioner questioned whether the presence of several accessory uses on one parcel would generate sufficient traffic volume to create significant traffic impacts. After review of the proposed language (including parking requirements as noted above), the seasonal nature of the accessory uses, and the limitations on number of events, staff believes that any potential traffic impacts will be short-lived and, therefore, should not be subject to additional review.

Tourist Oriented Directional Signage (TODS)

The third issue concerns the use of TODS in Boulder County. The Boulder County Multimodal Transportation Standards allow traffic control signs, including guide signs, in the right-of-way that are consistent with Manual on Uniform Traffic Control Devices (MUTCD).

While there are a few historic exceptions, noted by the applicant, current policy, has been to minimize the number of signs in the rights of way, and to prohibit erection of any directional signs to specific commercial establishments in order to maintain the rural character and uncluttered roadway corridors.

This concludes our comments at this time.

distributed during 11/14/12
PC meeting

Exhibit B

BOULDER
colorado • usa 

BOULDER CONVENTION AND VISITORS BUREAU

November 14, 2012

To: Boulder County Planning Commission, County Staff

From: Mary Ann Mahoney, Executive Director

Land Use Amendments – Agricultural Uses, Public Hearing

In the October 8, memo from the Boulder County Commissioners County Economic Development Program outlines the 2013 programs there is a distinct interest in is Local Agriculture. It this memo it states:

Local Agriculture – Boulder County encourages increased participation and partnership with the local agricultural community through support for local farmers markets and the organic food industry and development of markets for local agricultural products.

Leslie Irwin is administrating the Economic Development programs for the County.

We hope the County Planning Commissioners integrate this language in your discussion and actions today.

As the Boulder Convention and Visitors Bureau, we are the marketing arm and assist in managing the Boulder-brand message to folks within Colorado, nationally and internationally. Boulder County farmers are a key component to Boulder County's foodie scene and are what help make Boulder a top tourist destination.

My hope as you review the proposed changes the staff recommended the Commission remember your thoughts from August 15 meeting, the requirements could be too limiting requiring the agriculture assessment.

The recommendations from staff as to Farm Events Group Gathering/Special Events, Farm Store/Stand, and Demonstration Farms (or farm camps) all seem align with many of the discussions that were held. We hope you take into consideration as to all of the input in advance from the farm owners and operators.

Under Part 2, Winery

I want to take a moment to support Jackie Thompson's letter to you of November 5. I too am disappointed the staff did not support the inclusion of the vinous liquor production in Boulder County for their limited manufacturing season and importance to our agriculture products.

We truly hope you would consider Agri-Business uses. The Planning Commission could either adopt the language on Page 12, or direct staff to develop this further and come back with a collaborative approach and revised recommendations.

Also we urge you to support the use of a branded look for agriculture signage through-out Boulder County. This opportunity would further deliver the message *Boulder County is a premiere area for locally grown and produced products*. This is a perfect time to stake our claim and support the importance of the Agriculture-economic elements available in Boulder County. The signage should be considered to the Colorado Tourist Orientated Directional Signs, developed by the Colorado Department of Agriculture and Colorado Tourism Office. Jackie Thompson provided some great examples you should give staff direction to consider.

The state of Colorado Office of Economic Development Tourism Office is launching a state-wide initiative to develop strategic initiatives to set a comprehensive scope of what Colorado has to offer.

There are planning sessions this month where farmers can learn about the state's new agritourism program and how their farm can be included. The Boulder Convention and Visitors Bureau wholeheartedly support this program and will attend – we'd love for you, County Planning Commissioners, Staff, farmers, ranchers, and beekeepers all to come and to be there too.

Who should attend?

Farmers, ranchers and agritourism operators
Rural economic development agencies
Anyone interested in agritourism and cultural heritage tourism

What will the planning session include?

A chance for you to say what you need to be successful in agritourism.
Share what you have seen – opportunities or barriers – in creating new experiences for visitors.
Learn about the state's work to develop a statewide agritourism program.
Find out about agritourism programs in other states.

When?

If there is enough interest, we could have the planning session in Boulder.

Sessions currently scheduled for:

Ft. Collins – Monday, Nov 26 - 1-3pm

Fort Collins Welcome Center 3745 E Prospect Road, I-25 at Exit 268

Denver – Thursday, Nov 29 – 1-3 pm

History Colorado Center – 1200 Broadway

Shannon, Abigail

From: Tyler, Cameron <cam@camtylerlaw.com>
Sent: Monday, November 19, 2012 9:48 AM
To: Shannon, Abigail
Subject: Re: PC Results

Shannon:

Thanks for keeping me (us) posted. I continue to follow your project closely, reading the drafts and changes. Yes, it is hard reading (I honestly prefer picking rocks out of a newly plowed field), but I strongly support the overall approach of making farms small and large more economically viable in Boulder County.

I promise to go over the commissioner comments and attend the next two meetings.

Cam Tyler
4290 Oxford Road, Longmont

On Mon, Nov 19, 2012 at 9:35 AM, Shannon, Abigail <ashannon@bouldercounty.org> wrote:

Hi Ag folks,

We had a good meeting with Planning Commission last Wednesday. They did not make any final decisions on the proposed changes to the Land Use Code related to agricultural uses. They did, however, ask questions about the proposals and provided me some direction so that I can continue to refine the draft. I haven't included all of their comments, but here is the gist (page numbers refer to the staff packet I emailed you last week. It's also posted on our webpage: <http://www.bouldercounty.org/property/build/pages/lucodeupdateag.aspx>)

- One Commissioner suggested the definition and proposed Additional Provision (5.c.) for Commercial Nursery better align because they seemed to conflict as drafted. (pages 6-7)
- A couple Commissioners seemed to support relooking at the duration and number of people that would trigger a Temporary Group Gathering/Special Event. They also seemed to support grouping RVs with personal camping tents (5.d.) as structures exempt from the Building Code. (page 8)
- Concerns were raised about the proposed edits to the provision that allows single family homes as "customary and incidental as part of this use" which appears in Open Agriculture and Intensive Agriculture. Also, the wording of this provision excludes renters who are not associated with the farm. Planning Commission asked that we reconsider this limitation. (pages 9-10)
- There was a lot of discussion about Wineries. Staff proposed draft language but suggests Planning Commission not adopt it. Some Planning Commissioners seemed supportive of this new use, some thought it would conflict with the Comprehensive Plan. (pages 11-12) They did,

however, seem to support further exploration of the Tourist Oriented Directional Signage program which Transportation staff has committed to considering. (pages 52-55)

- They seemed to support the four types of agricultural sales but asked staff to display the similarities and differences in a way that is more user-friendly. (pages 12-13, 15, 16-17)
- There was a little discussion about creating a hierarchy of preferred agricultural practices. (not in the staff report)
- Planning Commission also encouraged me to continue to reach out to you and other folks who, perhaps, haven't yet written or spoken to Planning Commission. That want to know what you think! I know this is a big project and reading a 55 page staff report can be a little overwhelming. Call me, tell me about your farm, and I'll let you know how these changes might impact you. Please be aware that I'll be on vacation from 11/21-12/1. But I do want to hear from you. 720-564-2623.

Important dates: Planning Commission will hear the docket again on Wednesday, December 19, 2012. This is likely be an afternoon hearing and public testimony will be taken. Please pencil January 3, 2013, at 2:00 on your calendars – we have scheduled a tentative hearing date with the Board of County Commissioners (this assumes Planning Commission takes final action on December 19). You will receive an email if these dates/times change.

Abby

Abby Shannon, AICP
Senior Planner, Boulder County Land Use
ashannon@bouldercounty.org
303.441.3930

Stay informed! Sign up for email updates from the Boulder County Land Use Department:

<http://www.bouldercounty.org/gov/media/pages/listserv.aspx>

Shannon, Abigail

From: CardamomSeed@aol.com
 Sent: Monday, November 19, 2012 5:21 PM
 To: Shannon, Abigail
 Subject: Re: PC Results

Abby,

Thank you for this update. I regret not having had time and opportunity to follow what you're doing more closely. My full attention has been on fracking and GMOs for the past year. The fact is that if fracking gains a foothold in Boulder County all of the excellent planning that you're doing will gradually become moot as more producers are forced out of business by not being able to compete--or even to coexist--with this devastating heavy industry. I can think of three producers who have already suffered this fate in the past year, all of whom were among our best and brightest lights, and more are poised to flee.

Thanks for keeping me in the loop.

Cosima

Cosima Krueger-Cunningham
 Sustainable Agriculture Committee Chair
 Sierra Club Indian Peaks Group (serving Boulder County, Colorado)
 Boulder County Sustainable Agriculture Forum Host

In a message dated 11/19/2012 9:35:55 A.M. Mountain Standard Time, ashannon@bouldercounty.org writes:

Hi Ag folks,

We had a good meeting with Planning Commission last Wednesday. They did not make any final decisions on the proposed changes to the Land Use Code related to agricultural uses. They did, however, ask questions about the proposals and provided me some direction so that I can continue to refine the draft. I haven't included all of their comments, but here is the gist (page numbers refer to the staff packet I emailed you last week. It's also posted on our webpage: <http://www.bouldercounty.org/property/build/pages/lucodeupdateag.aspx>)

- One Commissioner suggested the definition and proposed Additional Provision (5.c.) for Commercial Nursery better align because they seemed to conflict as drafted. (pages 6-7)
- A couple Commissioners seemed to support relooking at the duration and number of people that would trigger a Temporary Group Gathering/Special Event. They also seemed to support grouping RVs with personal camping tents (5.d.) as structures exempt from the Building Code. (page 8)
- Concerns were raised about the proposed edits to the provision that allows single family homes as "customary and incidental as part of this use" which appears in Open Agriculture and Intensive Agriculture. Also, the wording of this provision excludes renters who are not associated with the farm. Planning Commission asked that we reconsider this limitation. (pages 9-10)
- There was a lot of discussion about Wineries. Staff proposed draft language but suggests Planning Commission not adopt it. Some Planning Commissioners seemed supportive of this new use, some thought it would conflict with the Comprehensive Plan. (pages 11-12) They did, however, seem to support further exploration of the

Tourist Oriented Directional Signage program which Transportation staff has committed to considering. (pages 52-55)

- They seemed to support the four types of agricultural sales but asked staff to display the similarities and differences in a way that is more user-friendly. (pages 12-13, 15, 16-17)
- There was a little discussion about creating a hierarchy of preferred agricultural practices. (not in the staff report)
- Planning Commission also encouraged me to continue to reach out to you and other folks who, perhaps, haven't yet written or spoken to Planning Commission. That want to know what you think! I know this is a big project and reading a 55 page staff report can be a little overwhelming. Call me, tell me about your farm, and I'll let you know how these changes might impact you. Please be aware that I'll be on vacation from 11/21-12/1. But I do want to hear from you. 720-564-2623.

Important dates: Planning Commission will hear the docket again on Wednesday, December 19, 2012. This is likely be an afternoon hearing and public testimony will be taken. Please pencil January 3, 2013, at 2:00 on your calendars – we have scheduled a tentative hearing date with the Board of County Commissioners (this assumes Planning Commission takes final action on December 19). You will receive an email if these dates/times change.

Abby

Abby Shannon, AICP
Senior Planner, Boulder County Land Use
ashannon@bouldercounty.org
303.441.3930

Stay informed! Sign up for email updates from the Boulder County Land Use Department:

<http://www.bouldercounty.org/gov/media/pages/listserv.aspx>

Shannon, Abigail

From: Dick Dunn <rcd@talisman.com>
Sent: Monday, November 19, 2012 11:04 PM
To: Shannon, Abigail; Riley, Anita A.
Subject: context of my Nov 14 comments

Abby and Anita -

Reflecting on my comments at the Nov 14 Planning Commission meeting, I realized that I didn't put them in context, and without the context they must have seemed unduly harsh.

The information in the packet to the PC included a short history from Ms Thompson of Boulder Creek Winery which indicated that she had requested TOD Signage business-specific quite some time back, had been turned down so requested generic TOD Signage (that is, not identifying the specific business) in 2005. IF that is correct, Boulder Creek Winery has been waiting about seven years for signs which are standard in many other counties. THAT is the context in which I meant that the county ought to take some action. Seven years is an eternity in business planning. If I've misunderstood the situation I would be glad to be corrected.

--

Dick Dunn rcd@talisman.com Hygiene, Colorado USA



BOULDER COUNTY

HORSE ASSOCIATION

Exhibit B

The Voice for Horses and Horse People in Boulder County

BCHA RECOMMENDATIONS **2012 Boulder County Land Use Code Agricultural Zoning**

Over many decades, the **Boulder County Horse Association (BCHA)** has participated in lengthy discussions and task forces pertaining to the Boulder County Land Use Code, Agricultural Zoning section. We believe our efforts have helped create definitions and regulations that “work” for both the equestrian community, its neighbors, and Land Use Staff.

For the most part we support the recent recommendations of Staff. We appreciate the sincere effort they have made to find common ground with the agricultural community and balance in the regulations.

We do have several observations and recommendations as outlined below.

1) Support Agritourism. Being a farmer in Boulder County is an increasingly difficult proposition, with adversity ranging from extreme weather conditions, to bad soil types, to insufficient precipitation or irrigation, to the pressures of urbanization. Boulder County should take proactive measures to encourage and support diversification of agricultural activities, rather than imposing new and onerous regulations.

Farm Events, Group Gatherings, and Special Events. We believe staff’s proposals to limit Farm Events to six (6) consecutive hours, including setup and breakdown, and to require a permit for Group Gatherings lasting six(6) hours or more, are too restrictive. These events usually take place in the summer when the days are long. We have seen no justification for the apparently arbitrary timeframes proposed. We recommend that the time frame be extended to 12 hours in a given day, not including setup and takedown time, and that they be a Use by Right in the Agricultural Zoning District. We do support staff’s proposal to cap these events at a maximum of three (3) consecutive days.

Staff’s proposals for thresholds on the numbers of people at these events seem arbitrary and inflexible. We recommend that a program of “alternative triggers” be implemented, for example allowing larger groups for shorter durations, or allowing smaller groups for longer durations. While this may seem complicated, life is complicated and staff’s current proposals are also complicated. We believe our proposal would let people tailor the permits required to their needs. Permits should be inexpensive and easy to obtain.

Bed and Breakfasts. We support staff’s proposals regarding B&B’s.

Grading, Farm Stands, Accessory Agricultural Sales, etc. We generally support staff’s proposals, although we urge the Planning Commission and staff to consider more flexibility regarding stock/irrigation ponds (to 36” depth; 24” is too prone to rapid evaporation and has

little to do with safety) and wineries in the Agricultural Zoning district (we acknowledge that wineries are not exactly horse-related, but they are a consideration for general agricultural activities).

Signage for agricultural enterprises. We read the public comment and various departmental responses in the agenda packet with interest. Many other states and foreign countries have an outstanding program of educational signage promoting historical, cultural, agricultural, handcrafts, and other local enterprises. We have long believed that Boulder County (and Colorado in general) could do a much better job supporting agritourism by implementing new and attractive directional signs to the farms and ranches that offer education, recreation, retail, and hospitality services. It is encouraging to see that the Colorado Department of Transportation has already approved an entire package of tasteful signage (called TODS, or Tourist Oriented Directional Signage) for the State. We support, at the very least, a pilot program to implement TODS in Boulder County.

2) No Prioritization. We support the existing definition of "agriculture" in the Boulder County Land Use Code as "The cultivation of land, production of crops, raising, breeding, and keeping of livestock, and the buying and selling of crops, products or livestock associated with the agricultural operation" (LUC, Art 18-104).

Every major definition of agriculture worldwide includes cultivating the soil, growing and harvesting crops, and raising or keeping livestock. Horses clearly fit into the definition of agriculture because horses are clearly livestock.

We do not support any attempt to prescribe an arbitrary "hierarchy of preferred agricultural practices" on the many agricultural operations that are conducted in Boulder County. An ill-advised attempt to prioritize certain types of agriculture over others on BCPOS properties was suggested during the controversial Cropland Policy process in 2011. We opposed prioritization then -- and both BCPOS staff and the Board of County Commissioners agreed with us.

It is our understanding that the Land Use Department also does not support prioritization.

We believe that there is room for everyone in Boulder County agriculture and that we can all coexist. If taken to its extreme, "prioritizing" can represent the imposition of one special interest over, and at the expense of, other, broader, or more diverse interests.

The Land Use Code should not get into the business of prioritizing agricultural practices because the potential for inequity and unintended consequences is too great.

Summary. BCHA was established in 1971 to promote, protect, and unify the equestrian community of Boulder County through education, recreation and legislation. We obtained our 501(c)3 status in 1998. We are attaching below an information sheet regarding the historic and economic importance of horses in Boulder County.

Thank you for your consideration of our issues and welcome the opportunity to talk with you further. Please consider BCHA a resource for horse- and agriculture-related expertise.

-- **Suzanne Webel**, External VP and Trails & Public Land Management Committee Chair

Some Interesting Information about Horses in Boulder County.

Did you know that there are more horses than cows in Boulder County?

There are approximately 15,000 cows (H. Lovins / Nat Cap Solutions 2011).

There are approximately 15,330 horses (Deloitte Touche/American Horse Council, 2005; and National Agriculture Statistics Service, 1999).

Boulder County ranks fourth in the total number of horses in Colorado, with 6% of the state's horse population (NASS, 1999).

The horse community contributes approximately \$94 million to the GDP of Boulder County every year (Deloitte Touche/AHC and NASS).

This annual economic contribution includes hay and grain purchases, tack and supplies, trucks and trailers, tractors and equipment, veterinarians, farriers, horse trainers, breeding, horse sales, horse shows and clinics, therapeutic riding programs, and many other categories.

The market value of all farm products in Boulder County is \$34 million (Cropland Policy, p8).

The market value of horse hay in Boulder County is \$8 million (Lovins' estimate of 21,319 acres in forage x ave. yield of 3T/ac /2 (half to horses, half to cattle) x \$8/bale average price.

Thus the market value of horse hay alone is 25% of the market value of all farm produce.

A large proportion of BCPOS farmers produce hay and other forage for horses, in addition to other crops. Selling horse hay is a huge source of economic security for local farmers.

Horse people maintain undeveloped ("open") land throughout Boulder County as grazing land and for hay production.

Many horse owners manage their horses on 40 acre or smaller parcels, whereas it is difficult to manage cattle on small acreages.

Most horse properties are well-cared-for and are agriculturally productive.

Horse people support Open Space purchases for agriculture, wildlife, and recreation.

Horses are important to the quality of life of thousands of Boulder County residents.

Summary. The horse community is vital to the agricultural heritage, rural lifestyle, and economy of Boulder County. Please support our recommendations and those provisions of the Land Use Code that ensure we will be able to remain here.

Shannon, Abigail

From: Ulla Merz <ulla@bookcliffvineyards.com>
Sent: Saturday, December 15, 2012 12:58 PM
To: Shannon, Abigail
Cc: 'Jackie Thompson '; ulla@bookcliffvineyards.com;
'John@Bookcliffvineyards.Com'
Subject: RE: Planning Commission to discuss Ag docket on 12/19/12

Hello Abby,

Thank you for soliciting our input and sending me the information about the zoning map which I reviewed. This was very helpful.

Thank you also for soliciting the comments from the transportation department.

I was not looking for comments from the transportation department though, but rather for a proposal with actions to accommodate the TODS signs into the Boulder County Multimodal Transportation Standards.

I expected the transportation department to use their expertise and ingenuity to formulate a solution including TODS signs. The locations we are looking for installing TODS signs are hardly rural.

One is the intersection of the Diagonal and 63rd with one corner occupied with (I think) a water treatment plant, then on the other side railroad tracks and a hotel under construction and finally one corner devastated by overuse from prairie dogs. The other location is on 36 near Longhorn which is currently zoned as LI and GI and has a sign identifying a golf course.

I encourage you to go back to the transportation department and solicit a plan for TODS signs.

I support the new proposal for where wineries can be located in the county naming zones B,C and GI by right and T with special review. Please include LI by right as stated in the original proposal.

I mentioned on the phone my reason for increasing the maximum space size to 5,000 square feet. The manufacturing area used will be 3,000 square feet, but a winery needs warehouse or storage space for its cased goods (bottled and labeled wine). The empty tanks and barrels occupy the manufacturing area and the wine in bottles needs to be stored in a separate space. Ideally the warehouse/storage space is part of the facility in order to eliminate the need to transport/haul the cased goods to a n off-site warehouse space.

Thank you so much for the opportunity to provide my comments and input.

Ulla Merz

F.A.I.R.

FARMERS ALLIANCE FOR INTEGRATED RESOURCES

December 17, 2012

TO: Members, Boulder County Planning Commission

cc: Boulder County Commissioners

From: FAIR members, representing diverse and sustainable agricultural interests in Boulder County

RE: Land Use Code Amendments – Agricultural Uses

The Planning Commission will consider various Land Use proposals that affect activities on agricultural land, at its meeting on December 19th.

The Farmers Alliance for Integrated Resources (FAIR) submits its recommendations on those proposals. FAIR represents diversified family farmers and ranchers from Boulder County and adjoining areas, who support sustainable agriculture in the county and who provide education of the public and policy decision-makers about farming "best practices" that promote sustainability of our soils and water.

Our comments address proposed Agricultural Zoning Changes to the Land Use Code. Our comments generally address our concern about the proposed limited number of people that would be permitted to attend various educational events or "group gatherings" on agricultural lands, and also proposed limited hours that would be permitted with such events.

Summary of FAIR position: FAIR believes that the proposed regulations as written are unduly restrictive relative to the scope of educational outreach activities that can take place on ag lands. As FAIR develops its outreach and educational activities, its member farmers anticipate holding forums, educational days, farm camps, and farm visits on ag lands. The proposed regulations are too severe in their proposed restrictions, to permit these uses..

FAIR input and recommendations

1.) Under "Farm Events," staff has proposed limitation of events on ag lands, by right of use, without subsequent review, to be limited to 6 consecutive hours in duration, including setup and breakdown of any displays.

Negative Impact on FAIR farmers: If FAIR planned to hold an onsite event on a local farm, to demonstrate their farming practices and provide education about their farm and their crops, such as a day camp for kids or an educational day in the fields, or a learning /educational program, six hours is unreasonably restrictive time for setup, the event itself, and breakdown of the event. It is unclear what problems and issues actually exist, that result in such a draconian proposed limitation of time for an all-day event.

FAIR's position: Extend the time for the event to 12 hours in a given day, not including setup and take-down time.

2) Grading: On grading of more than 500 cubic yards, staff is proposing significant restrictions to "normal grading associated with agriculture" such as ag ponds for holding irrigation water or stock ponds. Those prior exemptions from restriction have been struck, which would require ALL ponds deeper than 24" to obtain grading permits prior to construction. Some of the agricultural ponds are 8 – 10 feet deep, and are stock ponds or water diversion ponds.

F.A.I.R.

FARMERS ALLIANCE FOR INTEGRATED RESOURCES

FAIR's position: It is unclear what problem this new requirement and new fee is intending to solve. FAIR recommends exempting agricultural properties under production.

3.) On "Group Gatherings" staff suggests again to limit the gatherings as a use by right, to 6 hours, reduced from 10 hours.

Negative impact on FAIR farmers: Again, that is an unrealistic and unjustified very short and arbitrary timeframe to hold various FAIR activities that its member farmers may wish to sponsor and promote onsite on a farm. Again, it is unclear what specific problems this restriction is intended to solve.

FAIR's position: Extend that time for the event to 12 hours in a given day, not including setup and take-down time.

3.) On "Demonstration Farms" the proposed regs would limit events to having 8 people a day for various day camps, without limited impact special review. The expressed concern is for number of car trips and traffic.

Negative Impact on FAIR farmers: This number (8) of participants appears arbitrary, and severely restricts education and outreach events that farmers might wish to promote. For example, this would prohibit a school class from attending a working and observation day on a farm as an educational outing or a day camp. Additionally, hosting a school class would require that the farm receive a day care exemption from Colorado Dept. of Human Services.

FAIR's position: Expand the number of people who can participate without special review, to 25 people a day.

4.) Additionally, the proposed regs would limit the number of people attending "Group Gatherings / Special Events" to 50 people, without special review. Again, there seems little justification for arriving at this arbitrary number. Should FAIR sponsor a farm / ag tour, it could easily draw dozens of people, as have the very popular ag tours that FAIR has co-sponsored with Boulder County Parks and Open Space.

FAIR's position: Permit a higher number of people who can attend "Group Gatherings / Special Events" without special review, to the same number of people who are being proposed as a limit for Farm Events, which is up to 99 people.

~ ~ ~

FAIR has sponsored legislative forums and agricultural tours, and anticipates increasing these activities for the benefit of the citizens of Boulder County over the coming years. These restrictions would unreasonably limit our farmers' ability to hold events that would showcase the value of agricultural production in Boulder County, including education about the wide range of approved farming practices available, and about the production and sale of local food and feed. We feel it is critically important that the citizens and voters understand the complex issues that are at the heart of decision-making at the policy level, and we stand united in our desire to expand those educational opportunities, not to restrict them as these proposed regs would do.

Please contact us if you have any questions.

For more information, contact Jules Van Thuyne at (303) 775-7894, or Jane Uitti at (303) 666-5882.
info@faircolorado.org

THE VOICE OF AGRICULTURE IN BOULDER COUNTY

Shannon, Abigail

From: katcon@earthlink.net [mailto:katcon@earthlink.net]
Sent: Monday, December 17, 2012 12:25 PM
To: Shannon, Abigail
Subject: Re: Planning Commission to discuss Ag docket on 12/19/12

Hi Abby,

I noticed that there is a new provision allowing those of us who are RR subdivisions to have the ability to get a limited review for selling our produce. I'd like to thank you and the Board for your efforts on our behalf.

I can't make the meeting Wed. I have a colleague here from China.

Please let me know how to apply for the review.

Thanks and I hope you have a great holiday season.

Best Regards,

Kat

-----Original Message-----

From: "Shannon, Abigail"
Sent: Dec 14, 2012 11:24 AM
To: "Shannon, Abigail"
Subject: Planning Commission to discuss Ag docket on 12/19/12

Good morning ag folks,

The proposed agricultural amendments are going back to Planning Commission next Wednesday, December 19, 2012. The meeting begins at 1:30 but there are a few items on the agenda. I anticipate the ag discussion will begin around 4:00. We have made a few changes to the draft as suggested by Planning Commission and the public at last month's meeting. The staff recommendation has been posted to the Boulder County website:
<http://www.bouldercounty.org/property/build/pages/lucodeupdateag.aspx>

Planning Commission knows these regulations might impact you (hopefully for the better...) and they want to know what you think about them. Please come to the meeting next week and take the opportunity to talk directly to Planning Commission. If you are unable to attend the meeting, you can send me written comments. If I receive them before noon on Tuesday, December 18 I will forward your comments to PC prior to the meeting. If I receive your comments after noon, I will hand-deliver your comments to them at the beginning of the meeting next Wednesday.

Please call me if you have any questions about the proposals or if you'd like to talk about how these changes could affect your farm. My direct number is 720-564-2623.

Thanks and have a nice weekend,

Shannon, Abigail

From: Dick Dunn <rcd@talisman.com>
Sent: Monday, December 17, 2012 9:37 PM
To: Shannon, Abigail
Subject: Re: Planning Commission to discuss Ag docket on 12/19/12

Abby - Notes on a few topics. I don't know whether I'll be able to attend the 19 Dec Commission meeting.

First, in general, there has been concern that you haven't heard from a lot of ag-area people--Planning Commission expressed this twice. I don't find this surprising, for one good reason and one bad one.

It's not surprising that people in rural areas who are doing traditional farming aren't contacting you or showing up, since they're not looking for substantial changes. They're busy, and they're doing what they've always done, so it's OK with them. In this case, silence is assent.

But there are people who would like to see changes, expansion in what they can do. They're trying to adapt their rural land (usually limited acreage in this case) to changing times and economics. Now, I say this with real

trepidation: some of these folks are NOT showing up or speaking up simply because they've been beaten down. I've talked to them. They don't think change is possible. They feel like county policy is, "NO", period, so why bother? You need to address this somehow.

I don't agree with them, else I wouldn't be spending the many hours in meetings that I have! Nevertheless, I understand their frustration to the point of giving up. I don't think you'll bring these people into the dialogue until there are meaningful and substantial modernizations of the Land Use Code...or at least until they see that it's possible.

There is an undercurrent of sentiment in the Commission that we need to preserve some sort of idyllic rural character. Well, you can't do that, because (a) it's already gone, and (b) there's nothing idyllic about rural, farming life anyway! It's noisy and dirty and smelly sometimes. The aspects of rural life that need to be maintained are the connection to the land and the sense of community. That's what matter; keeping rural areas as farm-museums is destructive.

One of the dangers of trying to preserve last-century rural character is that it's not sustainable in current times. So, in order to maintain their livelihood (keep income above expenses), if rural folks can't use their land to earn enough income, they end up taking jobs in the cities. This turns the rural areas into bedroom communities...but that's an oxymoron; it should be bedroom NONcommunities: In a rural area, if people commute out of it to their jobs, the sense of community is lost. And that's very much at odds with maintaining character.

One of the reasons you're seeing these requested changes, such as farm dinners, farm camps, B&B, winery, and more, is that people who own the land are trying to stay ON the land and work WITH the land, in a way that gives them enough income to stay there instead of commuting to a city job.

One of the commissioners (Scott ?, sorry I'm not good with names) expressed interest in expanding secondary uses. I would encourage that strongly, as a way to maintain rural character in practice.

There was a comment in the Longmont paper shortly after the 14 Nov meeting, to the effect that oil and gas wells are OK for Ag usage, but wineries are not??? I regard that as really snarky (and I assure you it was not my

comment!) yet there's a grain of sense in it, as follows:

If a landowner of a small parcel is trying to make a living, a winery would be a good choice, and could be done in harmony with the land. But if that's denied, and the landowner has mineral rights, oil/gas wells are an even better choice. You're not going to see a winery with a gas well on-site. Which would you prefer?

As you know, wineries in BoCo is my favorite topic. I understood that they might be allowed as some sort of accessory use (sorry I don't know the accurate term) if most/all of the fruit were produced on the property. But this still leaves open the problem of off-years, which with our current erratic climate (eg precip 1/2 of normal this year) would be a killer. A winemaker can't take a year off from profit.

I'm still trying to find a way through the regs to produce (hard) cider here. The orchard is here, and I could do all the production with no exterior changes in the property or use. I could produce and label "Boulder County Cider", but if I can't get around the regs, it will be "Colorado Cider" with a footnote of "produced and bottled in Larimer County" (or Weld or whatever), plus I lose the prestige of "estate" production. Please, how does this benefit Boulder County, to be so excluded?

In the last (14 Nov) meeting, commissioner Lopez brought up the very real topic of "Disneyfication"--I was glad to have a label to put on what I've seen! But, in the context of a real winery, it actually turns out not to be a concern: If a winery can make good wine and present it to customers, it doesn't need the petting-zoo, train-ride, trinket-shop and all that.

The winery and the tasting room are quite enough, and the other stuff would only be distractions.

The one case in which I've seen a winery (cidery, actually) with all the "Disneyfied" stuff is one in which the cidery came after the other uses.

They're now trying to calm down the touristy stuff and focus on the real cider, because that's a serious local agri enterprise and the other stuff has become a distraction. Lesson.

--

Dick Dunn rcd@talisman.com Hygiene, Colorado USA

To: Abby Shannon, Boulder County Land Use Dept.
From: Dick Schillawski
Date: December 18, 2012

cc: Boulder County Planning Commission

Subject: Proposed Land Use Code Amendments - Agricultural Uses (DC 11-0003)

Hi Abby,

This will confirm my recollection of our telephone conversation concerning this docket this morning. Hopefully my recollection will not differ from yours.

I have been rather pressed for time recently and only performed a quick review of your memorandum as posted online. Most of the issues I raised previously appear to have been either deferred or addressed with the exception of those associated with the section on *Accessory Agricultural Structures*. Below you will find my comments on this topic from my previous letter, to which I have added new input in **bold** or *italic* font.

Regarding *Accessory Agricultural Structure* (p. 15) and *Zoning Regulation Enforcement* (p. 20):

!) *AAS*, section 1, Definition: Is "A structure detached from ... the same lot as the principal use ..." physically possible, and, in any case, what is the semantic content this sentence is supposed to convey?

Per our conversation, I believe we agreed that this definition needs modification. I would suggest: "A structure, whose use is agricultural, which is detached from the principal structure located on the same lot."

2) *AAS*, section 5(a): I'd suggest changing "minimum requirements" to just "requirements".
We agreed that this change made sense.

3) *AAS*, section 5(b) and *ZRE*, section 2(a): I'm very much opposed to the proposed affidavit provision. Agricultural operations change over time and so do the uses to which existing buildings are put. Continuing to place more and more onerous requirements on farming operations, such as would be imposed by this proposal, contribute to the general decline of agriculture in Boulder County.

We appeared to agree that any such affidavit concerning agricultural buildings should be required to allow flexibility for changes in agricultural operations (e.g., a former horse barn could be converted to agricultural implement storage). With this in mind, I would recommend changing the last sentence of 5(b) to read: "Property owners may be required to sign a zoning affidavit restricting the structure to agricultural uses."

4) Excess agricultural buildings in general (paragraphs (B) and (C) of my previous memo, and various places in this docket and elsewhere): the proposed language in this portion of the docket appears restricted to covering proposed new construction, only, and is thus inadequate. Do unused and existing formerly agricultural buildings become "Residential Floor Area"? Or can they be put to some useful agricultural use by someone other than the landowner? Or does the county intend to require that they be torn down? These questions need to be answered and properly addressed, not ignored.

Although I think we were in general agreement about the issues, I don't think we reached any consensus regarding all of the answers to these questions. As you are aware and we discussed, recent changes in Colorado law concerning definition and assessments of agricultural properties have occurred. These should necessitate significant changes in the practices of the Assessor's Office if it is to fully comply with the changes dictated by the law. You indicated that your department generally depends on the Assessor's determination concerning "agricultural" versus "residential" structures.

In addition, current county Land Use Code restrictions on residential floor area depend upon the buildings on neighbors' lots, not just that of an applicant wishing to build.

Until these questions can be fully answered, adoption of this entire section should be deferred.

Shannon, Abigail

From: Rich Andrews <Rich@zeoiponix.com>
Sent: Tuesday, December 18, 2012 3:08 PM
To: Shannon, Abigail
Subject: Proposed Land Use rules re: agriculture Uses

Dear Planning Commission of Boulder County:

You are currently considering rules changes proposed by the Land Use Department, Articles 4 and 18.

Opening general comments:

1. Overall I would ask that you consider one very fundamental issue when considering these proposals from Land Use staff:

Have there been any actual real concerns or even complaints from citizens that would require these new rules to be implemented? If the answer is no, then you should seriously question whether additional rules are necessary at all. For example, with regard to Farm Events, the staff have stated that they have had no complaints. Then why create burdensome rules that make such community activities more difficult...and actually open the door for minor technical violations that have no consequence in reality?

2. It seems to me that many of these rules are simply unnecessary and overly restrictive, overly tightly constraining on agricultural and related activities on lands and owners that have agricultural properties. Farming is a difficult enough occupation without needing to seek approvals for activities that can make it or keep it viable.

3. If anything, Boulder County should be seeking to improve the likelihood that farming and associated agricultural activities can remain viable, in concert with the stated policies of the county to help preserve at least some of the rural character of the county. This has been reinforced over and over again by the willingness of the taxpayers of the county to invest in open space, including specifically open space that is continued to be farmed and grazed. Given the extreme high prices of land in Boulder County it is very difficult to make farming a viable livelihood without simultaneously engaging in additional income producing activities. The land use rules that restrict secondary activities should allow for this reality.

- a. Current rules state that only one occupation is allowed; that is simply too restrictive. The number of occupations is not the issue at all. It should only have to do with impacts.
- b. Farm Events have been artificially limited in the proposed rules. No complaints have yet to be filed for any of these events so why should they be regulated?
- c. Trying to have the Assessor define “commercial” is nearly impossible. The only actual assessment that can be performed would be whether actual farming is taking place, regardless of whether commercially profitable on a stand alone basis. Many farms simply would not meet this “commercial” criteria yet they may still be providing a public good to our community.
- d. without supplemental non-farm income for either other on or off farm occupations or associated activities, many farms are simply not profitable (or by definition commercial).

Specific comments on proposed rules and changes:

4. The proposed rules for Farm Events are particularly objectionable and unnecessarily burdensome.
 - a. The purposes for what county calls farm events are many and varied. They can be just for fun, for education, for sharing music, for potlucks, and many have nothing to do with making it a commercial farming enterprise. Many are just for community building and networking. Some are done to raise money for social service non-profits or other charitable purposes. Some are for special family events and for friends weddings. These should be encouraged, not inhibited by bureaucratic rules. These things are the glue that makes our local county community so valuable, desirable, liveable, and pleasant to be a part of.
 - b. An arbitrary limit on number of people or number of annual events at a farm is unnecessary. It is not even possible to predict in all cases how many may attend during a given time frame; particularly for such things as mazes or pumpkin patches. About the only things that may be relevant are adequacy for access and parking off road, avoiding excessive noise to nearby neighbors, but not much more. Farms should simply keep their neighbors informed, and invited when appropriate to avoid concerns.
 - c. Why should there be a fee from the county for farm or group events? What is county doing anyway? A tax on events would require a vote for approval.
 - d. The limitation to require some percentage of food served at an event is unnecessary and virtually impossible to verify or quantify. It’s not even appropriate. Events should not have to be based on food that is raised on farm or even in county. How would one possible regulate a pot luck for example. The purpose of some events is more about community service and community building, and that should be encouraged, not nit-pic regulated.
 - e. Disallowing the use of existing structures on a farm for events is unreasonable. What is wrong with a barn party and dancing in straw? Does the county wish to outlaw fun?

- f. The maximum attendance rules simply don't work for events such as corn mazes or pumpkin patches or u-pick events that span many days and weeks.
- g. Why would events be limited to parcels with Open Agriculture use? Why not intensive ag too? Or any kind of farm zone?
- h. Why are farm events not included on Estate Residential zoning?
- i. Why would farm events not simply be a use by right?

5. Chicken Rules

- a. Presumably raising chickens should be allowed in any zone category, by right.
- b. Why is this limited to just chickens? What about doves, quail, pheasant, guinea, peacocks, etc.?
- c. What about rabbits, guinea pigs, turtles, fish, frogs, worms?
- d. Do you see the problem with trying to be too detailed and prescriptive in rules?

6. Grading rules for >500 cubic yards as proposed do not make sense.

- a. Provision 5.c. calls for permits for any pond deeper than 24 inches. No one would reasonably build a pond only 24" deep; to do so is counter productive.
- b. Such shallow ponds stimulate evaporative loss and consume valuable surface area.

7. Inhibitory effects of unnecessary rules - Land use rules currently inhibit farmer to farmer cooperation and mutual support. An example is the restriction that prevents farmers from cooperating by sharing equipment or produce handling done at one farm and in support of produce from another farm. Currently a farmer in RR zoning cannot handle crops, and presumably even store crops from lands other than his own owned or leased properties.

- a. One specific example in the "Open Ag" Use rules is Provision 5.e. This limits accessory structures to equipment solely used on site. Why can't groups of farmers share equipment and the storage of it cooperatively? A very socially and environmentally responsible thing to do. Not every farmer needs to replicate every piece of equipment as his neighbor.

8. Residential Floor Area - The proposals suggest adding detached greenhouses and hoophouses of less than 400 sq ft not be counted against residential floor area. Exception makes sense but the 400 sq ft limit is simply unrealistically small for any bonafide farm use.

9. Part 2 Winery - What is so terrible about a winery? Some of the most interesting agricultural areas of our country are those that have diverse specialty crops such as vineyards and associated wineries. Also to be encouraged and not requiring special regulations would be herb production (medicinal and culinary), lavender operations, orchards of conventional and unique crops (kiwi, currants, gooseberries, etc.). To have such diverse and beautiful farms in Boulder County would be a wonderful thing, not to be discouraged.

a. The first point in staff discussion states that for grapes grown in Boulder County can process and sell in Open Ag by right. Probably not true based on my reading of Land Use rules; unless they owners actually own, lease or contract the lands producing the grapes. And why should there be a restriction about owned or grown in Boulder County anyway. What about a vineyard just across the line in Larimer, Weld, or other counties? Is there something special about grapes from Boulder County that we need to be so exclusive and elite? Perhaps the rule might say that some part of the grapes should be produced here, but leave it open otherwise.

b. The comment about costly water needs should not be a County Land Use factor. Cost is not for the county to base any judgement in its review. That is for the business concern to deal with, and will be based on legal permits from State Engineer.

c. And finally, why have a special provision for wineries at all. The Land Use department cannot possibly cover every possible agriculturally related business activity that someone may think of. We should be about encouraging innovative in farming and diversity in crops that can be suitable for our local climate.

d. Why is ER not listed as a zone where a winery would be located? (see my later comments about eliminating ER as a zone altogether).

10. Temporary Seasonal Farm Stand

a. The 42 day limitation is simply unreasonable. The farming season lasts much longer than 42 days. The discussion states that a farm stand was allowed as “agriculturally recreational activities”. I can assure you that operating a farm stand is anything but “recreational”, it’s long hours. It’s real benefit is to the people of Boulder County who want truly fresh produce. And that population set is growing year by year, particularly people that want organic safe food. Like so much in farming it is real work and would likely not be done unless to be at least somewhat commercial.

b. Farms stands should not require any review action by Land Use. What does that contribute except a hassle factor to the farmer.

c. Re: 2. Expand the districts by right to include A, RR, ER.

d. Re: 5.b. Farmers should not need to reapply yearly at all. What good does this accomplish?

11. Farm Store

- a. Again this is unrealistically restrictive to limit to 42 days per year. There is a growing movement for season extension by local producers by the use of covered crops, hoopouses, and other techniques. Why prevent them from selling their produce?
- b. This limit would essentially prevent Farmers Markets from occurring in the county jurisdictions. Why would you want to do that? What about farm stores at churches, day-care centers, nursing homes, business parking lots, schools? This making of locally grown food should be encouraged at any reasonable location.
- c. Why not include ER in the list of zones allowed?

12. Bed and Breakfast

- a. Why must owners live in the house used for B&B? An unnecessary restriction.
- b. If parcel already has more than 1 legal dwelling, why not allow its use for B&B purpose?

13. Accessory Ag Sales

- a. Again, why are rules proposed to prevent farmers from cooperating with each other. The provisions of rule 5.a. do not allow farmer cooperation since all produce must be under the same ownership.
- b. Rule 5.c. similarly inhibits multiple farmers/producers from cooperating with each other.
- c. In rule 5.c. the Demonstration Farm exception may be useful, but does not seem to be in the spirit of farmer cooperation, only education purposes. The Demonstration Farm rules have proven to be less than useful overall and more of a hassle than a benefit. Similar comment applies to 5.c. under Accessory Farm Stand.

14. Demonstration Farm and (classes)

- a. The proposed rules limiting farm activities are unrealistic and too restrictive.
- b. CSA's, particularly working share type operations, and U-Pick operations have people on farms in hands-on learning situations. These should simply not be required to be Demonstration Farms. They can involve more than 8 people per day and this proposed limitation if applied to such CSAs or U-Picks would inhibit such community building activities, where people want to be connected with and involved in all aspects of their food and its production....a very healthy thing that does not need regulation by Land Use.

- c. A cooperative farm of many owners should be readily accommodated, not discouraged by regulations.
- d. Some farms engage in research and want to share their findings and knowledge with other farmers and interested parties. Some research grants even require such educational outreach, often done on farm. That should not come under any regulation or special permit requirements.

The following comments are more general in nature than in specific response to the Land Use Proposals under DC-11-0003. However they do relate in that they deal with more fundamental problems with Land Use Code and the preservation of agriculture and more specifically sustainable agriculture in Boulder County.

15. Zoning Categories: More appropriate to support agriculture in Boulder county would be to reconsider the zoning categories and zoning assignments to parcels, with the basis being assessment of agricultural potential, and ensuring that bonafide agriculture is practiced on as many properties as can be justified by the land, soil, and water resource capabilities.

- a. More specifically, currently zoning categories include such zones as Estate Residential. This category should simply be eliminated and either defined as Rural Residential or Agriculture. It only encourages excessively large lands to be used for oversized housing and tends to discourage true agricultural uses for properties.
- b. Rural Residential zoning has similar negative consequences on real agricultural uses by not allowing the same agricultural activities as are allowed on Agricultural Zoned properties. Any and all types of agriculture should be allowed in RR zones.
- c. A possible solution to these zoning miss-definitions would be to assess the properties agricultural potential, case by case, and assign an appropriate classification.
- d. Another alternative which I prefer could be to convert all RR and ER parcels that are in areas with agricultural potential and with areas greater than 2 acres to agriculture zoning.
- e. In order to encourage bonafide agriculture use, to obtain the tax rate benefits of Ag zoning, demonstrated actual agricultural production should have to be practiced and documented to the Assessor's and Treasurer's offices.
- f. Raising horses and other animals for recreational or hobby purposes should not be defined as agriculture unless those animals are used for work in productive agriculture. Production of food for human consumption, feed for meat animals or fish, fiber, and specialty crops such as silviculture, horticulture, fruits, nuts, and herbs production should be the definition of agriculture for purposes of the tax status of ag lands.

16. Supporting Sustainable Agriculture - Overall one would think that a beneficial role of Boulder County would be to support truly sustainable agriculture. What is being practiced on many of the croplands of the county is simply not sustainable.

a. The excessive use of pesticides and chemical fertilizers produced from fossil fuels is a key example of unsustainable practice. These chemicals are contaminating our soil and water, as well as the foods and feeds that are produced. Land Use can potentially play a role in encouraging less and less use of these damaging chemicals and practices.

b. The use of genetically modified crops has the potential to contaminate neighboring organic farms from genetic trespass. Such GE biological trespass can destroy the certification of organic producers and create major economic harm, not to mention pollution of genetic seed stock.

c. The violation of organic farms by chemical trespass is occurring within our county and has forced some organic farmers to lose crops and even to close their farming operations. Land Use can institute rules that prevent such trespass by requiring setbacks on the chemically farmed properties to diminish the potential for trespass.

d. Beekeepers in Boulder County are experiencing major colony and consequent economic losses, increasingly understood in scientific community to be caused by systemic insecticides that are widely used with many commodity crops in the county. The populations of honey bees and domestic bees are being affected nationwide. These insects are essential to viability of a growing set of small diversified farms which rely on pollination services from these beneficial insects.

e. There is a growing number of small organic diverse crop farms in Boulder County, plus a growing awareness by an informed public about the need for locally sustainable agriculture and local high quality safe foods that are free from pesticide poisons and GE genes.

The County should take these issues on and seek to institute protections for and encouragement of truly sustainable agriculture. Sustainable means environmentally sustainable, not just sustaining the practices of the past decades. The “conventional” farming that dominates agriculture today is anything but conventional or sustainable. It has only existed for the last 60 – 70 years with the rise of chemical farming...and that form of agriculture is rapidly being understood to be damaging not only to our soils but to public health and the natural environment.

County Staff across several departments are encouraged to develop policies that can make Boulder County a leader in truly modern and sustainable farming practices.

Respectfully submitted,

Richard Andrews

General Partner, JM Andrews Family Farm LLLP

6803 Jay Road

Boulder, Colorado 80301

303 673 0098

Shannon, Abigail

From: Kathleen Connelly <katcon@earthlink.net>
Sent: Friday, December 21, 2012 2:32 PM
To: Shannon, Abigail
Subject: Re: Ag Docket: PC Action, BOCC Hearing 1/3/13

Hi Abby,
Yeah! This is good news indeed for our neighborhood.
At least now we have the opportunity to apply if approved by the CC's.

I really appreciate all the efforts on your part and the part of the Board.

Please express my sincerest gratitude and wish everyone Happy Holidays for themselves and their families.

Kindest Regards,
Kat Connelly

----- Original Message -----

From: Shannon, Abigail
To: Shannon, Abigail
Sent: Thursday, December 20, 2012 3:22 PM
Subject: Ag Docket: PC Action, BOCC Hearing 1/3/13

Good afternoon Land Use Code listserv and Agriculture Stakeholders,

The Boulder County Planning Commission reviewed and approved proposed amendments to the Boulder County Land Use Code related to agricultural uses at their meeting last night (12/19/12). I have attached a memo to this email outlining the approved proposals. I encourage you to review the memo and call or email me if you have any questions about Planning Commission's decision.

The next step is a public hearing before the Board of County Commissioners on Thursday, January 3, 2013 at 2:00. That's two weeks from today! We hope you are able to attend the hearing – the Board will be taking public testimony. If you are not able to attend (or if you would prefer), you can send me written comments which I will include in the staff packet to the Board. For written comments to be included in the packet, you need to email them to me no later than noon, December 27, 2012. For written comments to be sent to the Board 24 hours before the hearing, you need to email them to me no later than noon, January 2, 2013. Written comments received after noon on January 2 will be hand-delivered to the Board on January 3.

I know this is a lot to ask around the holidays but this might be the final (!) public meeting for this docket. Please let me know if you have any questions – I will be around while our office is open. Boulder County offices will close at noon on 12/24 for the Christmas holiday and will reopen at 8:00 am on December 26. We will be closed again at noon on 12/31 for the New Year holiday and will reopen at 8:00 am on January 2.

Thank you for your attention and patience with this docket. Happy holidays and happy new year!

Abby

Abby Shannon, AICP
Senior Planner, Boulder County Land Use
ashannon@bouldercounty.org
303.441.3930

Stay informed! Sign up for email updates from the Boulder County Land Use Department:

<http://www.bouldercounty.org/gov/media/pages/listserv.aspx>

Boulder Creek

WINERY

5971 Scotswood Court Boulder, Colorado 80301 Phone:303-516-9031 Fax:303-516-9360 Email: bouldercreekwine@msn.com

To: Boulder County Commissioners
From: Jackie Thompson, Owner
Boulder Creek Winery
Date: 12/24/2012
Re: Ag Land Use Regulations

Boulder Creek Winery is a boutique winery, now in its 10th year of producing classic-style wines from Colorado grapes. We are one of about a hundred wineries that comprise the re-establishment of a Colorado wine industry that disappeared for 50 years following prohibition, but is now in its third decade of making a comeback.

Our winery offers tours and tastings, and has been featured in AAA Travel Guide, Frommer's Travel Guide, Wines & Vines Magazine, Touring & Tasting Magazine, and in numerous State of Colorado Tourism brochures and travel websites. Our wines have won dozens of national and international awards, and have been celebrated as far away as the US Ambassador's residence in Paris. Our reputation has resulted in a steady increase of touring and tasting customers from all over the world.

Our issues:

1. We are hidden in an industrial zoned manufacturing park in Gunbarrel and,
2. We have been denied participation in the State of Colorado's "Colorado Wine Trails" TODS ("*Tourist Oriented Directional Signs*") program. My November 2011 memo (attached) outlines these issues in more detail.

Thumbs Up

With regard to the first issue, we requested consideration as an agri-tourism land use (vs. our current manufacturing designation) in the hope that wineries would be allowed in more aesthetically-appealing areas of the county. We specifically sought permission to locate in agricultural zoned areas of the county.

While, in the end, we were largely turned down on this request, the process by which Planning Staff and the Planning Commission considered our issue was exemplary. They listened, considered, and truly grappled with the question of how to help us.

The alternative that finally emerged in the current proposal would allow us to locate in Business and Commercial zoning districts, and although these are extremely limited areas that probably have little practical value for location of a winery, the fact that there was real thought put into our request is truly appreciated.

Thumbs Down

With regard to the second issue - participation in the statewide "Colorado Wine Trail" TODS program - we are extremely disappointed that we have made little progress with the Transportation Department, in whose hands this request continues to be stonewalled. On November 14th the Planning Commission considered the issue and made several positive comments regarding tourist signage for wineries (e.g. Gail Hartman: "*Signage should be allowed...*" and Doug Young: "*Very supportive of TODS signs...*" There were no negative comments. In response to the PC discussion Transportation Dept. staff stated, "...*staff would like to come back to the PC with recommendations that address specific issues...*"

On December 19th the Transportation Dept. came back to the PC with nothing. No criteria, no recommendations that address issues, and no explanation or justification for dropping further consideration of our request.

Current Request

Following the Dec. 19th hearing, George Gerstle of the Transportation Dept. agreed to meet with me and various other winery and tourism personnel to further discuss this issue. It is likely that this meeting will not occur prior to your Jan. 3rd hearing.

Because this issue is, at best, only peripherally related to the Agricultural Land Use update, it makes no sense to try and address it at the Jan. 3rd hearing. The signage issue is a *policy issue* not an *ordinance revision*, and TODS signage approval requires only a *Board Resolution* for implementation. Accordingly I would like to request an informal meeting with the Commissioners after our upcoming discussion with the Transportation Department.

Please advise me of the process to do this.

Thank you.

Boulder Creek

WINERY

5971 Scotswood Court Boulder, Colorado 80301 Phone: 303-516-9031 Fax: 303-516-9360 Email: bouldercreekwine@msn.com

To: Abigail Shannon, Senior Planner, Boulder County
From: Jackie Thompson, Owner Boulder Creek Winery
Date: November 5, 2011
Re: Summary of Land Use Issues Affecting Wineries

Thank you for the opportunity to provide input to the upcoming review of Land Use Codes in rural Boulder County. As the owner of one of four Colorado grape-based wineries in Boulder County, there are two issues I would like to bring to your attention:

1. **Zoning Designation: "Industrial Manufacturing" vs. "Agri-tourism"**

Please consider expanding the use designation of wineries beyond "manufacturing" (the zoning designation which is currently assigned to them for lack of anything more fitting under current Land Use Code. Keep in mind that Boulder's codes were written in the Post-Prohibition era during which wineries did not exist at all in the state of Colorado.)

The "Industrial Manufacturing" land use designation is ill-fitting for several reasons:

- Wine production, and more specifically, grape processing, is an agricultural activity that is largely seasonal in nature and does not involve the intensity of activities often associated with industrial manufacturing operations.
- Tasting room activities, a common component of winery operations, are not at all "manufacturing" in nature, and often include educational components such as tours, historical and scientific displays, and hands-on activities such as traditional grape stomps, classes, and workshops.
- Over the past twenty-five years the wine industry, nationwide, has evolved from a *wine-as-beverage* industry to a *wine-as-activity* industry ... Agri-tourism.
- Winery tourism is a thriving national industry that is best located where tourists are likely to find and enjoy it.

Small-scale winery operations with accessory tasting rooms offer the opportunity for adaptive reuse of existing agricultural properties and buildings. Please consider allowing wineries and associated tasting rooms as "Agri-tourism" and/or "Agricultural Product Processing" in appropriate agricultural areas.

2. "*Colorado Wine Trail*" Tourism Signage

A sample survey of our Winery Guest List for July 2010 (below) indicates that 84% of our tasting room guests are from outside Boulder County, with over half (57%) from outside the state of Colorado. A major issue compounding the unexpected location of wineries in Industrial Manufacturing parks (where out-of-town guests are least expecting to find them) is the inability to utilize "*Colorado Wine Trail*" sign, part of the Colorado TODS Program (*Tourist Oriented Directional Signs*).

The "*Colorado Wine Trail*" signage program is a collaborative effort of the *Colorado Department of Agriculture* and the *Colorado Tourism Office* designed to promote and facilitate tourist visits to winery tasting rooms. It is fashioned after similar, highly successful, Wine Trail programs in dozens of other states across the US.

For over a decade, Colorado wineries in all other areas of the state have been granted approval for wine trail signs as part of the Colorado TODS Program. Boulder County, however, has twice denied our formal request for a Wine Trail sign on Highway 119.

Every week we hear from our out-of-town guests that we are frustratingly hard to find. Please reconsider allowing *Colorado Wine Trail TODS* signs in Boulder County.

Boulder Creek Winery Guest List by Location	
July, 2010	
36	Boulder County (16%)
61	Other Colorado (27%)
<u>127</u>	Out-of-State (57)%
224	Total
 84% from outside Boulder County	

Enclosed are collection of facts and some comments that may help you understand the subject better and guide your decision making.

I can not discern what your motivation is by reading the phraseology of the proposed regulation. If you will explain what motivates the proposed action, I could speak to that point clearly.

At this point my clear comment is no, don't move forward with a regulation of land use with respect to wineries. I see no basis for it.

Having lived in Sonoma County and seen the Sonoma County Farmlands group and Sonoma County Land codes in effect preserving farmlands since the 1980s, I have a very long term and real view of appropriate land use and preservation. I also am a Level II Sommelier with the International Sommelier guild and I am an active student with the University of California at Davis in their wine studies program.

As a businessman in the city of Boulder and a resident of the county of Boulder and an amateur winemaker I would like to have regulations in the county I live and pay taxes in, and the city I work and pay taxes in, to at least not be inconsistent with Federal regulations and common practice nationwide. And would like to keep the options open to grow agriculture in a town and county that have a strong consumer base in food and wine.

Thanks
Tim Moley

This reply to the statements made in Docket DC-11-0003 will provide some fact based on laws and regulations and some comparisons of Boulder county grape growing and wine making to that of other regions.

For County of Boulder to craft a law or code inconsistent with Federal laws and regulations is a disservice to the citizens of the County and to those business taxpayers who operate a business in the County and pay taxes and unnecessary restriction on future agricultural development.

**The proposed revisions to the Boulder County Land Use Code include the following:
“wineries that grow grapes elsewhere should not be allowed to locate in agricultural areas”**

The proposal to restrict land use by limiting “wineries that grow grapes elsewhere should not be allowed to locate in agricultural areas” has no legal basis in any Alcohol and Tobacco Tax and Trade Bureau (TTB), United States Department of the Treasury regulations.^[1]

In fact it is common practice in all states in the US to not restrict land use for a winery based on where the grapes were grown.

The only restriction relative to where grapes are grown is a labeling restriction based on a **American Viticultural Area (AVA).**

An **American Viticultural Area** is a designated wine grape-growing region in the United States distinguishable by geographic features, with boundaries defined by the TTB

The TTB defines AVAs at the request of wineries and other petitioners. There were 198 AVAs as of January 2010. Prior to the installation of the AVA system, wine appellations of origin in the United States were designated based on state or county boundaries. All of these appellations were grandfathered into federal law and may appear on wine labels as designated places of origin, but these appellations are distinct from AVAs. Clearly use of county boundaries is no longer common practice or best practice.

American Viticultural Areas range in size from the Upper Mississippi Valley AVA at 29,900 square miles (77,000 km²) across four states, to the Cole Ranch AVA in Mendocino County, California, at only 62 acres (25 ha). The Augusta AVA near the town of Augusta, Missouri, was the first recognized AVA, gaining the status on June 20, 1980.

Unlike most European wine appellations of origin, an AVA specifies only a geographical location from which at least 85% of the grapes used to make a wine must have been grown. This distinction is worth noting that an AVA is about a label claim of where grapes are grown, not a land use regulation. Even in a label claim, up to 15% of the grapes in the wine can come from another AVA. To further bracket this thought, there is no requirement for a winery to be in the AVA to make wine from grapes grown in the AVA. Nor is there a requirement that a winery in the AVA use only grapes grown in the AVA.

American Viticultural Area designations do not limit the type of grapes grown, the method of vinification, or the crop yield. Some of those factors may, however, be used by the petitioner to justify uniqueness of place when proposing a new AVA. The distinction here is that in order for an AVA to be given, one must support reasons for it in a petition. At this time Boulder has no chance of getting itself designated as an AVA because it can not fulfill the requirements of the petition.

State or county boundaries — such as for Oregon or Sonoma County — are not AVAs, even though they are used to identify the source of a wine. AVAs are reserved for situations where a geographically defined area has been using the name and it has come to be identified with that area.

In Colorado the only AVA that exists are:

- Grand Valley, Colorado
- West Elks, Colorado

Grand Valley AVA is located in Mesa County, Colorado, east of the city of Grand Junction. The AVA includes the agricultural area around the Grand Valley of the Colorado River.

The **West Elks AVA** is located in Delta County, Colorado, near the town of Paonia. The surrounding mountains limit access to the area.

At present there is no AVA defined for Boulder Colorado. Therefore if a winery in Boulder Colorado proposes to use grapes grown in Grand Valley or even California to make wine, it would not in any way violate any of the TTB regulations. Even if Boulder Colorado was an AVA, making wine in Boulder from grapes grown in California would be permitted under Federal code as long as the wine made from non-Boulder grapes did not claim to use Boulder AVA origin grapes.

An AVA would protect Boulder wine grapes. Should the County of Boulder wish to apply for an AVA it would need to actually have a grape growing industry with a demonstrable value to grapes grown in specific areas. But there is no logical reason to apply for an AVA, nor would one be granted because there is no commercial grape growing, yielding a wine grape crop, in Boulder County. An AVA is basically a statement of specific land boundaries having intrinsic value in grape growing that yields a unique wine. Since there is no commercial grape growing to speak of in Boulder and surrounding areas, and no specific or valuable wine style, there is no precedent to say Boulder area land is special in any way. Further there is no proof that land north of Boulder creek is great and unique and land South of Boulder creek is not good enough and thus there isn't any rationale for where to start and end an AVA; a key criteria for getting an AVA.

The next question is what if any value can be provided to the citizens of Boulder County by limiting land use for agriculture purposes. If we look the grape farming industry in Boulder to see what protection it may need from grapes growers in other counties, regions and states, we find that the commercial grape industry in Boulder County largely doesn't exist. And certainly if it did exist one would have to question codes that served protectionist functions and whether there was any real business value or even whether they were in-fact legal.

Further, one has to consider whether land use itself needs protection from large numbers of wineries or any winery of any size using land zoned as agricultural and whether that in some way diminished the land held for Ag zoning. If we look at a map of Boulder County we can see that the main use of agricultural land, beside actual agricultural production, is open space. So a rational view would result in the agricultural land of Boulder County needs no additional protection or encumbrance.

If we want to consider forward-thinking agricultural land policy, we need only look to Sonoma County, California to see what they are doing and what the result is. Their policies on protecting land use are well established since the 1980s and the results are clearly good. A major component to preserving agricultural lands is the encouragement of wineries. Boulder County's proposed limiting of land use for wineries is in fact counter to best business practice clearly demonstrated for over 30 years by Sonoma County.

**The proposed revisions to the Boulder County Land Use Code include the following:
“wineries that grow grapes elsewhere should not be allowed to locate in agricultural areas”**

Further the language is imprecise in that it says “wineries that grow grapes” which in my short research of the matter, no winery in Boulder grows grapes anywhere else, they in-fact buy grapes or grape juice from other vineyards.

Logically if Boulder County wanted to preserve land for agricultural use they would leave land in the market rather than buy it for open space. Land left in the market and zoned Ag would be then be best used by encouraging agriculture and facilitating agriculture, not restricting it. The proposed regulation to restrict land use of AG land by prohibiting wineries from buying and or using grapes grown outside Boulder county is apparently missing a significant fact that in order to establish wineries who would grow grapes in Boulder, the wineries will, for several years, need to buy grapes and juice from outside Boulder. And the main reason that no other county restricts the use of other counties grapes nationwide is the awareness of the simple fact that in the realm of agricultural products, weather and disease have an impact on crops and in order for a winery or a cattle operation or many agricultural endeavors to persist and flourish in Boulder the firms operating them need to be able to use agricultural commodities that originate from outside the county.

Would the county also prohibit cow or goat dairies located in Boulder County from using milk that was from outside the county? And the same question for ranchers and honey firms and so on.

Summary on points regarding non- Boulder Country grown grapes used in a “winery” on land zoned AG:

1. There is no precedent for such a regulation.
2. The regulation would be inconsistent with state and Federal laws and regulations.
3. The labeling issue and whether it is false and misleading has nothing to do with land use regulation. Labeling issues should be dealt with by labeling codes by appropriate agencies.
4. There is no benefit to citizens of Boulder County, no benefit to grape growers, no benefit to wineries.
5. The restriction is in fact counter to what is permitted by laws and regulations on wine making.
6. If anything, it would limit business and tax revenue.
7. Common experience in counties with strong agricultural land protection codes in-fact encourage wineries on agricultural land as a way to preserve agricultural land in agricultural use. And in Boulder’s climate the ability to use grapes and juice from other climates is a key to at least starting wineries and vineyards and to keep them viable in years of drought or extreme cold and so on.

Regarding the language of the Docket DC-11-0003 on the matter of regulating wineries in the city of Boulder further than Boulder city zoning is presented as “in considering the goals of the few winery owners” fails to make clear whether it is the intent of Boulder County to modify zoning regulations to limit wineries to only those establishments that are an “Eating or drinking place”. This appears to say that the intent is to add business and commercial zones to industrial and light industrial. Further clarification is required.

Shannon, Abigail

From: Dick Miller <dmiller@revive.com>
Sent: Thursday, December 27, 2012 12:14 PM
To: Shannon, Abigail
Cc: rpm@mikaag.com; Case, Dale; Domenico, Cindy; scott@mikaag.com; Jane Uitti; Richard A. Johnson
Subject: Agricultural land use proposed changes

Abby...

In reviewing the changes you are proposing for the land use codes pertaining to agriculture I find several things that are objectionable and restrictive to the uses of agricultural lands in Boulder County. If you will remember it was myself and Eric Johnson while serving on the Food and Agriculture Advisory committee who initiated discussions to revisit the land use code and make it more farmer friendly and address the issues of hoop houses and small market farms. Now serving on the Colorado tourism advisory committee it is my concern that Boulder County doesn't stifle agri-tourism which is a major component to successful small market farm operations. Urban dwellers visit farms for more than food or produce. It is for the overall experience. With that in mind I want to call your attention to two specific items that I find objectionable in your proposed regulations.

Farm Events, section F

Requiring that the majority of food be grown in boulder is overly restrictive and not realistically feasible.

Accessory agricultural sales, Section 5a the definition of on site

This needs to be changed back to the original definition. The addition of grown in boulder county needs to be removed. I know everybody is on the warm and fuzzy "buy local" kick but this restriction does a disservice to the agricultural community in Boulder County. Many of the best farmers in the county farm outside the county and may even live in adjoining counties. A farmer east of me a mile lives and headquarters in boulder County but grows a lot of hay outside the county that he hauls home and sells it which would become a violation. We grow apples at our orchard on the West Slope and market them here in Boulder County that will become a violation of your new land use code regulations. I can site many more scenarios that this change will harm existing agricultural operations.

I request you rethink and change these proposed regulations before you proceed further and harm Boulder County Agriculture.

Dick Miller



Transportation Department

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October 30, 2012

TO: Abby Shannon, Staff Planner, Land Use Department
FROM: Anita Riley, Development Review Coordinator
SUBJECT: Tourist Oriented Directional Signage (TODS)

The Transportation Department staff has reviewed your inquiry regarding the placement of tourist oriented directional signage (TODS) in Boulder County rights-of-way.

Staff is familiar with the Colorado Department of Transportation guide signing program known as TODS. The Boulder County Multimodal Transportation Standards allow traffic control signs, including guide signs, in the right-of-way that are consistent with Manual on Uniform Traffic Control Devices (MUTCD).

While there are a few historic exceptions, noted by the applicant, current policy, has been to minimize the number of signs in the rights of way, and to prohibit erection of any directional signs to specific commercial establishments in order to maintain the rural character and uncluttered roadway corridors.

Before any signs are approved for installation, staff recommends that specific criteria and policy guidance be developed that addresses, at a minimum, zoning districts, types of destinations, road classifications or other geographic areas where guide signing is, or is not, appropriate.

This concludes our comments at this time.