



# Land Use

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## BOULDER COUNTY PLANNING COMMISSION

Wednesday August 15, 2018, at 3:00 p.m.

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

### DISCUSSION ITEM ONLY

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

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### AGENDA

1. Staff presentation
2. Planning Commission discussion

### INTRODUCTION

On May 10, 2018, the Board of County Commissioners authorized Land Use staff to pursue text amendments to the Boulder County Land Use Code (the Code) related to agriculture. The updated Code language will reflect the goals and policies of the Boulder County Comprehensive Plan's (BCCP) Agriculture element, which call for the county to support a diverse and sustainable agricultural economy and to preserve the productivity of agricultural lands. The updated Code language will also balance agricultural interests with the need to protect health and safety and uphold the guiding principles of the BCCP.

The County last updated some of the agricultural provision of the Land Use Code in 2012. After several years of implementation there is an identified need to make revisions to address changes in the industry and ensure the regulatory framework is scaled to address impacts without causing undue burden. The County, including staff from Land Use, Parks and Open Space and Public Health conducted an outreach project aimed at gaining a better understanding of the needs and issues of the agricultural community in Boulder County. Staff identified opportunities to

streamline and clarify Code provisions, and better align Land Use review requirements with the level of impacts associated with various agricultural uses.

Staff is preparing draft text amendments and seeks Planning Commission (PC) feedback on key concepts under consideration. Staff is interested in feedback on the agricultural product sales requirements; how streamlined processes may be made available to “Eligible Farms”; and any other related issues of PC interest.

This document contains an overview of the changes to the Code under consideration and focus questions for the PC Study Session. For simplicity, this document refers to the changes under consideration as “proposed” changes. However, at this point these are only changes under consideration by staff, prepared for discussion at the study session. No specific text amendments are being proposed for approval at this study session. PC input at this study session will inform final preparation of proposed Code language.

## **ACTION REQUESTED**

No action is requested. This is a discussion item only.

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## I. OBJECTIVES AND SCOPE OF LAND USE CODE UPDATE

The purpose of amending the Code is to streamline agriculture-related Code language and remove or replace unnecessary or outdated language which presents additional impacts to an industry challenged by many other factors (e.g., markets, weather, high costs of labor and land, etc.). The amendments should assist the agricultural community in the county by better matching Code requirements with the impacts of agricultural activities, and with the underlying policy foundation provided in the BCCP Agriculture element. In addition, improvements to the Code language will help make the Code easier to navigate and more user-friendly for both staff and members of the public. Based on the robust outreach efforts described in Section II, staff identified the following objectives and topic areas of focus for the Land Use Code amendments.<sup>1</sup>

### Objectives

- Simplify the structure of the Code (e.g., reduce the number of use types for farm sales).
- Clarify language (e.g., provide additional definitions where appropriate and address current language that causes confusion).
- Revise the Code to better match review processes with intensity of uses and impacts.
- Structure the Code so that producing farms can function with only the amount of review necessary to ensure safety and sound land use planning.

### Scope

- Farm Events
- Demonstration Farm / Farm Camps
- Hoop houses and greenhouses
- Potential streamlining of Land Use Code processes for Eligible Farms

Staff explored public health concepts throughout the data gathering efforts to better understand the community's needs and interests, including topics such as processing of agricultural products and use of commercial kitchens. Information gathered related to these topics provides important context and helped clarify the scope of the Code updates needed. However, input gathered through the outreach process indicates that many of the community's needs in these areas stem from a need for more information and assistance understanding requirements, and do not warrant Land Use Code changes beyond those proposed.

## II. BACKGROUND

In late 2017, a team of staff from Boulder County [Land Use](#), [Public Health](#), and [Parks & Open Space](#) departments and CSU Extension launched the Agricultural Outreach Project to identify key topics and set priorities for updates to the Code and related regulations and programs. A summary of the mission of the Agricultural Outreach Project is provided on the Project's [webpage](#) and in Figure

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<sup>1</sup> As noted previously, housing for farm workers also emerged as a top priority from the initial data collection efforts. Housing will be addressed at a later time after an update to the Boulder County Comprehensive Plan's Housing element is complete.

1. The county recognizes that the agricultural community faces a variety of significant challenges. The BCCP sets forth a policy vision that encourages a diverse and sustainable agricultural economy (see Figure 2).

In addition to the BCCP, the proposed Code updates are intended to better align with the Boulder County Parks and Open Space Cropland Policy. The Cropland Policy, last amended in April 2017, draws its overarching policy guidance from the Open Space and Agriculture Elements of the BCCP.

The vision of the Cropland Policy is to enable the Parks and Open Space Department (POS) to be a national leader in sustainable agriculture. In addition to environmental stewardship and social responsibility, economic viability is a key component of sustainable agriculture.

**Figure 1. Agricultural Outreach Project Mission**

### Agricultural Outreach Project Mission

Boulder County is working with the Agricultural Community to:

- Reduce barriers and soft costs associated with county-level regulations and permitting for agricultural producers in Boulder County.
- Establish regulations and practices that align with the Boulder County Comprehensive Plan policies and facilitate a thriving, diverse agricultural economy.

Strategies include streamlining and simplifying processes, coordinating across county departments, aligning with other programs familiar to agricultural producers, and improving public information resources.

The Cropland Policy recognizes the need to develop alternative markets and diversify the agricultural economy in the county. This translates to encouraging direct-to-market operations such as on-site sales of agricultural products (as well as structures necessary for such sales). This is accomplished in part by expanding existing farms and agri-businesses, as well as by attracting new activities complementary to agriculture, such as farm events. The Cropland Policy also describes the importance of public education and exposure to the local food system through events such as tours and farm demonstrations. The proposed Code updates aim to provide a regulatory basis for such sustainable agricultural principles as outlined in the Cropland Policy.

#### **A. Research and Efforts to Identify the Needs of the Agricultural Community**

##### *Online Comments and Open House*

Members of the community submitted comments through an online form and had conversations with staff during December and into January 2018. A total of 110 comments were received through the form. At an open house on January 18, staff gathered additional input and further explored topics addressed in previous comments. Staff estimates that over 75 people attended. The top themes that emerged from the open house included economic resiliency (farm sales and agritourism), agricultural worker housing, and Land Use and Building Code-related constraints (e.g., need for clarity of language and improved ability to build hoop houses and other structures). A full summary of the public comment and open house feedback and outcomes is available [here](#).

### *Topic Focused Public Meetings*

Boulder County held two topic-focused community meetings in March 2018. The March 8 meeting focused on farm sales and farm events. The March 14 meeting focused on hoop houses and greenhouses, with some discussion of housing, recognizing that a greater focus on housing will be more appropriate as part of the BCCP Housing Element update. The purpose of the meetings was to gain a deeper understanding of some of the specific needs of the community, and review staff's initial ideas.

In addressing the issues raised, staff generated concepts generally focused on streamlining and adding more clarity to the Land Use Code, and better aligning Code requirements with the level of intensity of impacts on the property. Staff reiterated that the concepts developed must meet the intent of the regulations in the Code, including the need for the county to address transportation and other impacts, as well as health and safety concerns. Meeting attendees participated in small group facilitated discussions aimed at: 1) gathering feedback on the appropriate level of review and farm activity for various scales of activity or development, and 2) general information about what farms need in order to succeed. This information helped equip staff to prepare and propose Code revisions.

Outcomes from those meetings are summarized [here](#).

### *Survey*

Staff sent a survey to the agricultural community in May 2018 regarding how the current Land Use Code and other regulations affect agricultural operations. The survey included focused questions identified as important based on input from prior public meetings. The survey email went out to 386 email addresses and 671 contacts on the Ag Outreach email list (plus to any contacts as shared by POS or CSU Extension). A total of 88 members of the agricultural community opened the survey, and 58 members of the community viewed the survey in its entirety (though not all 58 respondents answered all 59 questions). A comprehensive summary of the survey results is available in Attachment E. The

**Figure 2. Boulder County Comprehensive Plan Policies Related to Agriculture**

### **Boulder County Policies Encourage a Diverse and Sustainable Agricultural Economy**

The following content from the Agricultural Element of the BCCP provide a policy basis for the Land Use Code amendments. Proposed Land Use Code changes aim to ensure alignment with the BCCP.

- Goal M1. 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.
- Policy AG 1.02 The county shall foster and encourage varied activities and strategies which encourage a diverse and sustainable agricultural economy and utilization of agricultural resources.
- Policy AG 1.05 It shall be the policy of Boulder County to keep the regulatory burden on various agricultural activities to the minimum necessary for identifying, addressing, and mitigating potential impacts in the areas of health, safety, and welfare.
- Policy AG 1.13 The county shall continue to monitor the application of these policies and attendant Boulder County Land Use Codes, as to their effectiveness in preserving agricultural land and perpetuating agricultural uses in Boulder County while maintaining a reasonable use to the individual owner.

survey alone cannot serve as the basis for firm conclusions about the needs of the market. However, the data provide valuable input to inform development of Code changes.

Key findings from the survey include the following

- **Farm Sales:** Overall, commercial farmers who responded are not focused on increasing sales at farm stands. For those farmers who do wish to establish or enhance farm stand businesses, the farmers want to be able to sell their products at offsite locations to increase revenue and access to customers.
- **Farm Events:** Respondents want to offer more varied and more frequent onsite events to diversify their income.
- **Farm Structures:** Respondents of all types need cost-effective structures onsite to extend the growing season. These structures are not intended to be deconstructed seasonally, and often need basic utilities such as electricity, water, and heat. In addition, farmers wish to use existing structures (such as barns) for farm sales and events.
- **Farm Review Criteria:** Overall, respondents preferred the IRS Schedule F or an affidavit of intent to have at least \$1,000 in agricultural sales revenue as eligibility criteria for potential streamlined code processes. However, commercial farmers generally opposed using “intent to sell” as a criterion. The least favorable farm eligibility criteria (among all respondents) were USDA EQUIP program eligibility and revenue as a percentage of household income.

### *Farm Visits*

Staff asked survey respondents if they would be interested in hosting a farm visit. Several farms expressed interest, and staff conducted visits at six farms that included a range of farm sizes and types. The farm visits provided valuable context and highlighted the diversity of needs which exist in the agricultural community that relate both to Code changes and information-related improvements.

### *Literature Review*

Staff reviewed examples of land use regulations from peer jurisdictions, and those known for having a regulatory environment that supports agriculture. Staff plans to provide a high level summary of key outcomes from this research as a hand out for reference at the study session.

## **B. Overview of Agricultural Activity in Boulder County**

To provide context and an understanding of the agricultural community that exists in Boulder County, this section provides an overview of key data points from federal and local data sources.

The data presented in Table 1 depict significant variation in measures of agricultural acreage and numbers of farm operations in Boulder County. For example, the U.S. Census data show 855 farms

and 133,000 acres farmed,<sup>2</sup> while the Assessor’s Office reports 1,601 properties classified as farms for tax purposes, representing 61,216 acres. The variation in data reflects the different definitions of "farm" used by the various data sources (see Table 2), as well as different reporting periods. According to Land Use GIS data, there are nearly 170,000 acres in the Agricultural zone district; however, not all parcels in this district are actually farmed.

As reported in the Census of Agriculture, the market value of agricultural products sold by Boulder County farms in 2012 was \$33.9 million. This is about a 13% decrease from the total revenue reported in the 2007 Census of Agriculture, even though the number of farms increased by 109. While the 2012 total revenue averages almost \$40,000 in sales per farm, the median annual sales amount was between \$1,000 and \$2,500. Of the 855 farms, about 43% reported sales of less than \$1,000. About 23% of farms reported sales above \$10,000.

There was also \$474,000 in government payments given to Boulder County farms, averaging \$4,600 per farm. Federal and state agricultural assistance payments are counted toward taxable income and are reported on the IRS Schedule F.

The average age of the farms’ principal operators was 61 years old, with 72% self-identifying as male and 28% self-identifying as female. Around 45% of the principal operators reported farming as their primary occupation.

**Table 1. Overview of Agricultural Activity in Boulder County**

Source	Number of Farms	Farm Area	Operator Data
<b>USDA 2012 Census of Agriculture</b>	855 self-reported farms in the county • Includes forestry operations	132,948 acres • 61% pasture • 30% cropland • 9% other  Average farm size: 155 acres	Average age of principal operator: 61  45% of principal operators are full time farmers
<b>Boulder County Assessor</b>	1,601 individual owners of land taxed as agricultural property	61,216 acres • Classified as agricultural land for tax purposes  Average farm size: 30 acres	1,490 acres • Largest amount of agricultural property owned by a single owner
<b>Boulder County POS Ag. Resources Division 2017 Annual Report</b>	65 tenants • Some lease multiple properties • 92 cash leases • 36 crop-share leases	25,000 acres • 7,000 acres rangeland • 16,000 acres cropland  • 84.3% conventional • 15.7% certified organic & transitioning	-

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<sup>2</sup> The most recent data from the United States Department of Agriculture (USDA) come from the 2012 Census of Agriculture. The USDA is currently finalizing the 2017 Census of Agriculture; data from the 2017 Census will be available in 2019.

**Table 2. List of Relevant Farm Eligibility Definitions**

Agency	Definition	Notes
USDA	Any place from which \$1,000 or more of agricultural products were produced and sold, or normally would have been sold, during the year.	More than one-quarter of farms have no sales in a typical year, and at least another 30 percent have positive sales of less than \$10,000.
IRS	The term “farm” includes stock, dairy, poultry, fruit, furbearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards and woodlands.	The IRS will presume a farming activity is being conducted for profit if it produced a profit in at least three of the past five tax years, including the current year. (For equine operations, the presumption is two of seven years.)
CO Dept. of Ag.	A parcel of land that is used to produce agricultural products that originate from the land’s productivity for the primary use of obtaining a monetary profit; i.e., crops have been raised, harvested, and or sold.	CO has a Right to Farm Statute (Colo. Rev. Stat. §§ 35-3.5-101 to 35-3.5-103 ) that protects that common, reasonable agricultural operations from nuisance lawsuits.
Boulder County Assessor	Uses CO Dept. of Agriculture Definition <ul style="list-style-type: none"> <li>• Farm must be set up to make a profit (sales receipts and proof of investment)</li> </ul>	Have to show documentation for 2 years before tax classification is changed <ul style="list-style-type: none"> <li>• Unless property has water rights, then it’s expedited</li> </ul>
Boulder County Land Use Code	18-104 Agriculture: <ul style="list-style-type: none"> <li>• Uses involving the cultivation of land, production of crops, raising, breeding, and keeping of livestock, and the buying and selling of crops, products or livestock associated with the agricultural operation. Agriculture specifically does not include commercial, institutional, lodging, or recreational uses such as petting zoos, day-care centers, or summer camps.</li> </ul>	18-149 Farm: <ul style="list-style-type: none"> <li>• A parcel of land used for agricultural purposes.</li> </ul>

**C. Current Focus on Land Use Code, Additional Future Efforts**

The focus at this time is to address Land Use-related regulatory changes. Staff is therefore working to clarify, simplify, and otherwise improve the Land Use Code. Staff is also making some initial changes to provide easier access to information and resources. Staff understands that additional attention is needed regarding public health regulations, as well as potential changes to Parks and Open Space property leases. Broader changes in those areas would happen through separate efforts and are not addressed here.



### III. SUMMARY OF CODE CHANGES UNDER CONSIDERATION

This section presents an overview of changes under consideration. A summary of changes by topic is presented first in Section III A, followed by discussion of potential concepts for streamlining Land Use Code processes for “Eligible Farms” in Section III B. Additional details regarding the proposed changes, including comparison with current conditions, is available in Attachment B. Details related to the types of Land Use Code changes as presented in Section III A could vary depending on whether the Code ultimately includes streamlined review processes for Eligible Farms. Specific details related to Code changes, and what would apply under an Eligible Farms concept warrant further analysis.

#### A. Changes Under Consideration, by Topic

##### *Farm Sales*

##### **Reduce the Number of Categories Which Include Sales of Agricultural Products**

Currently the Code contains four distinct use categories (or definitions) which involve sales of agricultural products. The changes under consideration will reduce the agricultural sales-related uses from four to two in order to streamline and simplify the Code. The remaining agricultural sales-related uses, Farm Store (4-502 B) and Accessory Agricultural Sales (4-516 A), would be revised to address the full spectrum of agricultural sales-related needs, and would reflect the other sales-related Code changes described here (e.g., the types of products that can be sold). Farms would follow provisions of the Accessory Agricultural Sales Use if they wish to add sales to their current principal agricultural use.

##### **Revise and Apply Consistent Requirements Across All Agricultural Sales-Related Uses**

*What products can be sold?*

***\*This topic is the subject of a study session focus question***

Currently, requirements for what can be sold (e.g., what percentage of products must be grown on-site) vary depending on the use. The revised Code language would provide consistent sales-related requirements across the board and eliminate any on-site sourcing requirements. The proposed changes would allow sales of products from either Boulder County or Colorado as a whole. The use definitions for Accessory Farm Sales and Farm Store would require that the majority (>50%) of products (and contents in the case of value-added products and crafts) be sourced from Boulder County. The use definitions would also require that the majority (>50%) of products be agricultural products (raw or processed), and the remainder be value-added products or crafts (see Figure 3 for Agricultural Product-Related Definitions).

These changes would simplify the Code and provide greater flexibility and opportunity for farmers to diversify their sources of income. It is not economical or practical for some farmers to sell products at Farmers Markets. Those farmers want additional opportunities (beyond Community Supported Agriculture programs) to sell products at or in close proximity to their farms. In addition, some farms are not safe or visible enough to be practical locations for selling products, and those farmers may wish to partner with others to have a farm stand of a sufficient scale to make it economically viable. Allowing product sales from anywhere in Colorado enables local farmers whose own operations may have a short growing season to have opportunities to enhance the visibility of their farm and boost their revenue by selling seasonal products from across the state. This has public health benefits in that it provides the public with easier access to fresh, local farm products.

*When can products be sold?*

Code changes under consideration would eliminate requirements related to the number of days per year products can be sold. Under the current Code the Seasonal Farm Stand definition limits sales to 42 days per year, and the Farm Store definition specifies that the use is intended for sales occurring more than 42 days per year. There does not appear to be a need for provisions related to duration of sales for the proposed revised farm sales-related uses (Accessory Farm Sales and Farm Store).

*Where can products be sold?*

Expanding the zone districts in which Agricultural sales can occur by adding allowances for agricultural sales to occur along with other uses in Business and Commercial districts would provide an opportunity for farms that wish to have greater visibility and better access to customers than they may have in their own farm location. It would make local farms more visible to the public, with sales occurring in high visibility, convenient locations. Currently, Accessory Agricultural Sales are only permitted in the following zone districts: By right in Forestry, Agricultural, Rural Residential on unsubdivided land, Estate Residential, Light Industrial, General Industrial, and Mountain Institutional; By Limited Impact Special Review in Rural Residential (subdivided) unless waived by the Director. The framework of utilizing this as a second principal use not triggering Special Review or as an Accessory Use will be evaluated as code language is adopted.

**Figure 3. Agricultural Product-Related Definitions**

**Agricultural Product-Related Definitions**

Raw Agricultural Products: Harvested crops and livestock products with no further consumer value added such as produce (may include bagged greens), flowers and floral arrangements, potted plants, meat (beef, pork, lamb, goat, poultry, fish, etc.), milk, eggs, trees, honey, etc. This shall include frozen raw agricultural products.

Value-Added/Non-Raw Agricultural Products: Harvest crops and livestock products that have been processed, heated, blended, combined, etc. such as canned goods, dairy value added (cheese, yoghurt, etc.), roasted chili peppers, dried herbs or produce, sausage, jerky, cosmetics, etc. These must contain at least two Colorado ingredients not counting water as an ingredient.

Crafts: Handmade and artisan items consisting predominantly of material grown on Boulder County farms

## Add Definitions for Sales-Related Agricultural Structures for Improved Clarity

In an effort to make the Code easier to navigate and understand, definitions would be added to describe structures that would require no Land Use Code or Building Permit processes (“Minimal Impact Agricultural Sales Structure”) and to describe structures that require a Building Permit and may be subject to a Land Use process (“Agricultural Sales Structure”).

- ***Minimal Impact Agricultural Sales Structure:*** A structure of a size and scale that does not require a Building Permit (i.e., ≤120 square feet (sf) and does not have water and electrical service), and that members of the public do not enter, such as shade tents covering items for sale, stands, and vending carts.
  - Allowed by right in all districts where Accessory Agricultural Sales use is allowed
- ***Agricultural Sales Structure:*** A structure, or portion of a structure, used for agricultural sales, which is of a size and scale that requires a building permit (i.e., >120 sf and/or has water and electrical service), or that members of the public enter.
  - Allowed by right in all districts where Accessory Agricultural Sales use is allowed, up to 500 sf. If the size is >500 sf, would be subject to Site Plan Review (SPR).
  - Structures >500 sf that adhere to a pre-approved design and siting criteria would be eligible for SPR Waiver with reduced fees.
  - Eligible Farms (see discussion of Eligible Farms in Section III B): any structure <1000 sf and less than 12’ in height would not require a Land Use process.

The standard square footage-based SPR trigger is 1,000 sf, or any new construction on vacant land.<sup>3</sup> The rationale for requiring SPR for Agricultural Sales Structures of a smaller footprint than would typically be required is that they should be located on the property in a way that safely accommodates traffic to the site. In addition, sales-related structures greater than 500 sf have a greater potential for aesthetic and character-related impacts that warrant review. These structures would be eligible for a more simplified SPR Waiver process if they meet specific design and siting criteria. However, a farm which has added structures since the cumulative trigger for SPR was implemented in 1998 would still be allowed to add a structure up to 500 sf without SPR. The use helps meet BCCP goals supporting agriculture and the impacts of the use would be minimal and can be expected in association with farming and agricultural uses.

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<sup>3</sup> Section 4-802.A.3. of the Land Use Code specifies that SPR is triggered based on the cumulative addition of square footage since 1998. Therefore, if a property built a 500 square foot structure in 2000 and then proposed another 600 square foot structure in 2018, they would need to go through SPR. Staff suggests that *Eligible Farms* (see discussion of *Eligible Farms* in Section III B) be exempt from this provision. That is, for Eligible Farms, construction of an Agricultural Sales Structure would not count for the purposes of putting a property over 1,000 cumulative sf of added floor area since 1998. For example, if a farm built a 500 square foot structure in 2000 and they wish to add a 600 sales structure, if they are an Eligible Farm, this would not trigger SPR; if they are not an Eligible Farm, this would trigger SPR.

## Allow an Alternative Transportation Review Process for Agricultural Sales Structures Exceeding the 150 Average Vehicle Trips per Day Threshold

Currently, any use that exceeds 150 average vehicle trips per day would trigger a Special Review process. Staff has learned that some farmers would require a higher trip threshold in order to earn enough revenue to make a farm stand financially viable. The proposed revisions would provide an alternative review process for Accessory Agricultural Sales Structures. The property owner would be required to commit to adhering to parking and traffic requirements outlined in a *Transportation Guidelines for Farm Sales* form. This is intended to balance the interests of addressing concerns related to health and safety and more intense uses, with the need to provide viable opportunities for Boulder County farmers to sell their products. Again, an agricultural sales use is consistent with the intent of the BCCP agricultural policies and can be expected as an allowable use in the County. See Figure 4 for an example of how the agricultural sales-related Code changes would affect processes and costs for a new structure.

**Figure 4. Example of Proposed Code Change Impacts, Agricultural Sales Structure**

### Example: Review Process for 800 Square Foot Agricultural Sales Structure

For an example of how the proposed changes would apply, consider an 800 square foot Agricultural Sales Structure anticipated to have 200 average vehicle trips (100 cars per day).

#### Current Code:

*Process:* Special Use Review, requiring hearings before both Planning Commission and Board of County Commissioners  
*Cost:* \$1,450 plus \$103.83/hour in staff time.  
*Process:*

#### Changes Under Consideration:

*Process:* Site Plan Review Waiver, an administrative review by staff in < 2 weeks (the structure would adhere to template design and siting criteria)  
*Cost:* \$600

### ***Farm Events***

#### **Increase the Number of Farm Events Allowed**

An option to consider is to increase the number of events allowed by right from six (current) to 12, and increase maximum number allowed (with Limited Impact Special Review) from 12 to 24. Another option is to apply no cap on the number of events for Eligible Farms (see discussion of Eligible Farms in Section III B), subject to Special Use Review. This would address feedback received from the survey indicating a broad interest in increasing the number of events allowed per year.

#### **Increase the Number of People Allowed per Event**

A potential change to consider is to increase the limit on number of attendees allowed per event from 99 to 150. Events with an excess of 99 people would require Special Authorization from the Zoning Administrator (LU Director), and would be subject to comment from adjacent property owners. Requests for events with more than 99 people may be required to adhere to conditions to mitigate any increased impacts. If increased impacts can't be satisfactorily mitigated the requested increase in number of attendees may be denied. These events (with more than 99 attendees) would be limited to 12 times per year. This change would address staff's experience based on questions received from the public that there is demand for farm events to occasionally exceed 99 attendees (e.g., weddings).

### **Allow Use of Structures (“floor area”)**

Currently farm events are not allowed to use any structures located on the property. Therefore, the farm events cannot use bathrooms, and they would tend not to take place during times of the year when inclement weather is likely. An option to consider is to allow use of floor area (such as in existing barns) for events, subject to applicable Building Code requirements. Floor space must be used for agriculture-related uses (e.g., office, equipment storage, general purpose) when not used for events.

The current Code prohibits use of floor area on the basis that farm events are accessory to the principal agricultural use and should not lead to construction of new structures. However, it may be appropriate to provide more flexibility for those farms wishing to invest in upgrading or building new structures that could serve both agricultural and farm event-related purposes.

### ***Demonstration Farm and Farm Camps***

#### **Increase the Number of Attendees Allowed by Right**

To address the preferences expressed in the agricultural community survey, staff suggests considering increasing the number of attendees allowed by right at farm camps (or classes) from eight (current) to 15. An additional option is to allow up to 25 attendees per class for Eligible Farms. Staff heard from the agricultural community that limiting camp/class sizes to eight does not generally provide economically viable opportunities.

#### **Allow for Educational Group Visits**

The current Code does not provide any guidance for the treatment of educational visits to farms, though staff has learned there is great interest in offering educational farm tours. An option for consideration is to develop language to allow field trips and other educational events up to 24 times per year by right. These visits must include fewer than 10 additional vehicle trips per day. An additional consideration is to remove the upper cap with a Land Use process or with Special Authorization from the Zoning Administrator (LU Director).

### ***Hoop Houses and Greenhouses (Season-Extending Agricultural Structures)***

#### **Provide a Definition to Improve Clarity**

There is currently some ambiguity and lack of consistency across use definitions and references in the Building Code and Land Use Code (e.g., references to “hoop houses”, “high tunnels”, and “shade cloth structures” are all treated the same by planners, but this may not be clear to the community). To improve clarity, the Code updates would add a definition: “Season-Extending Agricultural Structure - A structure designed to extend the growing season. The structure is covered by plastic or shade cloth, has an earthen/dirt floor that may be covered by fabric and/or gravel, and may include permanent utilities.”

## Apply Existing Land Use Review Requirements, With Some Exceptions

Consistent with current conditions, in general no Land Use process would be required unless the proposed structure triggers SPR (e.g., >1,000 sf). However, for Eligible Farms no Land Use process would be required for structures up to 3,000 sf.<sup>4</sup>

### **B. Potential Streamlining of Land Use Processes for Eligible Farms**

Streamlining the Code would reduce soft costs and regulatory hurdles for agricultural producers, in alignment with the BCCP policy goals of facilitating a diverse and sustainable agricultural economy. Staff explored the concept of offering abbreviated Land Use processes and modified triggers for processes for farms meeting specific eligibility criteria. The intent would be to further reduce regulatory processes for the county's active, producing farms over and above the Land Use Code changes that will apply across the board.

*Key questions related to this topic include:*

- a. Is streamlining of Land Use processes appropriate for Eligible Farms (i.e., is it necessary to provide additional provisions beyond the improvements that will apply across the board)?*
- b. What are appropriate criteria to set for "eligibility" and what is the appropriate balance of eligibility criteria and streamlined processes available to those eligible?*

Attachment C provides a review of potential details that could accompany a streamlining approach for Eligible Farms, including eligibility criteria and variations in Land Use requirements for Eligible Farms. Staff presents for consideration an annual revenue-based eligibility threshold in the range of \$10,000 to \$20,000, with a recommendation of \$15,000 as this balances arguments for setting the number lower or higher.

Staff explored a variety of options for identifying an appropriate set of eligibility criteria, including "farm" eligibility definitions used in federal and local contexts (see Table 2). The survey also provided a wide range of responses on this topic, with commercial farmers supporting an approach that relies on IRS Schedule F documentation for reporting, and with responses related to revenue thresholds ranging from \$500 to \$50,000.<sup>5</sup> Hobby farmers preferred criteria that would involve submitting an affidavit of intent to earn revenue in excess of \$1,000 per year.

Staff suggests that, if an option for streamlined processes is made available, it should be reserved for those farms with a clear track record of having a significant scale of agricultural activity. The intent of the Agricultural Outreach Project is to focus on supporting "producing farms" (i.e., farms which staff would define as those in business to contribute substantially to the agricultural economy in

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<sup>4</sup> Feedback from POS staff has indicated that a standard hoop house footprint is often 30' wide by 90' long, or 2,700 sf.

<sup>5</sup> Survey Questions 7, 8, and 9 asked about farm eligibility criteria preferences. 30 commercial farmers, 12 hobby farmers, and 8 private farmers responded to Question 7, which asked them to rank various eligibility criteria. Question 8 asked what percent of household income should be used as an eligibility threshold. This was an unpopular criterion based on responses to Question 7. Question 9 asked what amount of revenue from agricultural sales should be used as an eligibility threshold. 48 (28 commercial, 12 hobby, and 8 private) respondents answered, and the responses varied widely.



Boulder County). Similarly, most federal and local incentives to support farmers are geared toward farms set up to make a profit and those who rely on farming as their primary source of income, as opposed to those farming as a hobby or to produce food for just their families. Staff recognizes the relevant BCCP policies call for supporting a diversity of agricultural enterprises and activities. However, the fact that many Land Use Code improvements will apply across the board will go a long way toward supporting new entrants to the agricultural community, and will help those pursuing a diverse range of agricultural activities to thrive.

#### **IV. FOCUS QUESTIONS FOR PLANNING COMMISSION DISCUSSION**

1. What are PC members' preferences for what is allowed related to agricultural sales (e.g., specify how much can be value-added, and contents of value-added)?
2. What are PC members' preferences related to the potential for streamlining Land Use processes for Eligible Farms?
  - a. Is it appropriate to offer streamlined processes to Eligible Farms?
  - b. [If yes] What is the appropriate balance for eligibility criteria and extent to which processes are streamlined?
3. Does PC have other feedback on Land Use Code changes presented for consideration?

#### **V. NEXT STEPS**

Staff will finalize proposed text amendments based on outcomes from the Planning Commission study session, as well as the referral process that has yet to be completed. Staff anticipates presenting complete draft text amendments to Planning Commission at the October Planning Commission meeting, with a request for Planning Commission approval and recommendation to the Board of County Commissioners. Subsequently, staff will present the proposed text amendments and Planning Commission recommendations to the Board of County Commissioners for decision.

#### **VI. LIST OF HYPERLINKS**

- Land Use Department: <https://www.bouldercounty.org/departments/land-use/>
- Public Health Department: <https://www.bouldercounty.org/departments/public-health/about-boulder-county-public-health/>
- Parks and Open Space Department: <https://www.bouldercounty.org/open-space/management/agriculture/>
- Agricultural Outreach Project Webpage: <https://www.bouldercounty.org/property-and-land/land-use/agriculture-outreach-project/>
  - January 18, 2018 Open House and Public Comments: <https://assets.bouldercounty.org/wp-content/uploads/2018/03/agriculture-outreach-project-comment-and-open-house-summary-20180305.pdf>
  - Outcomes from March 2018 Public Meetings: <https://assets.bouldercounty.org/wp-content/uploads/2018/04/agriculture-outreach-project-march-2018-public-meetings-summary-20180419.pdf>

## Existing Code Language Related to Farm Sales

Note: Both Intensive Ag Uses and Open Ag Uses specify that accessory sales associated with the use shall follow provisions of the Accessory Agricultural Uses

Use Type / Definition	Process Required	Parking / Loading	Other Provisions (as relevant)
<p><b>Farm Store (4-502 B)</b>                      Definition: A location for the sale of agricultural and horticultural products for more than <b>42 days</b> in a calendar year. The products for sale may include, but are not limited to, the sale of seasonal produce, which <b>does not have to be grown on-site.</b></p>	<p>By right in B, C, and GI; by Limited Impact Special Review in A, and in RR on unsubdivided land.                      [Limited Impact Special Review if &gt;150 ave. daily trips]</p>	<p><b>One space per 200 square feet of floor area;</b> One loading space for 10,000 or more square feet of floor area.</p>	<p>a. <b>One single family dwelling, occupied by the owner, operator, or manager of the business</b> will be considered customary and incidental as a part of this use.                      b. <b>No more than ten percent of the Farm Store sales may be of nonagricultural or nonhorticultural products.</b>                      c. This use requires a building lot.</p>
<p><b>Intensive Ag Uses (4-502 C)</b>                      Definition: Agricultural uses where the use predominantly occurs inside one or more structures, including but not limited to agricultural storage facilities, greenhouses, indoor riding facilities, and <b>storage for accessory sales of agricultural or horticultural products.</b></p>	<p>By right in A, LI, and GI; by Special Review in F and RR                      [Limited Impact Special Review if &gt;150 ave. daily trips]</p>	<p>Sufficient to accommodate the use</p>	<p>a. Accessory Sales associated with Intensive Agricultural Uses shall conform to the requirements of Accessory Agricultural Sales.                      b. One single-family dwelling will be considered customary and incidental as a part of this use.</p>
<p><b>Open Ag Uses (4-502 D)</b>                      Definition: Agricultural uses which predominantly occur outside including but not limited to the grazing, keeping and use of livestock, the <b>production, harvesting, and selling of agricultural or horticultural products</b>, and accessory storage. Accessory structures such as hoop houses 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.</p>	<p>By right in F, A, RR, ER, LI, GI, and MI                      [Limited Impact Special Review if &gt;150 ave. daily trips]</p>	<p>Sufficient to accommodate the use</p>	<p>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 Open Agricultural Uses shall conform to the requirements of 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 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 on parcels under the same ownership, lease or contract as the parcel on which the accessory structure is located.                      f. Structures that support the residential use on the property shall be considered Residential Floor Area.                      g. Structures that support the agricultural use shall not be considered Residential Floor Area.</p>

Principal Uses



	<p><b>Seasonal Farm Stand (4-502 E)</b>                  Definition: A location for the sale of agricultural and horticultural products, for a period <b>not to exceed 42 days</b> in any calendar year. Nonagricultural and nonhorticultural products and products may comprise no more than ten percent of sales. This use includes Christmas tree sales and pumpkin sales.</p>	<p>Limited Impact Special Review in Ag and RR Zoned area. By right in B, C, and GI [Limited Impact Special Review if &gt;150 ave. daily trips]</p>	<p>On street parking may be permissible with review and approval from the Transportation Department.</p>	<p>This use may include agriculturally based recreation activities.</p>
Accessory Uses	<p><b>Accessory Agricultural Sales (4-516 A)</b>                  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.</p>	<p>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.</p>	<p>Vehicles should be accommodated on-site. On street parking may be permissible with review and approval from the Transportation Department.</p>	<p>a. For purposes of this use, the term <b>“on-site”</b> means <b>agricultural and horticultural products that are grown on parcels under the same ownership, lease or control</b> as the parcel where the Accessory Agricultural Sales use is located.                  b. Agricultural or horticultural products grown on the farm <b>may be processed on the farm to create a value added product provided the majority of the ingredients are grown on-site.</b>                  c. A commercial kitchen for the express purpose of processing agricultural products may be constructed. It may be used in association with a Demonstration Farm use.                  d. <b>Value-added products can be sold on-site.</b> This may require a license from Boulder County Public Health.                  e. <b>The requirement for Limited Impact Special Review in RR subdivisions 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.</b> 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.</p>
	<p><b>Accessory Farm Stand (4-516 H)</b>                  1. Definition: A location for the retail sale or wholesale of seasonal agricultural products, the majority of which are grown on-site. Agricultural products grown on-site must comprise at least 60% of total annual sales. Nonagricultural products may comprise no more than ten percent of total annual sales.</p>	<p>By Limited Impact Special Review in A, RR on unsubdivided land, ER, LI, and GI</p>	<p>Vehicles should be accommodated on-site. On street parking may be permissible with review and approval from the Transportation Department.</p>	<p>a. For purposes of this use, the term <b>“on-site”</b> means agricultural and horticultural products that are grown on parcels under the same ownership, lease or control as the parcel where the Accessory Farm Stand use is located.                  b. Agricultural or horticultural products grown on the farm may be processed on the farm to create a valueadded product provided the majority of the ingredients are grown on-site.                  c. A commercial kitchen for the express purpose of processing agricultural products may be constructed. It may be used in association with a Demonstration Farm use.                  d. Sales of value-added products may require a license from Boulder County Public Health.                  e. The requirement for Limited Impact Special Review may be waived if the Director determines the Accessory Farm Stand will not have a negative impact on the neighborhood or Significant Agricultural Lands and that there is no potential for any significant conflict with the criteria listed in Article 4-601 of this Code. In considering this determination, the Director shall notify adjacent property owners. The Director shall not issue the determination for seven days and shall consider any comments received from the public.</p>

Attachment A: Existing Agriculture-Related Land Use Code Text

Existing Code Language Related to Farm Events and Farm Camps

Use Type / Definition	Process Required	Parking	Other Provisions (as relevant)
<p><b>Farm Event (4-516 N)</b></p> <p>Definition: A use accessory to a farm consisting of any <b>group between 26 and 99 individuals</b> assembled for or participating in an event where the <b>farm is used as a venue</b>. 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 <b>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</b>. This includes farm-to-table dinners, weddings, wedding receptions, and any other gathering where eating and socializing occurs where the majority of the food served at the event is made with ingredients grown or raised in Boulder County or by the host farmer(s).</p>	<p>By right or Limited Impact in A, RR unsubdivided</p>	<p>Vehicles should be accommodated on-site. On street parking may be permissible with review and approval from the Transportation Department.</p>	<p>5. Additional Provisions</p> <p>a. This use <b>requires a building lot</b>.</p> <p>(i) Parcels that are <b>not building lots may host farm-to-table dinners only</b>.</p> <p>b. <b>Open Agriculture must be the principal use of the parcel</b>.</p> <p>c. The review process required is based on the frequency of events:</p> <p>(i) By right: No more than six (6) Farm Events per calendar year.</p> <p>(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.</p> <p>(iii) <b>By Limited Impact Special Review: Seven (7) to 12 Farm Events per calendar year</b>.</p> <p>(iv) <b>Thirteen (13) or more Farm Events per calendar year will be considered a Reception Halls and Community Meeting Facilities use</b>.</p> <p>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.</p> <p>e. No event will occur before 9 a.m. or after 10 p.m.</p> <p>f. <b>Building new Floor Area or utilizing existing Floor Area for these events is prohibited under this use classification</b>. Utilization of structures that meet the definition of Floor Area would be considered a Reception Halls and Community Meeting Facilities use.</p> <p>g. This use shall also be granted and maintain all applicable local, state, and federal permits. It is possible separate permits or approvals may be required by County or State agencies for any food or drink provided.</p> <p>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.</p>
<p><b>Demonstration Farm or Farm Camp (4-516 M)</b></p> <p>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.</p>	<p>By Limited Impact Special Review or by right in A and in RR on unsubdivided land (see additional provisions)</p>	<p>Vehicles should be accommodated on-site. On street parking may be permissible with review and approval from the Transportation Department.</p>	<p>a. Classes or farm camps for <b>8 or fewer people per day</b> are allowed by right.</p> <p>b. Classes or farm camps for <b>more than 8 people are allowed by Limited Impact Special Review</b>.</p> <p>c. A related structure, including a classroom or kitchen for food preparation, may be approved as part of the Demonstration Farm use.</p> <p>d. A building lot is required for this use.</p> <p>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</p>

**Existing Code Language Related to Structures**

	Use Type / Definition	Process Required	Parking / Loading	Other Provisions (as relevant)
Principal Uses	<p><b>Intensive Ag Uses (4-502 C)</b>                      Definition: Agricultural uses where the use predominantly occurs inside one or more structures, including but not limited to agricultural storage facilities, <b>greenhouses</b>, indoor riding facilities, and storage for accessory sales of agricultural or horticultural products.</p>	<p>By right in A, LI, and GI; by Special Review in F and RR [Limited Impact Special Review if &gt;150 ave. daily trips]</p>	<p>Sufficient to accommodate the use</p>	<p>a. Accessory Sales associated with Intensive Agricultural Uses shall conform to the requirements of Accessory Agricultural Sales.                      b. One single-family dwelling will be considered customary and incidental as a part of this use.</p>
	<p><b>Open Ag Uses (4-502 D)</b>                      Definition: Agricultural uses which predominantly occur outside including but not limited to the grazing, keeping and use of livestock, the production, harvesting, and selling of agricultural or horticultural products, and accessory storage. <b>Accessory structures such as hoop houses or high tunnels</b> 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.</p>	<p>By right in F, A, RR, ER, LI, GI, and MI [Limited Impact Special Review if &gt;150 ave. daily trips]</p>	<p>Sufficient to accommodate the use</p>	<p>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 Open Agricultural Uses shall conform to the requirements of 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 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 on parcels under the same ownership, lease or contract as the parcel on which the accessory structure is located.                      f. Structures that support the residential use on the property shall be considered Residential Floor Area.                      g. Structures that support the agricultural use shall not be considered Residential Floor Area.</p>
	<p><b>Commercial Nursery [Agri-Business Uses]</b>                      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. The dominant characteristic of this use includes sales of products not necessarily grown on-site.</p>	<p>By right in A, LI, and GI; by Special Review in RR on unsubdivided land</p>	<p>One space per 1,000 square feet of floor area.</p>	<p>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.</p>
Accessory Uses	<p><b>Accessory Agricultural Structure (4-516 B)</b>                      Definition: A structure that is accessory to a principal agricultural use.</p>	<p>By right in F, A, RR, ER, LI, GI, and MI</p>	<p>None</p>	<p>a. Accessory agricultural structures are subject to the minimum requirements of the zoning district in which they are located.                      b. Accessory agricultural structures <b>must be of a size and scale that relates to the size and scale of the agricultural use on-site</b>. Property owners may be asked to demonstrate the agricultural use including the area where the agricultural use will take place, describe how the structure will be utilized, and discuss how the structure and its proposed size is necessary to support the agricultural use on-site. Property owners may be required to sign a zoning affidavit restricting the structure to agricultural uses.                      c. For purposes of this use, the term "on-site" means parcels under the same ownership, lease or control as the parcel where the Accessory Agricultural Structure is located.                      d. Structures that support the agricultural use shall not be considered Residential Floor Area. Structures that do not support an agricultural use are considered Accessory Structures and will contribute to the total Residential Floor Area on the subject parcel.                      e. Agricultural structures may include barns that store animals or agricultural implements, <b>detached greenhouses, hoop houses</b>, indoor riding arenas, farm stands, or other accessory structures depending on their demonstrated use.</p>

<b>Residential Floor Area Definition (18-189D)</b>	<b>Building Permit Requirements (17-300) [Zoning Regulation Enforcement]</b>
<p>Definition: 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. <b>(Exemptions: Gazebos, carports, detached greenhouses and hoop houses up to a total combined size of 400 square feet.)</b></p>	<p>A building permit shall not be required for the following:</p> <p>a. One-story detached accessory structures used as a storage shed, playhouse, greenhouse, chicken coop, agricultural loafing shed, or similar uses, provided:</p> <p>(i) the floor area of any structure does not exceed 120 square feet except agricultural loafing sheds which may not exceed 200 square feet,</p> <p>(ii) the structure height does not exceed 12 feet,</p> <p>(iii) the structure does not have any utilities, and</p> <p>(iv) the structure does not violate the conditions of any existing land use approval or conservation easement.</p> <p>(v) The number of allowed detached accessory structures which may be constructed without a building permit shall be determined by the size of the subject parcel:</p> <p>(A) One detached accessory structure may be constructed without a building permit on parcels 0.5 acres or less in size.</p> <p>(B) Two detached accessory structures may be constructed without a building permit on parcels greater than 0.5 acre and less than ten acres.</p> <p>(C) Three detached accessory structures may be constructed without a building permit on parcels 10 acres and larger.</p>

Topic	Current Condition	Code (and Related) Changes Under Consideration	Comments
<b>Farm Sales</b>			
<i>Which "use categories" in the Code address farm sales?</i>	Farm Store (Principal) (4-502 B) Seasonal Farm Stand (Principal) (4-502 E) Accessory Farm Stand (4-516 H) Accessory Agricultural Sales (4-516 A)	Eliminate: 2 existing use categories: Seasonal Farm Stand (P), Accessory Farm Stand Keep: Farm Store (P), Accessory Agricultural Sales (Farms would follow provisions of Accessory Ag Sales Use if they want to add sales to their current ag activity)	Reducing the number of uses is intended streamline and simplify the Code.
<i>What products can be sold?</i>	Varies by use: (4-502 B) <u>Farm Store</u> : Agricultural and horticultural products. 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. (4-502 E) <u>Seasonal Farm Stand</u> : Agricultural and horticultural products. Nonagricultural and nonhorticultural products and products may comprise no more than ten percent of sales. This use includes Christmas tree sales and pumpkin sales. (4-516 H) <u>Accessory Farm Stand</u> : Agricultural products grown on-site must comprise at least 60% of total annual sales. Nonagricultural products may comprise no more than 10% of total annual sales. (4-516 A) <u>Accessory Ag Sales</u> : 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..	a. All products sold must be from either Boulder County or CO b. ≥50% must be agricultural products, either raw (fruits, veggies, etc.) or processed (e.g., meats, eggs, milk) c. The remainder may be value-added products and/or crafts, of which the contents are predominantly produced within Boulder County d. Percentage determined based on square footage of floor space devoted to selling those products	Same provisions would apply across all ag sales-related uses. Would remove all "grown on-site" requirements to allow greater flexibility for farms in poor locations or lacking infrastructure to be able to sell at neighboring farms, etc.
<i>When can products be sold?</i>	Varies by use-- (4-502 B) <u>Farm Store</u> : More than 42 days in a calendar year (4-502 E) <u>Seasonal Farm Stand</u> : Not to exceed 42 days in any calendar year (4-516 H) <u>Accessory Farm Stand</u> : No limitations (4-516 A) <u>Accessory Ag Sales</u> : No limitations	No restrictions on number of days per year	Changes intended to simplify Code and focus Code provisions on areas of greatest concern in terms of impacts.
<i>Where can a farmer sell their products?</i>	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. Farm stand sales are limited primarily to on-site under our Code; Can also sell to restaurants, stores, via CSAs and farmers markets	Allow Accessory Ag Sales in zone districts where currently allowed; add Business zone	Allowing ag sales from anywhere in Boulder County or Colorado as a whole provides greater flexibility and opportunity to diversify sources of farmer income (e.g., there is an opportunity for farmers to partner up and sell products from other neighboring farms at a single location). Increases the public's awareness of Boulder farms and provides easy, affordable opportunities to purchase locally-grown, healthy food

Topic	Current Condition	Code (and Related) Changes Under Consideration	Comments
<p><i>What is the approval process for ag sales-related uses?</i></p>	<p>Varies by use--                      (4-502 B) <u>Farm Store</u>: By right in B, C, and GI; by Limited Impact Special Review in A, and in RR on unsubdivided land. [Limited Impact Special Review if &gt;150 ave. daily trips]                      (4-502 E) <u>Seasonal Farm Stand</u>: Limited Impact Special Review in Ag and RR Zoned area. By right in B, C, and GI [Limited Impact Special Review if &gt;150 ave. daily trips]                      (4-516 H) <u>Accessory Farm Stand</u>: By Limited Impact Special Review in A, RR on unsubdivided land, ER, LI, and GI                      (4-516 A) <u>Accessory Ag Sales</u>: 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.</p>	<p>Apply the "Accessory Ag Sales" conditions across all Ag-related sales uses.</p>	<p>For comparison, an equestrian center is a use by right in Ag zone</p>
<p><i>What is the approval process for structures to be used for ag sales?</i></p>	<p>Accessory Ag Structures: By right in F, A, RR, ER, LI, GI, and MI; Subject to Site Plan Review if built on vacant land or adds ≥1,000 sf; Subject to Building Permit if 120 sf, has utilities or meets (other conditions in Building Code)</p>	<p>Same as current; Some exceptions may be made based on "Farm Eligibility" concept selected;                      Improve clarity and make more user friendly by introducing definitions for:                      a) "Minimal Impact Agricultural Sales Structure" (requires no Land Use process or Building Permit), and                      b) "Agricultural Sales Structure" (requires Land Use process if &gt;500 sf, with exceptions for those adhering to design and siting criteria, or for Eligible Farms)</p>	<p>Site Plan Review process costs between: \$475 - \$1,800; SPR Waiver process costs \$600.                      There is currently some ambiguity as to whether existing barns can be used for ag sales. Regardless of any Land Use Code changes a structure must meet Commercial Building Code requirements if members of the public will enter the structure.</p> <p>Proposed Definitions:                      – Minimal-Impact Agricultural Sales Structure: A structure of a size and scale that does not require a Building Permit (i.e., ≤120 sf and does not have water and electrical service), and that members of the public do not enter, such as shade tents covering items for sale, stands, and vending carts.                      • Allowed as secondary use in all districts where Accessory Agricultural Sales allowed                      – Agricultural Sales Structure: A structure, or portion of a structure, used for agricultural sales, which is of a size and scale that requires a building permit (i.e., &gt;120 sf and/or has water and electrical service), or that members of the public enter.                      • Allowed as a secondary use in all districts where Accessory Agricultural Sales allowed, up to 500 sf. If the size is &gt;500 sf, would be subject to Site Plan Review (SPR).                      • Structures &gt;500 sf that adhere to a pre-approved design and siting criteria would be eligible for SPR Waiver with reduced fees                      • Eligible Farms: any ag sales structures &lt;1000 sf, up to 12' in height would not require a land use process (though still subject to Building Permit requirements).</p>
<p><i>Other Noteworthy Items</i></p>	<p>a. Uses are subject to all "Additional Provisions" for the zone district;                      b. Currently Code does not provide any guidance for food trucks (e.g., those selling prepared foods sourced from Boulder County farms / local farm-to-table restaurants)</p>	<p>See discussion of exception to 150 average vehicle trips per day trigger for Special Use Review process under "General - Traffic / Parking Related"</p>	

Topic	Current Condition	Code (and Related) Changes Under Consideration	Comments
<b>Farm Events</b>			
<i>How many events are allowed?</i>	(4-516 N) 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.	Increase number allowed by right from 6 (current) to 12; Increase maximum # with Limited Impact Special Review from 12 to 24; No upper cap if approved by Special Use Review (currently would be considered Reception Hall or Community Meeting Facility if >12); consider special allowances for Eligible Farms	Note: A current requirement that's often overlooked is "the majority of the food served at the event is made with ingredients grown or raised in Boulder County or by the host farmer(s)." Would keep this provision.
<i>How many people may attend events under this use?</i>	between 26 and 99 individuals	1. Increase the limit on number of attendees allowed per event from 99 to 150. 2. Events with an excess of 99 people would require Special Authorization from the Zoning Administrator (LU Director), will be subject to comment from neighbors within 1,500 feet of the proposed event location, and may not occur more than 12 times per year.	Currently, if want to host >99 people would fit under "Group Gathering" (a temporary use), which are limited to 2 times per year, and must be >8 hours in length. Home Events (another Accessory Use) are also limited 99 people.
<i>Can the events make use permanent structures on the property ("floor area")?</i>	No	Allow use of floor area for events, subject to Building Code requirements. Floor space must be used for ag-related uses (e.g., office, equipment storage, general purpose) when not used for events.	There is demand for use of wash stations / bathrooms for events. There is some interest in allowing broader use of floor area for events and the option would provide a mechanism for that to occur.
<i>Other Noteworthy Items</i>	Requires a legal building lot, except for farm-to-table dinners; Must occur between 9am and 10pm	Same as current	
<b>Demonstration Farm / Farm Camps</b>			
<i>How many people can be in a class?</i>	(4-516 M) 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.	Increase the number of attendees allowed by right at farm camps (or classes) from 8 (current) to 15; Clarify that class sizes apply for all classes, not just camps (e.g., cooking classes, etc.); Allow up to 25 attendees per class for Eligible Farms	
<i>How are educational group visits treated (e.g., school groups)?</i>	Not specifically addressed in the Code	Add a special provision to Demonstration Farm or Farm Camp provisions to allow up to 24 times per year by Right. These visits must include up to 10 additional vehicle trips per day.	



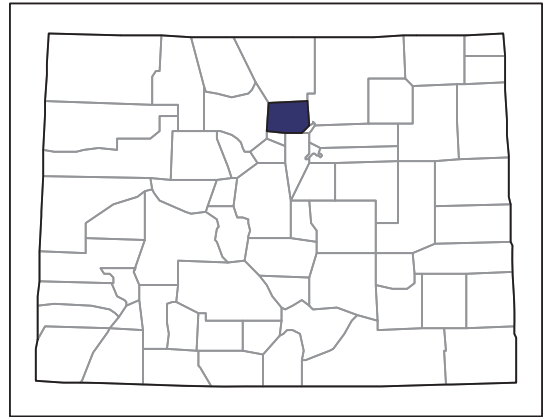
Topic	Current Condition	Code (and Related) Changes Under Consideration	Comments
<b>Hoop Houses and Greenhouses</b>			
<i>How are they defined in the Code?</i>	Covered under Accessory Agricultural Structures (4-516 B); There is some ambiguity and lack of consistency across use definitions and references in the Building Code and Land Use Code. This presents opportunities for inconsistent interpretation and confusion.	<p>Overall: Minimal changes to clarify language and make it easy to understand what is allowed;                      Add definition for purposes of clarity, consistent interpretation--                      "Season-Extending Agricultural Structure": "A structure designed to extend the growing season. The structure is covered by plastic or shade cloth, has an earthen/dirt floor that may be covered by fabric and/or gravel, and may include permanent utilities."                       As alternative to requiring to meet wind and snow loads, may require affidavit indicating no one will enter the structures during excessive wind and snow load events.                      Would be referenced in Accessory Ag Structure, Open Ag and Intensive Ag use definitions</p>	<p>Intensive Ag Use Definition makes references to greenhouses; Open Ag use makes reference to hoop houses and high tunnels (none of the terms is defined). Accessory Ag Structures Definition references both greenhouses and hoop houses.</p> <p>(4-502 C) Intensive Ag Use Definition: Agricultural uses where the use predominantly occurs inside one or more structures, including but not limited to agricultural storage facilities, greenhouses, indoor riding facilities, and storage for accessory sales of agricultural or horticultural products.</p> <p>(4-502 D) Open Ag Use Definition: Agricultural uses which predominantly occur outside including but not limited to the grazing, keeping and use of livestock, the production, harvesting, and selling of agricultural or horticultural products, and accessory storage. Accessory structures such as hoop houses 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.</p> <p>(4-516 B) Accessory Ag Structure Definition: Additional Provisions, i.e. Agricultural structures may include barns that store animals or agricultural implements, detached greenhouses, hoop houses, indoor riding arenas, farm stands, or other accessory structures depending on their demonstrated use.</p>
<i>How big can they be, and what other characteristics can they have?</i>	No size limits provided; subject to provisions for Accessory Agricultural Structures, which says "must be of a size and scale that relates to the size and scale of the agricultural use"	No limitations specified. Subject to outcomes of applicable land use process. It would be clear from reading the new definition in the Code (without also having to refer to the Building Code) which structures would require a Land Use process.	Would improve clarity.
<i>What review processes apply?</i>	<p>a. Site Plan Review required if: ≥1,000 sf, or built on vacant land and requires a Building Permit;</p> <p>b. Need Building Permit if it is more substantial than what could be considered a "Shade Cloth Structure", if it has utilities, or if is &gt;120 sf.</p>	<p>[Could vary based on concept selected for "Eligible Farms"]</p> <ol style="list-style-type: none"> <li>1. No land use process unless triggers SPR (e.g., &gt;1,000 sf); If Eligible Farm, no land use process up to 3,000 sf</li> <li>2. Building Permit only, if size and scale requires a permit (i.e., &gt;120 sf and has water and electrical service)</li> <li>3. BP would get more prompt approval if meets design templates-to be developed</li> </ol>	Staff currently considers all hoop house-like structures as "shade cloth structures", but there is ambiguity as to what is a "shade cloth structure", what would count as a greenhouse
<i>Other Noteworthy Items</i>	There is currently ambiguity as to whether a shade cloth structure / hoop house would count as "floor area" that falls under the 25,000 sf limit for agricultural uses on an Ag zoned property	<p>a. Clarify that season-extending growing structures would count toward the total agricultural square footage, unless they meet the following criteria:</p> <ol style="list-style-type: none"> <li>i. Dirt floor</li> <li>ii. No utilities other than irrigation and basic heat</li> </ol> <p>b. Include a table with different lot sizes and allowable agricultural square footage under Open Ag and Intensive Ag uses.</p>	Lack of clarity regarding whether hoop houses count toward floor area opens up potential for inconsistent implementation.



Topic	Current Condition	Code (and Related) Changes Under Consideration	Comments
<b>General - Traffic / parking-related requirements</b>			
<i>What review processes are necessary?</i>	Most ag uses specify "Vehicles should be accommodated on site. On street parking may be permissible with review and approval from the Transportation Department"	<p>Exempt farms (or potentially only Eligible Farms) from the 150 average vehicle trip/day provision (would typically require a Special Review process, but farmers have told us that &gt;100 ave. vehicle trips are necessary for a viable farm stand).</p> <p>Provide property owner with Transportation Guidelines for Farms (form to be developed) that would be reviewed and signed by the property owner.</p>	150 vehicles per day SU trigger serves both as an indicator of the intensity of the use at the site (i.e., greater number of vehicle trips indicates a greater need for review process), as well as an opportunity to address Transportation-related health and safety issues at the site. The change under consideration attempts to balance the needs with those of the agricultural community.
<b>General - Signage</b>			
<i>How much signage can a farm have?</i>	<p>(13-600) Sign Code Specifies the following. Does not specifically address treatment of identification signage for farms.</p> <p><u>If in Ag Zone:</u>  <i>If Ag is principal use :</i>                      Freestanding signs: 64 s.f. total area per sign no more than 32 s.f. per sign face; Limited to 10' height;                      Wall Signs: 24 sf limit                      Other: Any combination of freestanding or wall sign must not exceed the 88 square feet per lot requirement;  <i>If residential principal use: allowed 2 sf of signage.</i></p> <p><u>In Rural Res Zone:</u>  <i>If Ag is principal use:</i>                      Freestanding signs: 32 s.f. total area per sign no more than 16 s.f. per sign face; Limited to 6' height;                      Wall Signs: 32 sf limit                      Other: Any combination of freestanding or wall sign must not exceed the 64 square feet per lot requirement  <i>If residential principal use: allowed 2 sf of signage.</i></p>	Provide property owner with Transportation Guidelines for Farms (form to be developed) that would be reviewed and signed by the property owner.	We heard from farmers during public meetings and farm visits that there is confusion about what is allowed for signage.

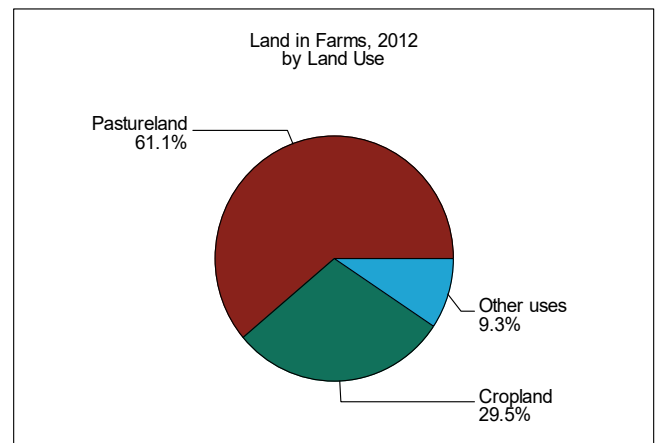
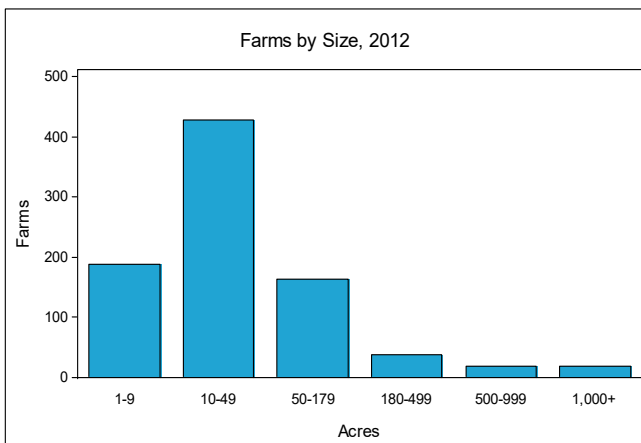
# 2012 CENSUS OF AGRICULTURE

## COUNTY PROFILE



### Boulder County Colorado

	2012	2007	% change
<b>Number of Farms</b>	855	746	+ 15
<b>Land in Farms</b>	132,948 acres	137,668 acres	- 3
<b>Average Size of Farm</b>	155 acres	185 acres	- 16
<b>Market Value of Products Sold</b>	\$33,883,000	\$34,037,000	0
Crop Sales (D)			
Livestock Sales (D)			
Average Per Farm	\$39,630	\$45,625	- 13
<b>Government Payments</b>	\$474,000	\$376,000	+ 26
Average Per Farm Receiving Payments	\$4,600	\$4,525	+ 2





## Boulder County – Colorado

### Ranked items among the 63 state counties and 3,079 U.S. counties, 2012

Item	Quantity	State Rank	Universe <sup>1</sup>	U.S. Rank	Universe <sup>1</sup>
<b>MARKET VALUE OF AGRICULTURAL PRODUCTS SOLD (\$1,000)</b>					
Total value of agricultural products sold	33,883	31	63	2,062	3,077
Value of crops including nursery and greenhouse	(D)	24	63	(D)	3,072
Value of livestock, poultry, and their products	(D)	43	63	(D)	3,076
<b>VALUE OF SALES BY COMMODITY GROUP (\$1,000)</b>					
Grains, oilseeds, dry beans, and dry peas	3,810	28	48	1,846	2,926
Tobacco	-	-	-	-	436
Cotton and cottonseed	-	-	-	-	635
Vegetables, melons, potatoes, and sweet potatoes	(D)	13	47	(D)	2,802
Fruits, tree nuts, and berries	(D)	9	37	(D)	2,724
Nursery, greenhouse, floriculture, and sod	13,497	6	51	210	2,678
Cut Christmas trees and short rotation woody crops	8	5	20	1,017	1,530
Other crops and hay	5,377	20	62	548	3,049
Poultry and eggs	446	6	58	1,104	3,013
Cattle and calves	(D)	(D)	62	(D)	3,056
Milk from cows	-	-	26	-	2,038
Hogs and pigs	49	20	53	1,457	2,827
Sheep, goats, wool, mohair, and milk	264	19	58	635	2,988
Horses, ponies, mules, burros, and donkeys	515	19	62	537	3,011
Aquaculture	(D)	8	25	(D)	1,366
Other animals and other animal products	220	23	56	723	2,924
<b>TOP CROP ITEMS (acres)</b>					
Forage-land used for all hay and haylage, grass silage, and greenchop	23,397	21	62	824	3,057
Wheat for grain, all	1,764	31	46	1,395	2,537
Winter wheat for grain	1,764	28	45	1,327	2,480
Corn for grain	1,275	24	33	1,842	2,638
Corn for silage	1,089	19	36	1,077	2,237
<b>TOP LIVESTOCK INVENTORY ITEMS (number)</b>					
Layers	(D)	4	59	(D)	3,040
Cattle and calves	9,946	42	63	1,936	3,063
Horses and ponies	3,796	9	63	122	3,072
Sheep and lambs	922	25	59	957	2,897
Goats, all	694	17	59	871	2,996

### Other County Highlights, 2012

Economic Characteristics	Quantity	Operator Characteristics	Quantity
Farms by value of sales:		Principal operators by primary occupation:	
Less than \$1,000	367	Farming	384
\$1,000 to \$2,499	116	Other	471
\$2,500 to \$4,999	86	Principal operators by sex:	
\$5,000 to \$9,999	91	Male	612
\$10,000 to \$19,999	76	Female	243
\$20,000 to \$24,999	10	Average age of principal operator (years)	61.0
\$25,000 to \$39,999	28	All operators by race <sup>2</sup> :	
\$40,000 to \$49,999	8	American Indian or Alaska Native	2
\$50,000 to \$99,999	23	Asian	12
\$100,000 to \$249,999	19	Black or African American	3
\$250,000 to \$499,999	16	Native Hawaiian or Other Pacific Islander	-
\$500,000 or more	15	White	1,355
Total farm production expenses (\$1,000)	40,269	More than one race	4
Average per farm (\$)	47,098	All operators of Spanish, Hispanic, or Latino Origin <sup>2</sup>	48
Net cash farm income of operation (\$1,000)	-1,759		
Average per farm (\$)	-2,057		

See "Census of Agriculture, Volume 1, Geographic Area Series" for complete footnotes, explanations, definitions, and methodology.

- Represents zero. (D) Withheld to avoid disclosing data for individual operations.

<sup>1</sup> Universe is number of counties in state or U.S. with item. <sup>2</sup> Data were collected for a maximum of three operators per farm.

### Concepts for Offering Streamlined Land Use Processes for "Eligible Farms"

	<b>Concept A: No streamlined processes offered; Make general improvements to Code that apply to all</b>	<b>Concept B: Offer some streamlined processes for those meeting eligiblity criteria</b>
<b>Description / rationale</b>	General Code improvements are sufficient to support policy goals; all have the opportunity to benefit equally.	General Code improvements would help support policy goals and enable new farmers to get to the point where they can demonstrate earnings that align with eligibility threshold. Streamlined processes available to those demonstrating they are farming for the purpose of making a profit / livelihood based on demonstrated farming activity.
<b>Eligibility criteria</b>	N/A	\$15,000 (or within range of \$10,000 to \$20,000, subject to discussion) in annual revenue from sale of agricultural products, with the exception of hay and forestry products; IRS Schedule F or other evidence of revenue
<b>Benefits to eligible farms?</b>	N/A	<ol style="list-style-type: none"> <li>1. Agricultural principal use automatically assumed (e.g., for signage, when considering proposals for new agricultural accessory structures, more limited scrutiny in determining whether proposed structure is of a size and scale that relates to the ag use, etc.)</li> <li>2. Reduced fees for land use processes</li> <li>3. Eligible for greater # of farm events, educational visits</li> <li>4. No land use process for a Agricultural Sales Structure up to 1,000 sf, and 12' height (whereas other farms would need SPR for Agricultural Sales Structures &gt;500 sf)</li> <li>5. SPR Waiver process available for Accessory Agricultural Structure up to 3,000 sf: &gt;3,000 sf would trigger SPR for eligible farms</li> <li>6. Allow "farm ahead" signage in county road rights of way, and alongside roadway approaching farm (with county or other necessary approval)</li> <li>7. Additional TBD: higher level benefits e.g., eligible for extra farm worker ADUs</li> </ol>

### Concepts for Offering Streamlined Land Use Processes for "Eligible Farms"

	Concept A: No streamlined processes offered; Make general improvements to Code that apply to all	Concept B: Offer some streamlined processes for those meeting eligibility criteria
<b>Code improvements available to all (despite eligibility)</b>	<ol style="list-style-type: none"> <li>1. Improve clarity of code by adding definitions for easy reference and reducing the number of uses associated with farm sales</li> <li>2. Allow agricultural sales in Business and Commercial zone district</li> <li>3. Increase the number of farm events allowed by right, and overall; increase the number of attendees allowed at farm events; and allow for educational visits</li> <li>4. Allow use of floor area (including bathrooms and other structures meeting code applicable for the use) for farm events</li> <li>5. Allow sales of products grown in Boulder County or Colorado (no requirements to grow on-site)</li> <li>6. Allow &gt;150 vehicle trips/day for Ag zoned properties; would be asked to review and sign a form: "Transportation Guidelines for Farms"; [Note: a viable farm stand would require &gt;150 vehicle trips/day]*</li> <li>7. No land use process Accessory Ag Structures up to 1,500 sf– and up to 12' in height, just BP as required (typically SPR required for vacant lots, or ≥1,000 addition)*</li> <li>8. Develop a "Land Use Code Users Manual for Farmers" to make the Code easier to navigate</li> </ol>	<p><b>Same as Concept A</b></p>
<b>Pros:</b>	<ol style="list-style-type: none"> <li>1. No determinations made about which types of farmers warrant streamlined processes.</li> <li>2. Avoid expectation that particular types of uses may receive specific allowances in the Code to address their circumstances / policy priority.</li> </ol>	<ol style="list-style-type: none"> <li>1. Reduces soft cost for those farmers most active in the community</li> <li>2. Reduces staff time for review processes for those farmers where an agricultural principal use is clearly established, and agriculture-related uses are appropriate</li> </ol>
<b>Potential cons:</b>	<ol style="list-style-type: none"> <li>1. Would not address the agricultural community's interest in providing more streamlined processes for those most active in the county's agricultural economy (i.e., basic Code improvements may not go far enough to address issues producing farms face in the county).</li> <li>2. Would not address issues related to clarifying the agricultural principal use on a property (e.g., reliance on narrative description of agricultural use do determine appropriate size and scale of proposed Accessory Agricultural Structure).</li> </ol>	<ol style="list-style-type: none"> <li>1. If the eligibility threshold is set to low there may be unintended consequences of too much leniency (e.g., many ag structures on properties that aren't actually active commercial farms- getting used as ADUs, damaging ag soils with permanent structures, etc.).</li> <li>2. If the eligibility threshold is set too high there may be concerns that newer farmers or those with lower revenue who need support to take their activity to the next level are at a disadvantage (i.e., that the basic code improvements that apply to all would be insufficient to serve their needs).</li> </ol>

\* Flagged as potential items that could be tied to eligibility instead of being included as part of general Code improvements that apply to all.

# Boulder County Agricultural Community Survey

## Data Overview and Respondent Characteristics

Data Processed June 2018

2018 Agricultural Community Survey



## Survey Data Overview

- Distributed by email to:
  - 386 Ag-zoned property owners who have come through Land Use processes since 2015
  - 671 on the [Agriculture Outreach email list](#) (plus shares by Parks & Open Space and CSU Extension)
- 87 total responses captured by SurveyMonkey
  - 35 exited early (respondents did not see all questions)
  - 52 completed (though respondents may have skipped questions not applicable to them)

2018 Agricultural Community Survey



## Respondent Characteristics: Farm Type

ANSWER CHOICES	RESPONSES
Commercial farmer	45.24% 38
Hobby Farmer	23.81% 20
Private farmer: grow food only for your own use, no sales revenue.	16.67% 14
Other / interested stakeholder (please describe) <a href="#">Responses</a>	14.29% 12
<b>TOTAL</b>	<b>84</b>

- Other types:
  - Farm/land designers, land owners with grazing leases, members of agriculture-related organizations, CSA members, other interested parties

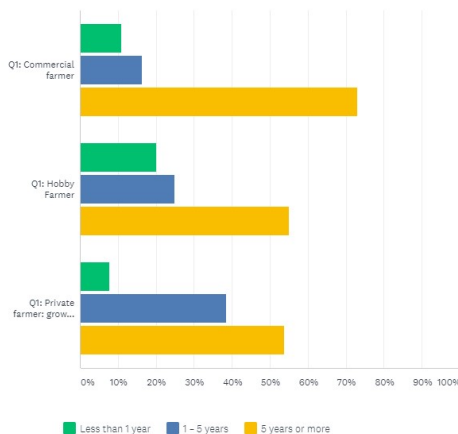
2018 Agricultural Community Survey



## Respondent Characteristics: Years Farming

How many years have you been farming in Boulder County?

Answered: 70 Skipped: 2



- About 75% of commercial farmers have been farming in the county for over 5 years
- For hobby and private farmers, the farm age is more mixed

2018 Agricultural Community Survey



## Respondent Characteristics

- Most commercial farmer respondents farm >35 acres, with many farming 500+ acres (largest reported farm is 2,000 acres)
- Most hobby farmer respondents farm <10 acres
- Among all respondents:
  - 43% are farming land <5 acres
  - 64% have been farming >5 years
  - 85% own some portion of the land they farm, though many both own and lease
  - 66% grow vegetables

2018 Agricultural Community Survey



## Criteria for Farm Review Process

2018 Agricultural Community Survey





## Farm Review Mission Statement

### Agricultural Outreach Project Mission Statement

Boulder County is working with the Agricultural Community to:

- Reduce barriers and soft costs associated with county-level regulations and permitting for agricultural producers in Boulder County.
- Establish regulations and practices that align with the Boulder County Comprehensive Plan policies and facilitate a thriving, diverse agricultural economy.

Strategies include streamlining and simplifying processes, coordinating across county departments, aligning with other programs familiar to agricultural producers, and improving public information resources.

2018 Agricultural Community Survey



## Streamlined LU Review: Farm Eligibility Criteria

By Farm Type	Least Favorable	Most Favorable
Commercial	USDA EQUIP Program eligibility Revenue as % of household income	IRS Schedule F Proof of ag sales above a \$ threshold
Hobby	IRS Schedule F USDA EQUIP Program eligibility Revenue as % of household income Proof of ag sales above a \$ threshold	Affidavit of intent for \$1,000+ in ag sales
Private	IRS Schedule F Proof of ag sales above a \$ threshold	Revenue as % of household income

2018 Agricultural Community Survey



## Streamlined LU Review: Farm Eligibility Criteria

	Least Favorable	Most Favorable
Overall Trend	USDA EQUIP Program eligibility Revenue as % of household income	IRS Schedule F Affidavit of intent for \$1,000+ in ag sales

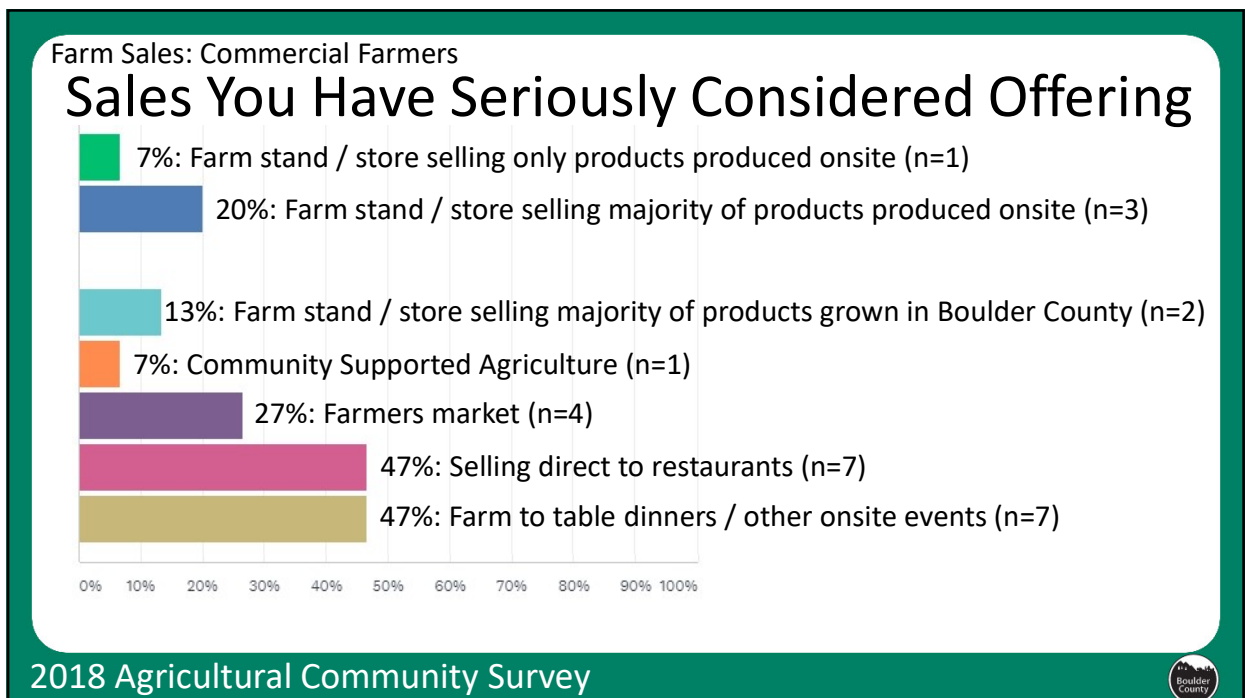
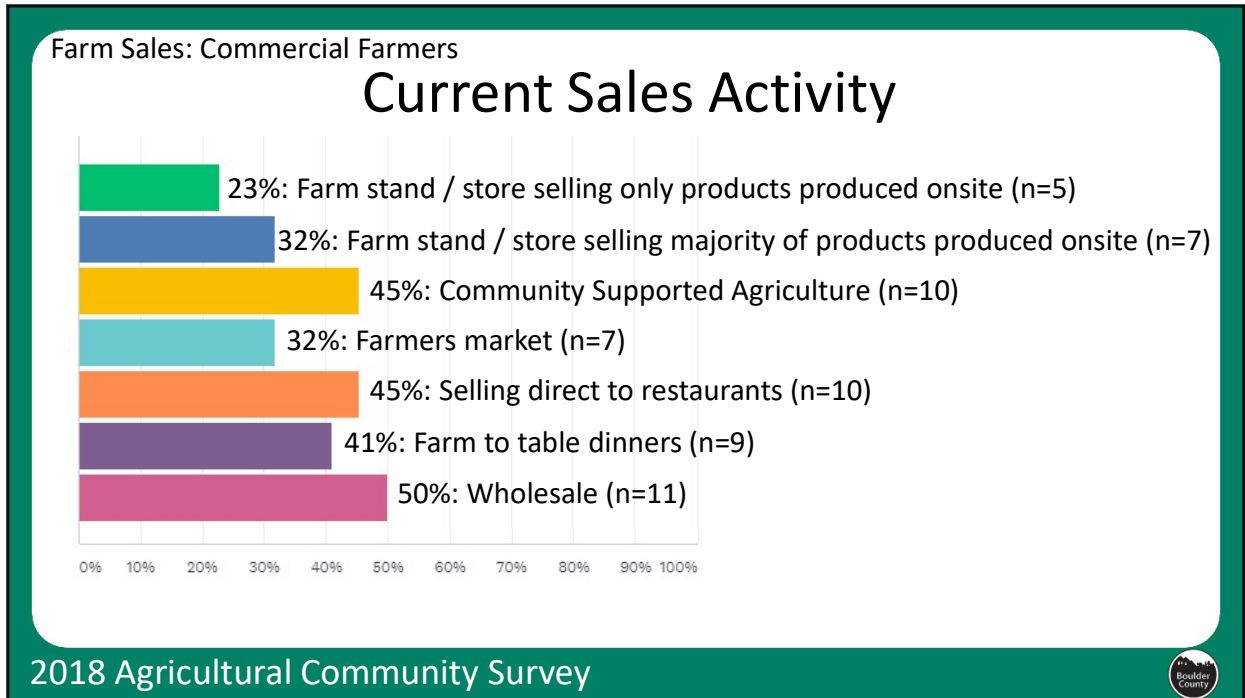
The criterion of “Proof of revenue from agricultural sales exceeding a certain amount” received mixed opinions of being relevant among the various respondent categories

- Suggested threshold values for proof of sales ranged from \$500 - \$50,000



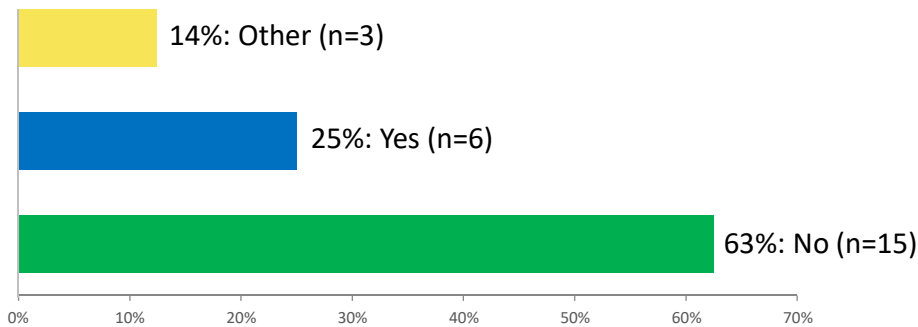
## Farm Sales





### Farm Sales: Commercial Farmers

Have you seriously considered selling at another location or having others sell at your property?



2018 Agricultural Community Survey



### Farm Sales – Survey Trends:

- Commercial farmers wish to increase sales to restaurants and offer farm to table dinners / onsite events; overall, they are not focused on increasing sales at farm stands / farm stores
- Most do not wish to sell at other locations, but among those who do:
  - Want to sell at other farms to increase revenue, diversify income sources, increase access to customers
- Structures they would like to use for sales (limited data):
  - New structures: fully enclosed, with water and electric; public would enter (commercial farmers would like to sell year-round)
  - Existing structures: use portion of barn for sales
- Commercial farmers' sales plans are limited most by the Land Use Code, but also by Building Code

2018 Agricultural Community Survey



# Processing and Cooking

2018 Agricultural Community Survey



## Processing and Cooking

### Level of Understanding: State and County Public Health Requirements for Food Preparation and Processing

ANSWER CHOICES	RESPONSES
▼ Expert	11.54% 6
▼ Intermediate: I know the basics but not all the details.	42.31% 22
▼ Novice: I know there are regulations, but they're confusing and I could use help understanding them.	30.77% 16
▼ I have no knowledge of public health requirements.	15.38% 8
<b>TOTAL</b>	<b>52</b>

- As years farming increases, understanding of requirements increases
- Commercial Farmers – 52% Intermediate
- Hobby Farmers – 45% Novice

2018 Agricultural Community Survey





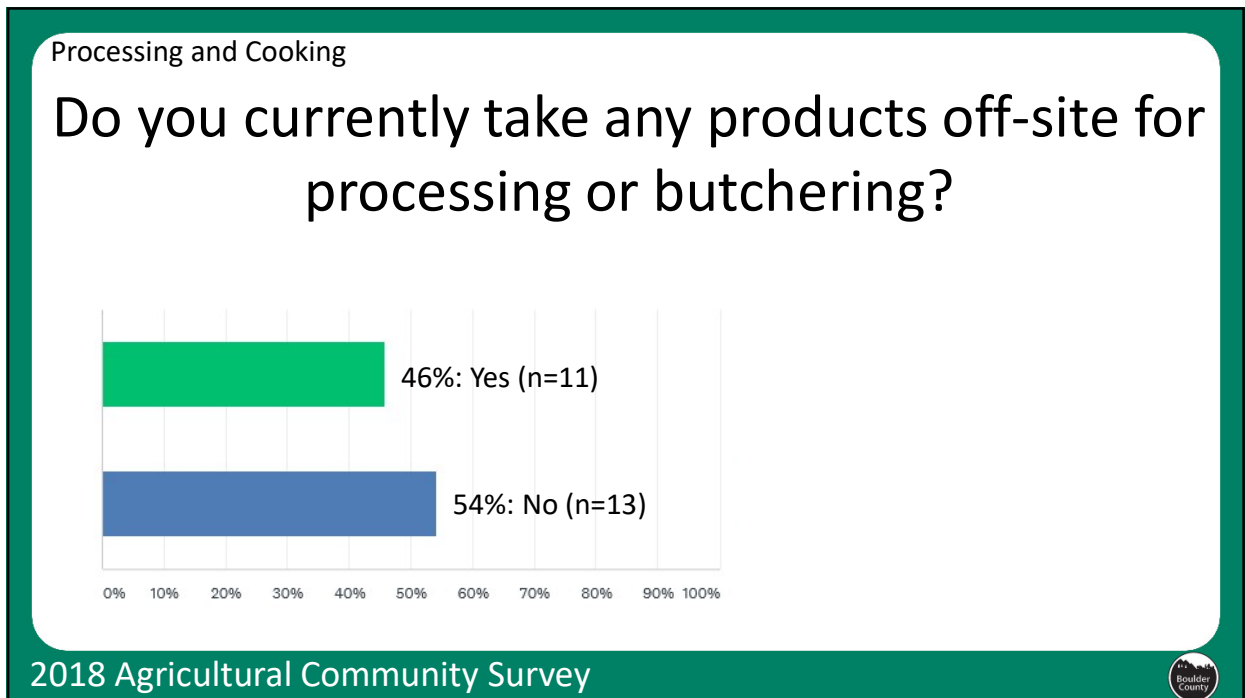
Processing and Cooking

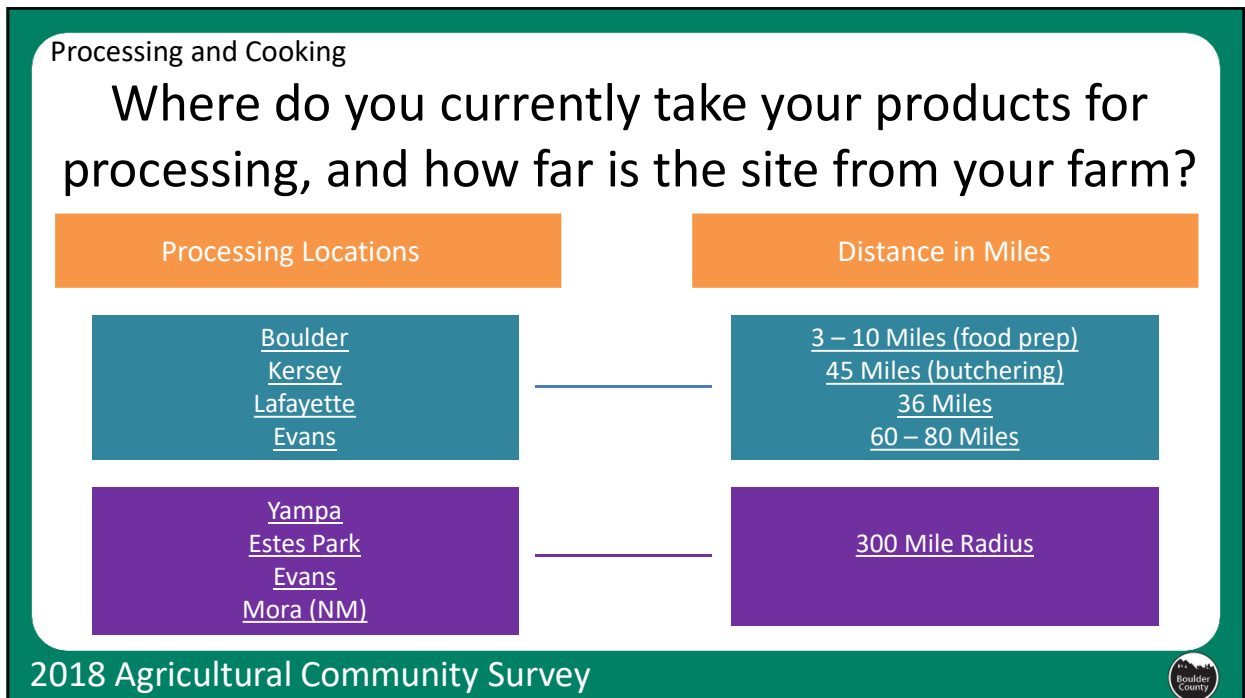
## Which of the following applies to you?

ANSWER CHOICES	RESPONSES	
▼ I would like to have a commercial kitchen on my property	26.92%	14
▼ I would like to find out how I can share a commercial kitchen	19.23%	10
▼ I have no interest in a commercial kitchen	53.85%	28
<b>TOTAL</b>		<b>52</b>

\* Similar percentages among commercial and hobby farmers

2018 Agricultural Community Survey 







Processing and Cooking

## On-site Processing Seriously Considered

ANSWER CHOICES	RESPONSES	
Butchering	19.15%	9
Prepared fruits and vegetables (cut, sliced, diced)	31.91%	15
Honey, Jam, Salsa	34.04%	16
Milk or Dairy Products	12.77%	6
Juices	8.51%	4
Hemp	8.51%	4
Hemp CBD oil extraction	8.51%	4
None	34.04%	16
Other (please specify)	Responses 29.79%	14
Total Respondents: 47		

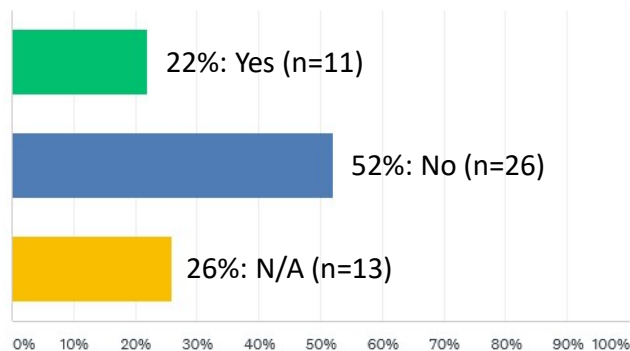
\* Other – Grain processing, dried fruit, eggs, sauces, butters & jellies, IQF freezing

2018 Agricultural Community Survey



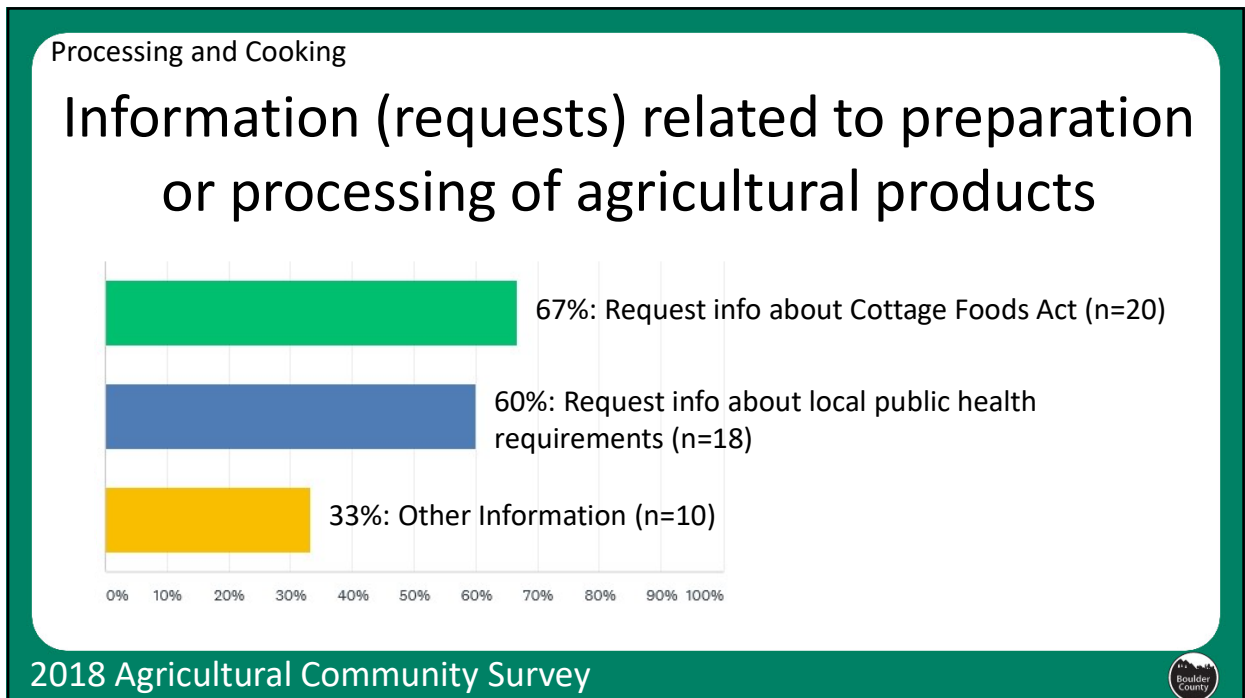
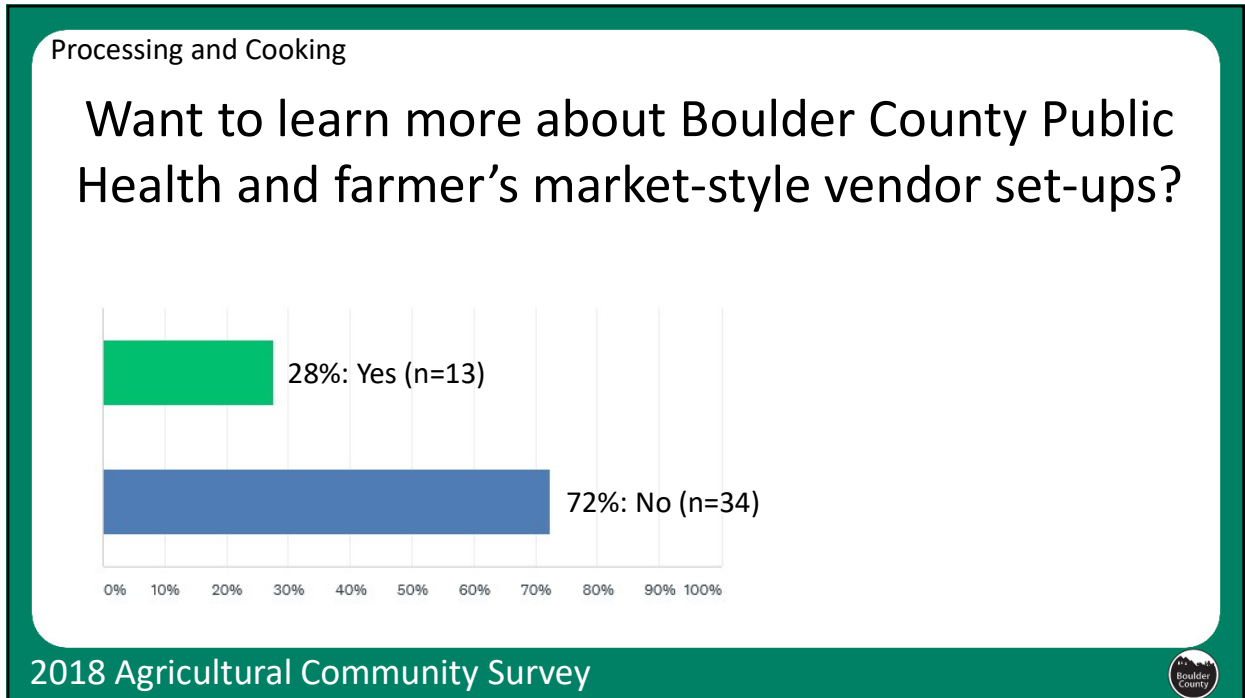
Processing and Cooking

## Do you currently work with licensed catering operations for Farm Events?



2018 Agricultural Community Survey





## Processing and Cooking – Survey Trends:

- More than half of commercial farmers know the basics of State and County Public Health requirements, while almost half of hobby farmers know regulations exist, but find them confusing
  - Level of understanding seems dependent on years farming
- Most farmers do not prepare food (for sale) in a commercial kitchen
  - Results are similar among commercial and hobby farmers
- More than half of farmers have no interest in a commercial kitchen
- Among those who do have interest:
  - 27% would like a commercial kitchen on their property
  - 19% are interested in sharing a commercial kitchen

2018 Agricultural Community Survey



## Processing and Cooking – Survey Trends:

- Most farmers with commercial kitchen needs are commercial farmers (75%)
  - Items prepared and days per week vary from baked goods 7 days a week to special events 1 day a month (all year long)
- Most commercial farmers do not take any products offsite for processing or butchering (65%)
  - Most hobby farmers do take products offsite (limited data)
- Those products that are taken offsite include:
  - Animal products (butchering) (75%)
  - Prepared fruits and vegetables (25%)

2018 Agricultural Community Survey



## Processing and Cooking – Survey Trends:

- Products taken **offsite** mostly go to a local processing location
  - 3 – 80 Miles away from the farm
  - 300 mile radius from farm (outlier)
- Most **onsite** processing seriously considered include:
  - Honey, jam, salsa (34%)
  - Prepared fruits and vegetables (32%)
- Most farmers do not work with licensed catering operations for farm events (52%)
  - Hobby farmers less so than commercial (80% and 34% respectively)

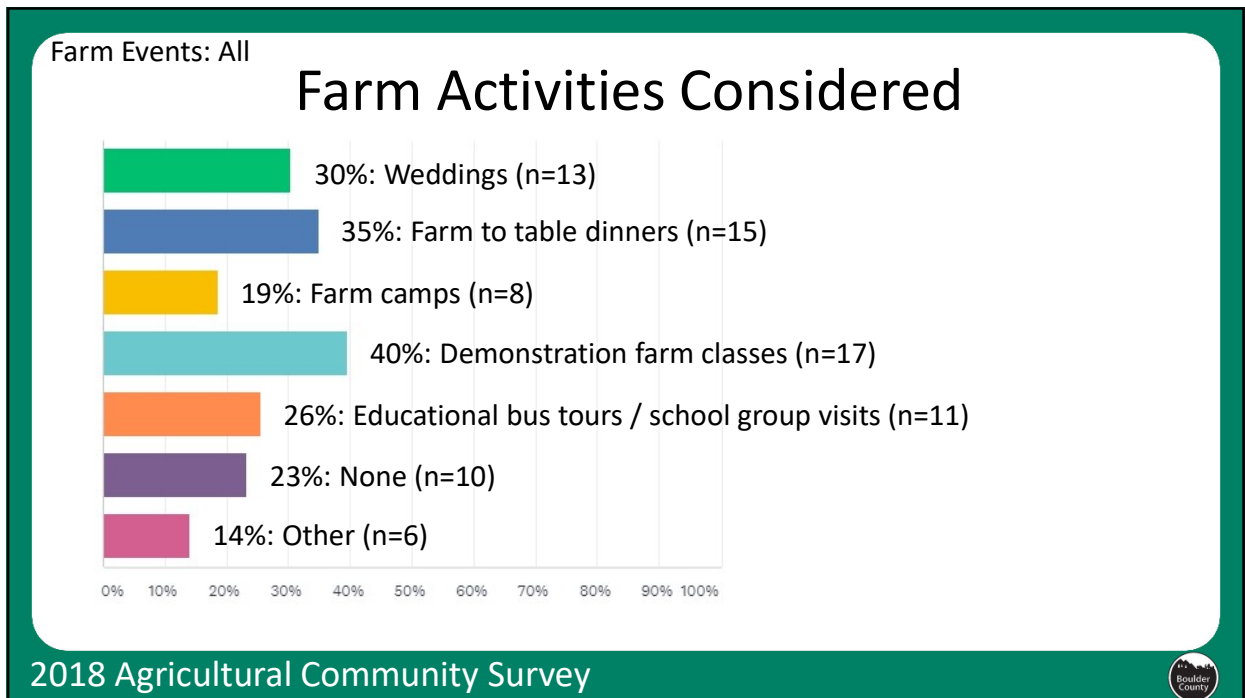
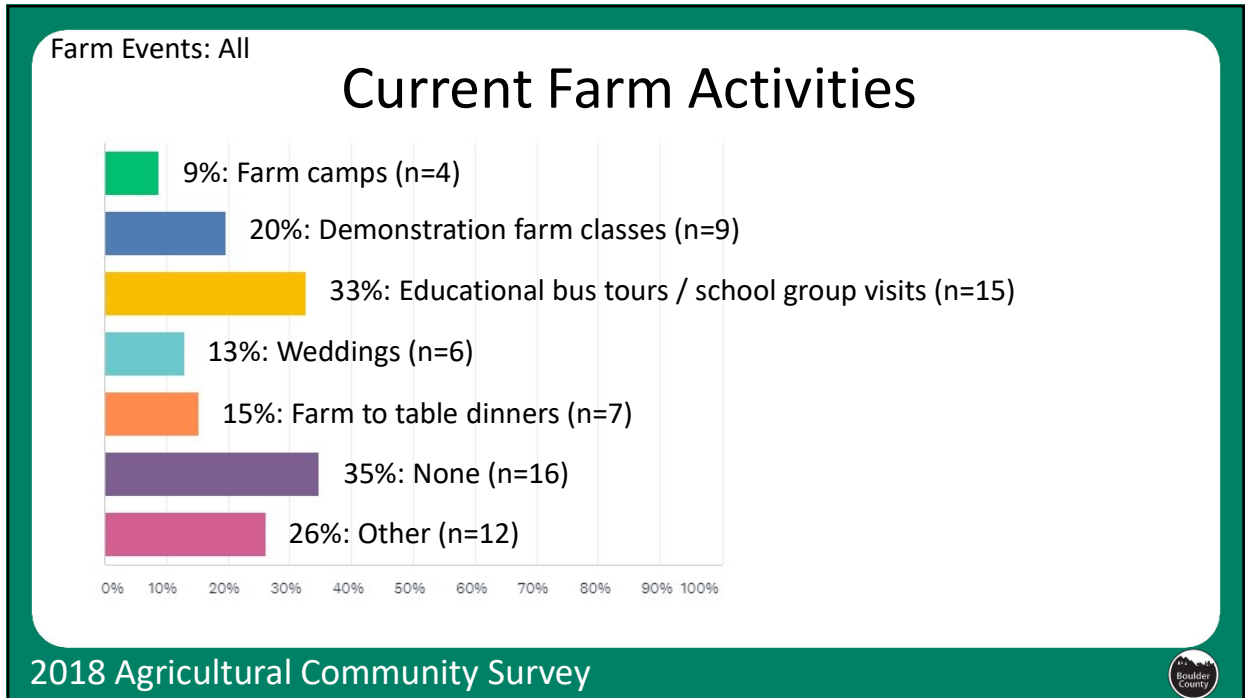
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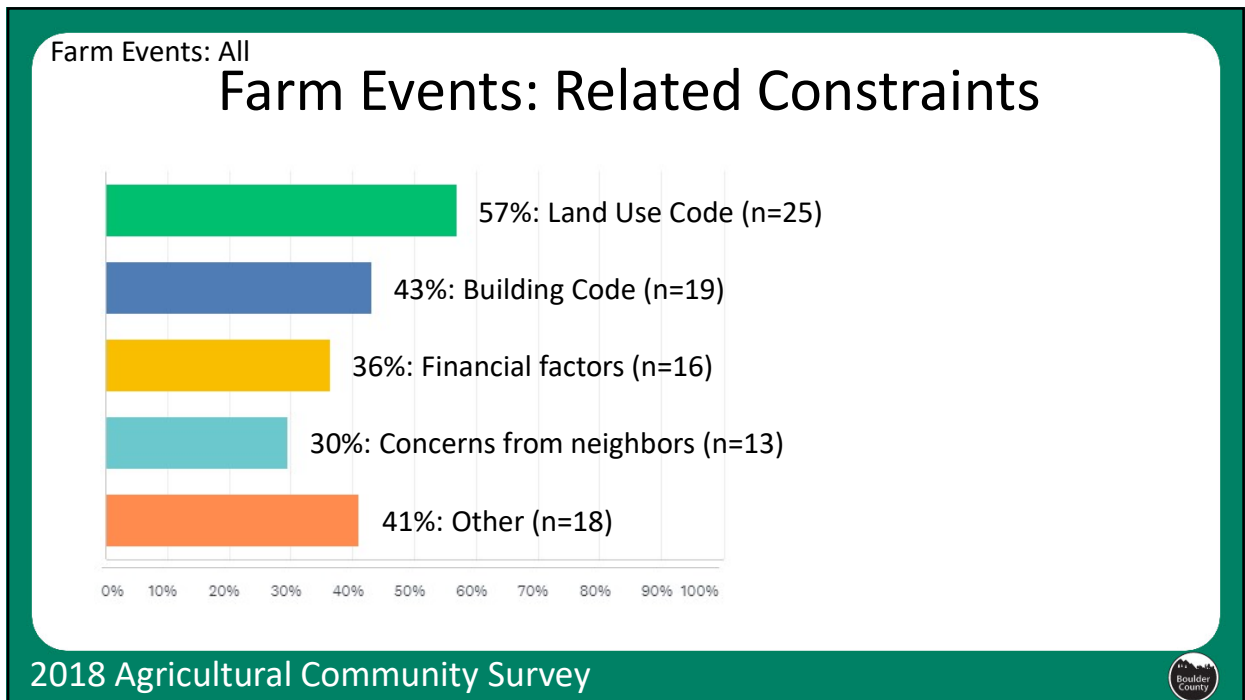
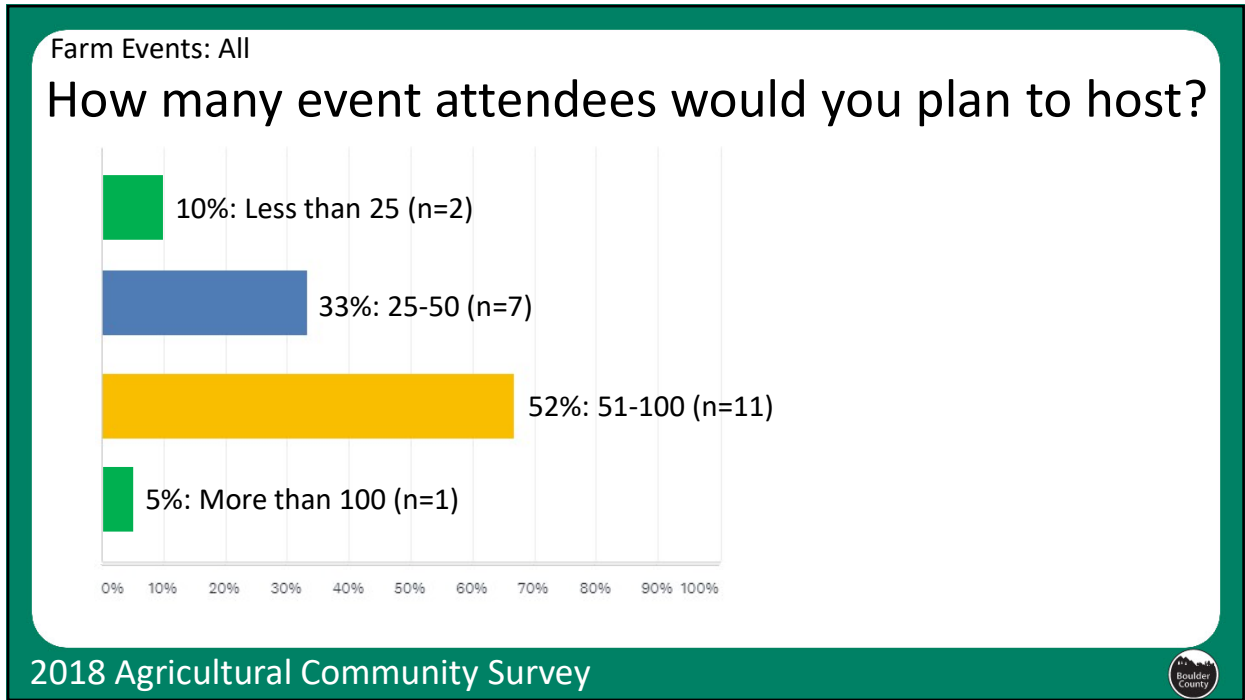


## Farm Events

2018 Agricultural Community Survey







## Farm Events – Survey Trends:

- Many have seriously considered offering demonstration farm classes, weddings, farm to table dinners and educational bus tours
- Events:
  - Most wish to host 50-100 attendees
  - Preferred number of events per year varied widely ranging from 5-25 (one outlier: 52)

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## Farm Events – Survey Trends:

- Camps:
  - Most would like to host 9-15 campers
- Educational Bus Tours:
  - Preferred number per year: 1-6
  - Majority would have one busload per event
- Land Use Code is the greatest constraint on plans related to farm events, followed by Building Code

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# Hoophouses & Greenhouses

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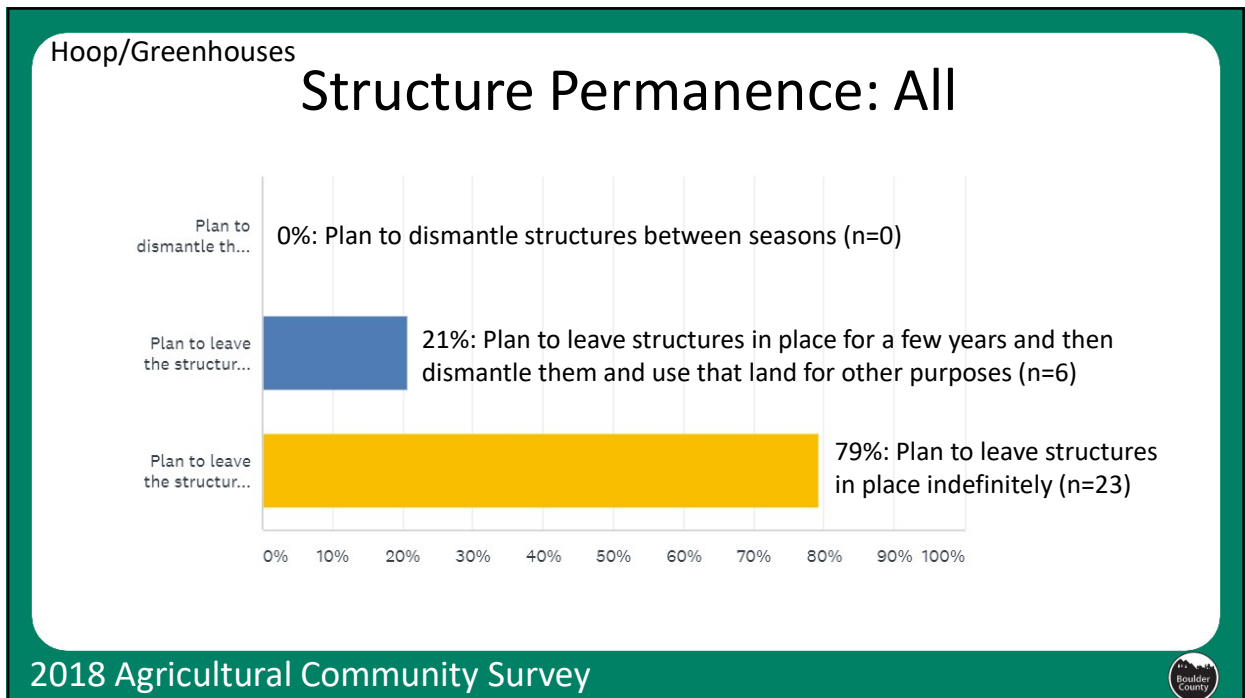
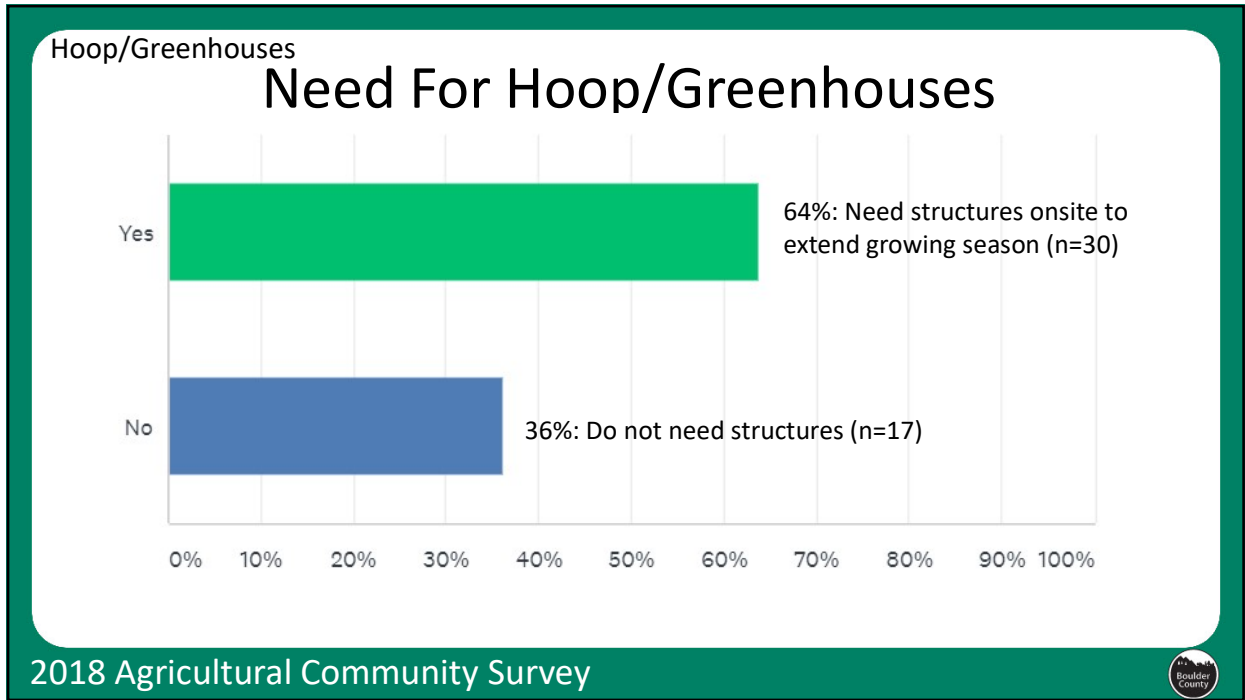
## Desired Hoop/Greenhouse Amenities

▼ Electric service	72.41%	21
▼ Heating (please describe the type of heating configuration in the "Other" box below)	55.17%	16
▼ Dirt floor (no foundation or footers)	75.86%	22
▼ Concrete floor covering the entire square footage of the structure	17.24%	5
▼ Footers, but no concrete floor	34.48%	10
▼ 7 feet in height, or taller	75.86%	22
▼ Cloth/pliable plastic covering	75.86%	22
▼ Glass covering	20.69%	6
▼ Temporary water service (e.g., hoses)	51.72%	15
▼ Permanent plumbing / irrigation system	68.97%	20
▼ Products produced in the ground	55.17%	16

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## Hoop/Greenhouses – Survey Trends:

- Farmers of all types need structures onsite to extend growing season
- Number of desired structures varies, but most farmers need between 1-5
- 80% of farmers (of all types) plan to leave the structures in place indefinitely
  - There was clear feedback that farmers do not want to be required to dismantle the hoop/greenhouses between seasons
- Size needs vary from 500 to 5,000 square feet (commercial farms require larger structures)

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## Hoop/Greenhouses – Survey Trends:

- Most farmers need both electricity and heat in the structures
  - Winter frost protection, summer ventilation, propagation lighting, and task lighting for workers
  - Heat sources noted include: propane, electric stock tank heaters, geothermal, solar, rocket mass, natural gas, compost heat, pellet stove
- Most farmers need irrigation access

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Thank you for reading!

For more information or questions:

Email [planner@bouldercounty.org](mailto:planner@bouldercounty.org)

Or call the Land Use office at 303-441-3930

<http://bit.ly/BoCoAgOutreach>

