



Land Use

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

BOULDER COUNTY PLANNING COMMISSION

Wednesday November 28, 2018, at 1:30 p.m.

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

PUBLIC HEARING

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

Staff:

Land Use Department

Nicole Wobus, Long Range Planning
Manager
Sinead O'Dwyer, Long Range Planner I
Christy Wiseman, Long Range Planner I
Jose Ruano, Long Range Planner I

Parks and Open Space Department

Jeff Moline, Resource Planning Director
Blake Cooper, Agricultural Resources
Director
Adrian Card, CSU Extension, Agriculture
Natural Resources

AGENDA

1. Staff presentation and Planning Commission clarifying questions
2. Public Hearing
3. Planning Commission deliberation and decision

INTRODUCTION

The goals and policies of the Boulder County Comprehensive Plan's (BCCP) Agricultural Element call for the county to support a diverse and sustainable agricultural economy and to preserve the productivity of agricultural lands. Recognizing the challenges the agricultural community faces, staff pursued agriculture-related Land Use Code ("the Code") amendments with the intent to better reflect the county's agriculture-related goals and policies, and to 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 provisions 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 to 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 in the following topic areas: farm sales, farm events, demonstration farm and farm camp uses, season-extending agricultural structures, and other overall process changes.

Staff sought Planning Commission (PC) feedback on key concepts under consideration at an August study session, and subsequently drafted regulations that reflect both PC’s guidance and public input. This document includes an overview of the proposed changes to the Code. Additional background information is available in the August [PC study session staff report](#). After receiving PC’s recommendation related to the proposed text amendments, staff will make any necessary revisions and take the proposed Code language to the Board of County Commissioners (BOCC) for approval.

ACTION REQUESTED

Recommend BOCC approval of the agriculture-related Land Use Code text amendments proposed in Attachment A of this staff report as part of Docket DC-18-0003.

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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 land use impacts of agricultural activities, and with the underlying policy foundation provided in the BCCP Agricultural Element (see Figure 1). In addition to the BCCP, the proposed Code updates are intended to better align with the Boulder County Parks and Open Space Cropland Policy, which sets a vision for the Parks and Open Space Department (POS) to be a national leader in sustainable

agriculture. The Cropland Policy recognizes the need to develop alternative markets and diversify the agricultural economy in the county to achieve that vision. Code revisions are also intended to make the regulations easier to navigate and more user-friendly for both county 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.¹

Objectives

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

Scope

- Farm sales
- Farm events
- Demonstration farms / farm camps
- Hoop houses and greenhouses
- Streamlining of Land Use Code processes for producing 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 provided important context and helped clarify the scope of the Code updates needed. However, many of the community's

needs in these areas stem from a need for more information and assistance understanding existing requirements, and do not warrant Land Use Code changes at this time beyond those proposed.

Figure 1. Boulder County Comprehensive Plan (BCCP) Agriculture-Related Goals

Boulder County Policies Encourage a Diverse and Sustainable Agricultural Economy

The Agricultural Element of the BCCP provides a policy basis for proposed Code amendments.

- 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.

¹ Housing for farm workers also emerged as a top priority from 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.

II. BACKGROUND

A team of staff from Boulder County [Land Use](#), [Public Health](#), and [Parks & Open Space](#) departments and CSU Extension launched the Agricultural Outreach Project in late 2017 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 available at the project’s [webpage](#), along with summaries of written comments and feedback received through a series of meetings conducted in early 2018. The proposed Code language is informed by feedback gathered through the Agricultural Outreach Project, along with additional activities conducted as part of the Code update process, as summarized in Table 1. Additional background information and data are available in the August [PC study session report](#).

Table 1. Summary of Agriculture-Related Land Use Code Update Activities

Activity	Timeframe (2018)
Open House and gathering of written comments to identify themes and priorities (see summary of findings)	January
Topic-focused public meetings (see summary of outcomes)	March
Survey to hone priorities and better understand the agriculture community’s needs in key topic areas (see survey results)	May
Development of concepts for Code changes, culminating with Planning Commission study session on August 15	June - August
Literature review and additional research	January - August
Farm visits by staff and Planning Commission	June - August
Draft proposed Code changes, including a public referral comment period	September - October
Planning Commission public hearing and recommendation	November 28
BOCC adoption of proposed Code amendments	Following Planning Commission recommendation

The focus at this time is to address Land Use-related regulatory changes. Staff from Land Use, Parks and Open Space, and Public Health are also working to make changes to provide easier access to information and resources. Staff understands that additional attention is needed to provide information regarding public health regulations, as well as potential future 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 PROPOSED CODE CHANGES

This section presents a summary of proposed Code changes, by topic. Additional details regarding the proposed changes, including comparison with current conditions, are available in **Attachments A and B**.

Verified Established Farm Use

Provisions Specific to Production Farms that Meet Specific Criteria

In aligning the proposed Code amendments with the policy direction in the BCCP Agricultural Element, as well as with feedback received from the agricultural community, staff is introducing a new concept called “Verified Established Farm Use” (VEFU). The VEFU concept is intended to provide an administrative process that will enable staff to recognize existing producing farms. When a farm with VEFU designation applies for a Land Use review process such as Site Plan Review (SPR), staff will process the application with the understanding that a legitimate agricultural use is in place, reducing the need for the farm owner/operator to produce additional narratives and other forms of use verification.

The proposed Code offers alternative provisions, such as modified review process triggers, for farms with VEFU designation. These alternative provisions go above the Land Use Code changes that will apply across the board to every agricultural operation, regardless of VEFU designation. The intent is to further reduce costs and regulatory requirements for those properties contributing substantially to agricultural production in the county. Owners and operators of those active, producing farms can be expected to have the knowledge and experience to make productive use of land while minimizing land use impacts. This aligns with county policy goals to facilitate a diverse and sustainable agricultural economy.

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 the [PC Study Session staff report](#) for further detail). The survey conducted as part of this Code update process 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 \$50,000.²

Under the proposed Code, VEFU provisions would only be available to those farms with a clear track record of having a significant scale of agricultural activity. Properties with smaller-scale farming activity, or new operations that are just getting started, will benefit from proposed Land Use Code improvements that will apply across the board. The Code improvements available to any applicant (e.g., allowing Season-Extending Agricultural Structures up to 5,000 square feet on parcels 5 acres or larger without SPR) will go a long way toward supporting new entrants to the agricultural community until they reach the scale at which they can apply for the VEFU designation.

² See [Survey Data Overview](#) for more information about survey responses related to farm eligibility criteria.

Farm Sales

Reduce the Number of Categories That Include Sales of Agricultural Products

Currently, the Code contains four distinct use categories that involve sales of agricultural products. The Code 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?

Current requirements for what can be sold vary depending on the use category. The revised Code language would provide consistent sales-related requirements for both of the remaining agricultural sales-related uses (i.e., Farm Store sales, and Accessory Agricultural Sales), including eliminating any onsite sourcing requirements. The proposed changes require that the majority (>50 percent) of products be sourced from Boulder County farms.

In addition, the proposed changes require that at least 70 percent of products be agricultural products (as defined in Article 18-105). The remainder (no more than 30 percent) may be crafts or artisan products, which may include a nominal amount of other products (e.g., promotional items).

The proposed Code changes include minor revisions to the existing definition of Agricultural Products (Article 18-105) to include flowers and herbs. The addition of flowers and herbs is viewed as similar in nature to the existing products included in the definition, such as bedding plants.

Staff evaluated the pros and cons of alternative methods for measuring compliance with sales percentage requirements, and proposes basing compliance on percentage of area used for sales as this provides the most practical means of enforcement (i.e., measuring floor area as opposed to collecting and analyzing sales receipts).

Proposed farm sales-related changes would simplify the Code and provide greater flexibility and opportunity for farmers to diversify their sources of income. Some farms are neither safe nor 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. Providing less stringent requirements regarding product sourcing enables local farmers whose own operations may have a short growing season to have opportunities to enhance the visibility of their farms and boost revenue by selling some seasonal products sourced from outside the county. This has also public health benefits in that it provides the public with easier access to fresh, local farm products.

When can products be sold?

Proposed Code changes would eliminate requirements related to the number of days per year products can be sold. Under the current Code, the Seasonal Farm Stand use limits sales to 42 days per year, and the Farm Store use 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?

The proposed Code amendments expand the zone districts in which agricultural sales can occur by adding allowances for agricultural sales to occur along with other uses in Business, Commercial, and Transitional districts. This will help farms seeking greater visibility and better access to customers than they may have on their own farm locations. 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.

Add Definitions for Sales-Related Agricultural Structures to Improve Code Clarity

Recognizing that, at a certain scale, structures used to sell agricultural products have the potential for significant land use impacts, the proposed Code changes include a definition and process provisions that apply specifically to these structures.

- **Agricultural Sales Structure:** A structure, or portion of a structure, used for sales of agricultural products and adhering to the provisions for the Accessory Agricultural Sales and/or Farm Store uses.
- Allowed by right in all districts where Accessory Agricultural Sales use is allowed if less than 12 feet in height, up to 500 square feet. If the Agricultural Sales Structure is more than 500 square feet or more than 12 feet in height, it would be subject to Site Plan Review (SPR).

The standard square footage-based SPR trigger is 1,000 sf, or any new construction on vacant land.³ The rationale for proposed Code 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

³ Section 4-802.A.3. of the Land Use Code specifies that SPR is triggered based on any cumulative increase in floor area of more than 1,000 square feet on a parcel over that existing as of September 8, 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 farms with a VEFU designation be exempt from this provision.

Figure 2. Example of Proposed Code Change Impacts for Agricultural Sales Structures

Example: Review Process for an 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 daily vehicle trips (100 cars per day).

Current Code:

Process: Special Use Review, requiring hearings before both Planning Commission and Board of County Commissioners

Timeline: Usually 4-6 months

Cost: \$1,450 plus \$103.83/hour in staff time
Typically, total review costs between \$2,000-\$2,750.

Proposed Code:

Process: Site Plan Review (an administrative review by staff)

Timeline: Determination Letter provided within 28 days of application submittal, plus an appeal/call-up period of 14 days

Cost: \$1,250

accommodates traffic to the site and parking on the site. In addition, sales-related structures greater than 500 square feet have a greater potential for aesthetic and character-related impacts that warrant review. A farm would still be allowed to add a structure up to 500 square feet without SPR, as the impacts of the use would be minimal and of a scale that can be expected in association with farming and agricultural uses.

Applicants can propose structures that adhere to pre-approved design and siting criteria (yet to be developed). Applications using a pre-approved design will be deemed to have met certain criteria under the Site Plan Review Standards, and therefore, can expect a smoother approval process.

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

Currently, any use that exceeds 150 average daily trips per day would trigger a Special Review process.⁴ 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 provide an alternative review process for Accessory Agricultural Sales Structures. The property would be allowed to have up to 200 average vehicle trips per day, and would be required to commit to adhering to parking and traffic requirements outlined in a *Transportation Guidelines for Farm Sales* (yet to be developed). 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 and robust opportunities for Boulder County farmers to sell their products. See Figure 2 for an example of how the agricultural sales-related Code changes would affect processes and costs for a new structure.

Farm Events

Proposed changes related to Farm Events reflect an effort to balance the demand for increases in existing limits (e.g., on number of events and number of attendees) with potential traffic, noise, and other land use impacts. The changes also recognize that agriculturally-zoned properties are intended to primarily accommodate agricultural uses; event-related uses (e.g., weddings and farm-to-table dinners) are accessory, or secondary to agricultural uses. Properties seeking to offer more robust event-related services can be accommodated under non-agricultural uses such as Reception Halls and Community Meeting Facilities (Article 4-504 G), which would require a Special Review process on properties located in the Agricultural zone district.

Increase the Number of Farm Events Allowed

The proposed Code increases the number of events allowed by right from six to 12. Those going through a Limited Impact Special Review process could hold up to 24 Farm Events (up from the current limit of 12). These changes reflect feedback received from the survey and referral process indicating a broad interest in increasing the number of events allowed. Staff believes the proposed limits allow for an appropriate increase in the number of events, while avoiding potential for high levels of noise and traffic impacts. The proposed changes would allow for an average of one event per

⁴ Per the definition of Average Daily Trips (ADT) (Article 18-112) one vehicle traveling to and from a site would constitute two vehicle trips.

month (two per month for those going through the Limited Impact Special Review process), or more frequent events during warm weather months.

Increase the Number of People Allowed per Event

The proposed Code increases the limit on the number of attendees allowed per event from 99 to 150, though events with an excess of 99 people would require Special Authorization from the Zoning Administrator (Land Use Director), and would be subject to comment from adjacent property owners. Furthermore, events with more than 99 attendees would be limited to 12 times per year as a means of limiting potential impacts. Requests for events with more than 99 people may be required to meet 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 proposed changes reflect referral feedback, as well as staff's experience that there is demand for farm events to occasionally exceed 99 attendees.

Allow Use of Structures ("floor area")

Farm Events are not currently allowed to use any structures located on the property, including bathrooms. Therefore, events are limited in the time of year that they can be scheduled to avoid inclement weather. The proposed Code allows use of floor area (such as in existing barns) for events, subject to applicable Building Code requirements (e.g., floor area used to accommodate group events would need to meet Building Code requirements commensurate with the type of use). 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 preferences expressed in the agricultural community survey, staff suggests increasing the number of attendees allowed by right at farm camps (or classes) from eight to 15, and up to 25 attendees per class for Verified Established Farm Uses. Staff heard from the agricultural community that limiting camp/class sizes to eight does not generally provide economically viable opportunities.

Educational Tours

Add New Temporary Use Definition to Accommodate Educational Tours

The current Code does not provide guidance for the treatment of educational visits to farms, though area farms expressed great interest in offering educational farm tours. The proposed Code adds a new definition to allow field trips and other educational events up to 24 times per year by right. These visits must include fewer than 20 additional vehicle trips per day.

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 proposed Code adds 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 utilities.”

Apply Existing Land Use Review Requirements, With Some Exceptions

Consistent with current conditions, in general no Land Use process would be required unless a proposed structure triggers SPR (e.g., >1,000 sf). However, for Season-Extending Agricultural Structures no Land Use process would be required for structures up to 5,000 square feet on parcels 5 acres or larger, and up to 3,000 square feet on parcels less than 5 acres. This is the same structure size threshold that applies for determining which Accessory Agricultural Structures are eligible for a Site Plan Review Waiver in the Plains. Therefore, the 5,000 square foot value has precedence as serving as a threshold over which the scale of potential land use impacts is thought to warrant an additional level of review.

IV. SUMMARY OF REFERRAL FEEDBACK AND RESPONSES

Staff circulated a [referral packet](#) in October to solicit public feedback on draft Code changes. Staff received 19 comments from members of the public, which included responses mostly from those currently active in the agricultural community. Some internal feedback from other county staff was also provided. This section is a summary of feedback received, as well as changes made in response to that input.

Farm Sales

Referral Comments

- Overall the feedback was positive though commenters offered numerous suggestions.
- There were contrasting comments with regard to the proposed percentages for agricultural products versus artisan and craft products. Contrasting comments expressed that the proposed percentages are reasonable and logical.
- Comments suggested eliminating the distinction between agricultural products and "artisan" and "craft" products, and defining “artisan” and “craft” products.
- One commenter suggested eliminating the stricter approval threshold for Agricultural Sales Structures (i.e., 500 square foot threshold for SPR).
- Comments suggested eliminating all requirements and leaving it up to farmers to be able to sell what they wish to sell in order to increase profits.
- Comments requested clarification on how the percentage requirements would be measured for compliance purposes.

Response to Feedback

- Staff did not change the proposed percentage requirements in response to public comment. Staff believes the proposed percentages achieve an appropriate balance, reflecting that the sales uses are intended to be agricultural in nature, but must also allow for some flexibility for the agricultural community to sell a variety of products that will help diversify their income streams.
- Staff added language to clarify the method for measuring percentages, as described in Section III.
- Staff proposes to maintain the 500 square foot and 12 feet height threshold for triggering SPR for Agricultural Sales Structures for reasons outlined in Section III.

Farm Events

Referral Comments

- Commenters suggested the cap on number of events and number of attendees be left to farms based upon their capabilities and property-specific circumstances. There was concern that the values proposed in the Code are arbitrary.
- Commenters suggested if farms are using products that are primarily (70 percent or more) from their farms there should be no limit on the number of events.
- Commenters suggested increasing the number of attendees allowed at events (without any special approvals) to 200 – 250 attendees.
- Comments indicated some confusion about the proposed limits and how they would apply.

Response to Feedback

- Staff considered the possibility of additional changes to the proposed increased limits on the number of events and number of attendees at events. However, staff believes the currently proposed values reflect a reasonable balance, allowing for up to 150 attendees up to 12 times per year with Special Authorization.

Demonstration Farm / Farm Camps

Referral Comments

- Several commenters cited 30-35 attendees as appropriate class/camp sizes.
- Commenters requested an explanation of the basis for the class size numbers proposed.
- There was some confusion about the distinction between provisions that apply to Demonstration Farm / Farm Camps vs. Educational Tours, as they were presented under the same use category in the referral packet, in error. Note that the Educational Tours use places no set limit on number of people attending a tour. Rather it limits the number of additional vehicle trips to 20.

Response to Feedback

- Staff did not change the proposed class size limits in response to the referral comments. The original numbers proposed were based on responses from the survey that solicited input on the agricultural community's needs. Thirteen survey respondents (the largest set of respondents to any response category for the relevant question) indicated they would plan to

host between 9-15 students per class. Staff also believes this is a reasonable threshold number above which noise and traffic-related impacts may become a greater concern.

- Staff corrected an error in the referral packet, removing a duplicate reference to "Educational Tours." This new proposed use had been included both within the Demonstration Farm / Farm Camps content and as a new Temporary Use category. It remains only as a new Temporary Use category within the revised proposed Code.

Season-Extending Agricultural Structures (SEAS)

Referral Comments

- There was some confusion among commenters about the 3,000 square foot threshold referenced in the referral packet. The proposed Code in the referral packet stated that SEAS totaling 3,000 square feet or less would not be subject to SPR. The threshold applies to the total square footage of SEAS on a property; it is not limited to just one structure.
- Several commenters requested a larger threshold. Alternative threshold values suggested by commenters included 10,000 square feet (based on an example of how many structures are currently in use on a seven acre parcel) and 25,000 square feet.
- One commenter requested a height limit greater than 12 feet in order to accommodate common hoop house kits.
- Commenters recommended allowing SEAS to be permanent structures to improve safety.
- County staff in the Building Division suggested revising the language exempting certain types of SEAS from the definition of Floor Area to improve clarity and to accommodate conditions common to such structures.⁵ Staff suggested specifying "heating for purposes of frost protection," and also suggested including structures with "task lighting."
- The county Floodplain Team noted that SEAS in the Floodplain Overlay District would require an Individual Floodplain Development Permit (FDP), and suggested clarifying whether SPR would be required for those structures (which is the case under our current Code).

Response to Feedback

- Staff proposes maintaining the 12 foot height limit for SEAS to be excluded under the 1,000 square foot SPR trigger (i.e., the threshold for new floor area constructed after 1998, see Article 4-802 A.3.). The 12 foot height limit is consistent with the county's Building Code threshold, and it is a height above which there is increased concern related to wind and snow loads. Therefore, it represents an appropriate balance of interests and potential impacts.
- Staff does not propose changing the SEAS definition to allow for characteristics of permanent structures (e.g., permanent foundations), as the intent is to allow for structures to extend the growing season without introducing significant land use impacts, as would be the case with a significant increase in the number of structures using, for example, concrete slab foundation construction.

⁵ An exemption from the Floor Area definition is significant for Agricultural zoned properties as 25,000 square feet of Floor Area is the maximum allowed for properties smaller than 35 acres. Properties larger than 35 acres can apply for approval to build additional Floor Area. See Article 4-102.

- Staff incorporated the suggested revisions to the language exempting SEAS from the Floor Area definition.
- Staff proposes not requiring SPR for SEAS in the Floodplain Overlay District, as any potential floodplain impacts would be addressed through the FDP process. It is not necessary to make any Code changes as part of this docket, as changes to FDP-related SPR process requirements are being addressed through a separate ongoing Code update process.

Other

Referral Comments

- Commenters expressed concerns that the proposed Code changes don't go far enough and do not allow enough flexibility for caps to vary depending on the property.
- Commenters suggested designating a Land Use staff person with authority to make determinations about appropriate allowances on a property-specific basis.
- Commenters highlighted the importance of farm worker housing, not included in the scope of this Code update effort.
- A commenter expressed concern with the definition of Agriculture, noting that Boulder County's Code that does not allow for the scale of operation to come into play when distinguishing "Agriculture" from "Agribusiness." Another commenter expressed concern about the Code's distinction between "Open" and "Intensive" agriculture, suggesting that both types of uses should be allowed equally across zone districts.
- Commenters suggested the county allow the sale of prepared foods, and changing the Agribusiness use "Agricultural Products Processing and Storage" (4-501 A) to allow for processing of agricultural products produced onsite.
- A commenter expressed that hay production should not be excluded from the VEFU eligibility criteria, expressing that hay is one of the county's few profitable crops.
- A commenter noted there is a disincentive for property owners to go through land use processes because of concerns that when they apply to do something allowed under the updated Code, other illegal activity would be discovered on their property.
- A commenter suggested the county encourage outdoor growing of marijuana.
- A commenter requested an explanation of the proposed change from "will" to "may" in regard to allowing a single dwelling unit being allowed on a property where an agricultural principal use exist.⁶

Response to Feedback

- Staff believes the proposed Code updates (with some minor revisions as noted), represents an appropriate balance, and staff does not propose changes in response to several referral comments. Some requests (e.g., having a staff person with the authority to determine appropriate allowances based on property-specific circumstances) are not practical and raise concerns related to fairness, equity, and potential unintended consequences. Additional Code

⁶ The change from "will" to "may" was to reflect that a single family home on an agriculturally-zoned property where some level of agricultural activity is present does not in and of itself provide evidence that agriculture is the principal use on the property. This clarification was made in response to Code language deficiencies highlighted in the 2010 decision in *Shupe v. Boulder County*. *Shupe v. Boulder County*, 230 P. 3d 1269 - Colo: Court of Appeals, 5th Div. 2010.

refinements can be made as needed in the future based on the experience implementing the Code changes proposed here, and monitoring the challenges that remain of greatest concern to the agricultural community.

- Staff will address some suggestions and questions from the public through clarifying summary documents, improved website content, and potentially a staff liaison to help the agricultural community navigate the county’s regulations and programs (e.g., which challenges relate to Land Use regulations, Public Health requirements, Parks and Open Space leases, etc.).
- Staff will increase efforts to have one-on-one communications with those seeking clarification. The county’s existing and proposed Code language can accommodate for many situations. There are some inherent challenges to making regulatory documents easy to use for the general public. Staff is available to help interpret and explain the regulations for specific situations, and will gather information to inform potential future Code changes.
- Communication materials can include clarifications regarding the county’s treatment of hemp vs. marijuana under the Land Use Code. The county does not consider growth and production of marijuana to be "agricultural" and it is not within the scope of this Code update.
- Staff does not propose changes in response to suggestions to change the broad categorization of Agri-business and Agricultural uses under the Code, nor the provisions and zone district allowances associated with Open Agriculture vs. Intensive Agriculture uses. Changes such as those are outside the scope of this Code update, though staff welcomes further input and ideas related to these concepts for potential consideration as part of future Code revisions.
- Staff does not propose changes to allow for processing of products produced onsite under the Agricultural Products Processing and Storage Use, as existing Code language already allows for processing of products grown onsite. Accessory Agricultural Sales use allows for processing of products grown onsite, and construction of a commercial kitchen for preparation of value-added food products; the Open Agriculture use allows for production activity related to products grown onsite within the Agricultural zone district. The Agricultural Products Processing and Storage use category (4-501 A, an Agri-business use) only addresses processing of products sourced from off-site.
- Staff proposes maintaining the exclusion of hay production from the criteria for VEFU designation. The purpose of excluding hay production from the criteria is that some properties rely on hay production alone to achieve an agriculture classification for property tax purposes. It is believed that many such properties are primarily used for residential purposes, do not contribute substantially to the county’s agricultural productivity, and are less likely to need the types of provisions available to VEFUs under the proposed Code.
- See Clarifications Summary document for additional information regarding food preparation on farms and the processing and agricultural products.

V. RECOMMENDATION

The county pursued a robust and thoughtful process to explore opportunities to better meet the needs of the agricultural community while upholding the county’s responsibility as a regulatory agency to adequately address potential impacts. The proposed agriculture-related Land Use Code amendments reflect an appropriate balance of public interests in addressing the scope of topics addressed as part of this Code update effort.

Amendments to the Land Use Code require approval by the Board of County Commissioners, upon recommendation of the Planning Commission. Staff requests that Planning Commission recommend Board of County Commissioner approval of the proposed text amendments.

Text Amendment Criteria

Article 16-100.B. contains the criteria for amending the text of the Land Use Code. Staff finds that the proposed amendments in this Docket meet the following criteria:

1. the existing text is in need of the amendment;
2. the amendment is not contrary to the intent and purpose of this Code; and
3. the amendment is in accordance with the Boulder County Comprehensive Plan

Action Requested

Staff requests that the Board of County Commissioners approve the proposed Land Use Code text amendments to agriculture-related provisions in docket DC-18-0003 as presented in Attachment A of this staff report.

VI. LIST OF HYPERLINKS

- August 15, 2018 Planning Commission Study Session Staff Report: <https://assets.bouldercounty.org/wp-content/uploads/2018/08/dc-18-0003-staff-report-20180815.pdf>
- 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/>
 - Summary of Public Comments and Jan. 18, 2018 Open House Outcomes: <https://assets.bouldercounty.org/wp-content/uploads/2018/03/agriculture-outreach-project-comment-and-open-house-summary-20180305.pdf>
 - Summary of March 2018 Public Meetings: <https://assets.bouldercounty.org/wp-content/uploads/2018/04/agriculture-outreach-project-march-2018-public-meetings-summary-20180419.pdf>
 - Survey Data Overview (processed in June 2018): <https://assets.bouldercounty.org/wp-content/uploads/2018/07/agriculture-outreach-project-survey-results-june-2018.pdf>
- Referral Packet (sent in October): <https://assets.bouldercounty.org/wp-content/uploads/2018/10/dc-18-0003-referral-packet-20181010.pdf>

PROPOSED AGRICULTURE-RELATED LAND USE CODE TEXT AMENDMENTS

[This document only shows Land Use Code language that would undergo changes as a result of this update. Additional provisions of the Land Use Code apply to agricultural uses.]

3-203 Standards for Submittal Requirements

A. Application

1. Before any request for County approval under this Code may be processed, a complete application must be filed with the Land Use Department. A complete application includes:
 - f. Documentation of a Verified Established Farm Use, if seeking Land Use review processes available to such properties.

Article 4 • Zoning

4-100 Zoning District Regulations

Zoning District Legend:	
(A)	Uses Permitted by Special Authorization of the Building Official (Section 2-500)
(I)	Uses Permitted by Limited Impact Special Review (Article 3 and Section 4-600)
(L)	Uses Permitted by Location & Extent Review (Article 8)
(R)	Uses Permitted by Review of Areas and Activities of State Interest (Article 8)
(S)	Uses Permitted by Special Review (Article 3 and Section 4-600)
(SPR)	Uses Permitted by Site Plan Review (Article 4-800)

Note: The uses listed in each zoning district are listed with the review process acronyms as shown in the legend above. Review processes are also triggered based on the intensity of the use, specific location of the development and extent of physical development on the property. Thus, even if a review process is not enumerated, a parcel may still require a process based on other Code requirements.

4-101 Forestry (F) District

F. Additional Requirements

2. Special review is required for any use which:
 - a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;
 - i. Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an agricultural sales structure in operation on the property.
 - b. has an occupant load greater than or equal to 100 persons per lot;
 - i. Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.
 - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
 - d. has a total floor area greater than 25,000 square feet; or
 - e. has a second principal use which does not increase density.

4-102 Agricultural (A) District

- A. Purpose: Rural areas where conservation of agricultural resources is of major value, and where residential development compatible with agricultural uses is allowed.
- B. Principal Uses Permitted
 1. Agri-business Uses (see 4-501)
 - a. Agricultural Products Processing and Storage (S)

- b. Commercial Feed Yard (S)
- c. Commercial Nursery
- d. Custom Meat or Poultry Processing Facility (S)(I)
- e. Keeping of Nondomestic Animals (S)
- 2. Agricultural Uses (see 4-502)
 - a. Equestrian Center
 - b. Farm Store (I)
 - c. Intensive Agricultural Uses
 - d. Open Agricultural Uses
 - ~~e. Seasonal Farm Stand (I)~~
- 3. Commercial/Business Service Uses (see 4-503)
 - a. Kennel
- 4. Community Uses (see 4-504)
 - a. Adaptive Reuse of a Historic Landmark (I)
 - b. Camp (I/S)
 - c. Cemetery (S)
 - d. Church
 - e. Education Facility (S)
 - f. Membership Club (S)
 - g. Reception Halls and Community Meeting Facilities (S)
 - h. Use of Community Significance (I)
- 5. Forestry Uses (see 4-505)
 - a. Forestry
 - b. Forestry Processing and Sort Yard (I)
- 6. Industrial Uses (see 4-506)
 - a. Composting Facility (S)
 - b. Sawmill (S)
 - c. Solid Waste Disposal Site and Facility (S)
 - d. Solid Waste Transfer Facility (S)
- 7. Lodging Uses (see 4-507)
 - a. Bed and Breakfast (I)
 - b. Campground (S)
 - c. Resort Lodge, Conference Center, or Guest Ranch (legally existing as of April 20, 2004) (S)
 - d. Short-Term Dwelling Rental (I)
- 8. Mining Uses (see 4-508)
 - a. Limited Impact Open Mining (I)
 - b. Oil and Gas Operations
 - c. Open Mining (S)
 - d. Subsurface Mining (S)
 - e. Subsurface Mining of Uranium (S)
- 9. Office Uses (see 4-509)
 - None Permitted
- 10. Recreation Uses (see 4-510)
 - a. Firing Range, Outdoor (S)
 - b. Golf Course (S)
 - c. Livery or Horse Rental Operation (S)
 - d. Outdoor Recreation, for day use (S)
 - e. Outdoor Recreation, for night use (S)
 - f. Park and/or Playfield, for day use
 - g. Park and/or Playfield, for night use (S)
 - h. Public Recreation Center (S)
- 11. Residential Uses (see 4-511)
 - a. Group Care or Foster Home (S)
 - b. Single Family Dwelling

12. Retail and Personal Service Uses (see 4-512)
 - a. Day Care Center (S)
 - b. Recycling Collection Center, Small (I)
 - c. Veterinary Clinic, with outdoor holding facilities
 - d. Veterinary Clinic, without outdoor holding facilities
13. Transportation Uses (see 4-513)
 - a. Airport (S)
 - b. Heliport (S)
 - c. Helistop (S)
 - d. Park and Ride Facility (S)
14. Utility and Public Service Uses (see 4-514)
 - a. Central Office Building of a Telecommunication Company (R)
 - b. Community Cistern (I)
 - c. Fire Barn (I)
 - d. Fire Station (S)
 - e. Large Solar Energy System (S)
 - f. Major Facility of a Public Utility (R) (S) (L)
 - g. Medium Solar Energy System or Solar Garden (S)
 - h. Public or Quasi-public Facility other than Listed (S)
 - i. Public Safety Telecommunication Facility (I)
 - j. Sewage or Water Transmission Line (R) (L)
 - k. Sewage Treatment Facility (R) (S) (L)
 - l. Small Solar Energy System or Solar Garden (SPR) (I)
 - m. Small Wind-Powered Energy System
 - n. Telecommunications Facility, existing structure meeting height requirements
 - o. Telecommunications Facility, new structure or not meeting height requirements (S)
 - p. Utility Service Facility
 - q. Water Reservoir (R) (S) (L)
 - r. Water Tank and Treatment Facility (R) (S) (L)
15. Warehouse Uses (see 4-515)

None Permitted
- C. Accessory Uses Permitted (see 4-516)
 1. Accessory Agricultural Sales
 2. Accessory Agricultural Structure
 3. Accessory Beekeeping
 4. Accessory Chicken Keeping
 5. Temporary Accessory Community Meeting Facility
 6. Accessory Concrete or Asphalt Batch Plant (S)
 7. Accessory Dwelling (I)
 - ~~8. Accessory Farm Stand (I)~~
 9. Accessory Horse Keeping
 10. Accessory Outside Storage
 11. Accessory Solar Energy System
 12. Accessory Structure
 13. Demonstration Farm, or Farm Camp (I)
 14. Farm Events (I)
 15. Grading of more than 500 Cubic Yards (I)
 16. Home Events
 17. Home Occupation
 18. Household Pets
 19. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
 20. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
 21. Small Wind-Powered Energy System, Roof-Mounted

F. Additional Requirements

1. Animal units... Four animal units per acre without going through Special Review
2. Special review is required for any use which:
 - a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers
 - ii. Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an agricultural sales structure in operation on the property.
 - b. has an occupant load greater than or equal to 100 persons per lot
 - ii. Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.
 - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
 - d. is on a parcel with a total floor area greater than 25,000 square feet, any portion of which is not part of an agricultural use;
 - i. Season-Extending Agricultural Structures with a height of 12 feet or less, and that lack utilities other than irrigation, heating for the purposes of frost protection, and task lighting shall not be considered floor area per 18-162.
 - e. has a second principal use which does not increase density.
3. Limited Impact Special Review is required for any use which is:
 - a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 average daily trips per lot as defined by the Institute of Transportation Engineers;
 - b. on a parcel with a total floor area greater than 25,000 square feet all of which is part of an agricultural use.
 - (i) A parcel may have 1,800 square feet of additional floor area for every additional 5 acres of parcel size above 35 acres, without triggering Limited Impact Special Review, but only if the owner grants the County a conservation easement on the property which prohibits any division of the property which would result in a violation of this Code, and prohibits the addition of structures to the property; or
 - c. grading involving the movement of more than 500 cubic yards of material as defined and provided in Section 4-516(O).
4. No parcel shall be used for more than one principal use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof; for multiple principal uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark; or for second principal uses approved though Special Review under 4-102.F.2.e, above.

4-103 Rural Residential(RR) District

- A. Purpose: Residential areas developed at a density and character compatible with agricultural uses.
- B. Principal Uses Permitted
 1. Agri-business Uses (see 4-501)
 - a. Commercial Nursery on unsubdivided land (S)
 - b. Keeping of Nondomestic Animals (S)
 2. Agricultural Uses (see 4-502)
 - a. Equestrian Center (S)
 - b. Farm Store on unsubdivided land (I)
 - c. Intensive Agricultural Uses (S)
 - d. Open Agricultural Uses
 - e. ~~Seasonal Farm Stand on unsubdivided land (I)~~
- C. Accessory Uses Permitted (see 4-516)
 1. Accessory Agricultural Sales
 2. Accessory Agricultural Structure
 3. Accessory Beekeeping
 4. Accessory Chicken Keeping
 5. Temporary Accessory Community Meeting Facility

6. Accessory Dwelling (I)
 - ~~7. Accessory Farm Stand on unsubdivided land (I)~~
 8. Accessory Horse Keeping
 9. Accessory Outside Storage
 10. Accessory Solar Energy System
 11. Accessory Structure
 12. Demonstration Farm or Farm Camp on unsubdivided land(I)
 13. Farm Events on unsubdivided land
 14. Grading of more than 500 Cubic Yards (I)
 15. Home Events
 16. Home Occupation
 17. Household Pets
 18. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
 19. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
 20. Small Wind-Powered Energy System, Roof-Mounted
- F. Additional Requirements
1. Animal units... Two animal units per acre without going through Special Review
 2. Special Review is required for any use which:
 - a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;
 - i. **Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an agricultural sales structure in operation on the property.**
 - b. has an occupant load greater than or equal to 100 persons per lot;
 - i. **Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.**
 - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
 - d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area); or
 - e. has a second principal use which does not increase density.

4-104 Estate Residential (ER) District

- A. Purpose: Low density urban residential areas
- B. Principal Uses Permitted
 1. Agri-business Uses (see 4-501)
 - a. Keeping of Nondomestic Animals (S)
 2. Agricultural Uses (see 4-502)
 - a. Open Agricultural Uses
- C. Accessory Uses Permitted (see 4-516)
 1. Accessory Agricultural Sales
 2. Temporary Accessory Community Meeting Facility
 3. Accessory Dwelling (I)
 4. Accessory Agricultural Structure
 5. Accessory Beekeeping
 6. Accessory Chicken Keeping
 - ~~7. Accessory Farm Stand (I)~~
 8. Accessory Horse Keeping
 9. Accessory Outside Storage
 10. Accessory Solar Energy System
 11. Accessory Structure
 12. Grading of more than 500 Cubic Yards (I)
 13. Home Events
 14. Home Occupation

15. Household Pets
 16. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
 17. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
 18. Small Wind-Powered Energy System, Roof-Mounted
- F. Additional Requirements
1. Animal units... Two animal units per acre without going through Special Review
 2. Special review is required for any use which:
 - a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;
 - i. Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an agricultural sales structure in operation on the property.
 - b. has an occupant load greater than or equal to 100 persons per lot;
 - i. Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.
 - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
 - d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area); or
 - e. has a second principal use which does not increase density.

4-108 Transitional (T) District

- A. Purpose: Areas containing both a variety of residential uses and a limited number of business uses which are compatible with residential development.
- B. Principal Uses Permitted
1. Agri-business Uses (see 4-501)
 - a. Keeping of Nondomestic Animals (S)
 2. Agricultural Uses (see 4-502)

~~None Permitted~~

 - a. Open Agricultural Uses
- C. Accessory Uses Permitted (see 4-516)
1. Temporary Accessory Community Meeting Facility
 2. Accessory Dwelling (I)
 3. Accessory Outside Storage
 4. Accessory Solar Energy System
 5. Accessory Structure
 6. Grading of more than 500 Cubic Yards (I)
 7. Home Events
 8. Home Occupation
 9. Household Pets
 10. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
 11. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
 12. Small Wind-Powered Energy System, Roof-Mounted
 13. Accessory Agricultural Sales
 14. Accessory Agricultural Structures
- F. Additional Requirements
2. Special Review is required for any use which:
 - a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;
 - i. Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an agricultural sales structure in operation on the property.
 - b. has an occupant load greater than or equal to 100 persons per lot;
 - i. Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot,

as determined through the applicable review process, to accommodate Farm Events.

- c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
- d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area); or
- e. has a second principal use which does not increase density.

4-109 Business (B) District

- A. Purpose: Areas for the development of restricted retail and business uses which have minimal exterior impact on surrounding properties.
- B. Principal Uses Permitted
 - 1. Agri-business Uses (see 4-501)
 - a. Keeping of Nondomestic Animals (S)
 - 2. Agricultural Uses (see 4-502)
 - a. Farm Store
 - b. Open Agricultural Uses
 - ~~b. Seasonal Farm Stand~~
- C. Accessory Uses Permitted (see 4-516)
 - 1. Temporary Accessory Community Meeting Facility
 - 2. Accessory Dwelling (I)
 - 3. Accessory Outside Storage
 - 4. Accessory Solar Energy System
 - 5. Accessory Structure
 - 6. Grading of more than 500 Cubic Yards (I)
 - 7. Home Events
 - 8. Home Occupation
 - 9. Household Pets
 - 10. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
 - 11. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
 - 12. Small Wind-Powered Energy System, Roof-Mounted
 - 13. Accessory Agricultural Sales
 - 14. Accessory Agricultural Structure
- F. Additional Requirements
 - 2. Special Review is required for any use which:
 - a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;
 - i. Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an agricultural sales structure in operation on the property.
 - b. has an occupant load greater than or equal to 100 persons per lot;
 - i. Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.
 - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or
 - d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area).

4-110 Commercial (C) District

- A. Purpose: Areas for the development of commercial, business, retail, and/or service uses
- B. Principal Uses Permitted
 - 1. Agri-business Uses (see 4-501)
 - a. Keeping of Nondomestic Animals (S)
 - 2. Agricultural Uses (see 4-502)
 - a. Farm Store

b. Open Agricultural Uses

~~b. Seasonal Farm Stand~~

C. Accessory Uses Permitted (see 4-516)

1. Temporary Accessory Community Meeting Facility
2. Accessory Dwelling (I)
3. Accessory Outside Storage
4. Accessory Solar Energy System
5. Accessory Structure
6. Grading of more than 500 Cubic Yards (I)
7. Home Events
8. Home Occupation
9. Household Pets
10. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
11. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
12. Small Wind-Powered Energy System, Roof-Mounted
13. Accessory Agricultural Sales
14. Accessory Agricultural Structure

F. Additional Requirements

2. Special Review is required for any use which:
 - a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;
 - ii. Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an agricultural sales structure in operation on the property.
 - b. has an occupant load greater than or equal to 100 persons per lot;
 - ii. Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.
 - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or
 - d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area).

4-111 Light Industrial (LI) District

A. Purpose: Areas for the development of research, light industrial, warehouse, and/or distribution centers.

B. Principal Uses Permitted

1. Agri-business Uses (see 4-501)
 - a. Agricultural Products Processing and Storage
 - b. Commercial Nursery
 - c. Keeping of Nondomestic Animals (S)
2. Agricultural Uses (see 4-502)
 - a. Intensive Agricultural Uses
 - b. Open Agricultural Uses

C. Accessory Uses Permitted (see 4-516)

1. Accessory Agricultural Sales
2. Accessory Agricultural Structure
3. Accessory Beekeeping
4. Accessory Chicken Keeping
5. Temporary Accessory Community Meeting Facility
6. Accessory Concrete or Asphalt Batch Plant (S)
7. Accessory Dwelling (I)
- ~~8. Accessory Farm Stand (I)~~
9. Accessory Horse Keeping
10. Accessory Outside Storage
11. Accessory Solar Energy System

12. Accessory Structure
 13. Grading of more than 500 Cubic Yards (I)
 14. Home Events
 15. Home Occupation
 16. Household Pets
 17. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
 18. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
 19. Small Wind-Powered Energy System, Roof-Mounted
- F. Additional Requirements
1. Animal units... Four animal units per acre
 2. Special Review is required for any use which:
 - a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;
 - i. Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an agricultural sales structure in operation on the property.
 - b. has an occupant load greater than or equal to 100 persons per lot;
 - i. Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.
 - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or
 - d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area).

4-112 General Industrial (GI) District

- A. Purpose: Areas for the development of general industrial, manufacturing, commercial, and/or retail uses.
- B. Principal Uses Permitted
 1. Agri-business Uses (see 4-501)
 - a. Agricultural Products Processing and Storage
 - b. Commercial Nursery
 - c. Custom Meat and Poultry Processing Facility (S)
 - d. Keeping of Nondomestic Animals (S)
 2. Agricultural Uses (see 4-502)
 - ~~a. Farm Stand~~
 - b. Intensive Agricultural Uses
 - c. Open Agricultural Uses
 - ~~d. Seasonal Farm Stand~~
- C. Accessory Uses Permitted (see 4-516)
 1. Accessory Agricultural Sales
 2. Accessory Agricultural Structure
 3. Accessory Beekeeping
 4. Accessory Chicken Keeping
 5. Temporary Accessory Community Meeting Facility
 6. Accessory Concrete or Asphalt Batch Plant (S)
 7. Accessory Dwelling (I)
 - ~~8. Accessory Farm Stand (I)~~
 9. Accessory Horse Keeping
 10. Accessory Outside Storage
 11. Accessory Solar Energy System
 12. Accessory Structure
 13. Grading of more than 500 Cubic Yards (I)
 14. Home Events
 15. Home Occupation
 16. Household Pets

- 17. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
- 18. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (l)
- 19. Small Wind-Powered Energy System, Roof-Mounted

F. Additional Requirements

- 1. Animal units... Four animal units per acre
- 2. Special Review is required for any use which:
 - a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;
 - i. **Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an agricultural sales structure in operation on the property.**
 - b. has an occupant load greater than or equal to 100 persons per lot;
 - i. **Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.**
 - c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or
 - d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area).

Note: Use Tables show review processes that commonly apply to a use within a particular zone district. Additional processes may apply, as noted in 4-400, 4-500 and 4-800.

Use Tables • 4-502 Agricultural Uses

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Equestrian Center	S	□	S										
B	Farm Store		I	I+						□	□		□	
C	Intensive Agricultural Uses	S	□	S								□	□	
D	Open Agricultural Uses	□	□	□	□				□	□	□	□	□	□
E	Seasonal Farm Stand		I	I+						□	□		□	

Use Tables • 4-516 Accessory Use*

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Accessory Agricultural Sales	□	□	□+	□				□	□	□	□	□	□
B	Accessory Agricultural Structure	□	□	□	□				□	□	□	□	□	□
C	Accessory Beekeeping	□	□	□	□	□						□	□	□

Attachment A: Proposed Agriculture-Related Land Use Code Text Amendments

D	Accessory Chicken Keeping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E	Temporary Accessory Community Meeting Facility		S	S	S	S	S	S	S	S	S	S	S	S
F	Accessory Concrete or Asphalt Batch Plant		S									S	S	
G	Accessory Dwelling	I	I	I	I	I	I	I	I	I	I	I	I	I
H	Accessory Farm Stand		†	†+	†							†	†	
I	Accessory Horse Keeping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								<input type="checkbox"/>
J	Accessory Outside Storage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
K	Accessory Solar Energy System	<input type="checkbox"/> ^	<input type="checkbox"/> ^	<input type="checkbox"/> ^	<input type="checkbox"/> ^	<input type="checkbox"/> ^	<input type="checkbox"/> ^	<input type="checkbox"/> ^	<input type="checkbox"/> ^	<input type="checkbox"/> ^	<input type="checkbox"/> ^	<input type="checkbox"/> ^	<input type="checkbox"/> ^	<input type="checkbox"/> ^
L	Accessory Structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M	Demonstration Farm or Farm Camp		<input type="checkbox"/> / /	<input type="checkbox"/> + /+										
N	Farm Events		<input type="checkbox"/> /I	<input type="checkbox"/> +/I+										
O	Grading of More than 500 Cubic Yards	I	I	I	I	I	I	I	I	I	I	I	I	I
P	Home Events	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q	Home Occupation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
R	Personal Marijuana Cultivation and Marijuana Product Manufacturing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S	Household Pets	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
T	Noncommercial Telecommunications Site, One Structure Meeting District Regulations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
U	Noncommercial Telecommunications Site, All Others	I	I	I	I	I	I	I	I	I	I	I	I	I
V	Small Wind-Powered Energy System	<input type="checkbox"/> ^	<input type="checkbox"/> ^	<input type="checkbox"/> ^	<input type="checkbox"/> ^	<input type="checkbox"/> ^	<input type="checkbox"/> ^	<input type="checkbox"/> ^	<input type="checkbox"/> ^	<input type="checkbox"/> ^	<input type="checkbox"/> ^	<input type="checkbox"/> ^	<input type="checkbox"/> ^	<input type="checkbox"/> ^

* See Use Table Legend for this table on the following page.

Use Table 4-516 & 4-517 Legend:	
<input type="checkbox"/>	Uses Permitted by Right
<input type="checkbox"/> +	Uses Permitted by Right on Unsubdivided Land
S	Uses Permitted by Special Review
S+	Uses Permitted by Special Review on Unsubdivided Land
L	Uses Permitted by Location & Extent Review
A	Uses Permitted by Special Authorization of the Building Official or Zoning Administrator
I	Uses Permitted by Limited Impact Special Review
I+	Uses Permitted by Limited Impact Special Review on Unsubdivided Land
R	Uses Permitted by Review of Areas and Activities of State Interest
<input type="checkbox"/> ^	Uses Permitted by Site Plan Review or Site Plan Review Waiver, See 4-514

Use Regulations

4-500 Use Regulations

- C. Additional information regarding process requirements is available within 4-100, Zoning District Regulations, and 4-802, Applicability and Scope of the Site Plan Review Process for Development. Additional processes may depend on the extent of development and intensity of use, including but not limited to location in the Floodplain Overlay District.

4-502 Agricultural Uses

B. Farm Store

1. Definition: A location for the sale of agricultural and horticultural products. ~~for more than 42 days in a calendar year. The products for sale may include, but are not limited to, the sale of seasonal produce, which does not have to be grown on-site.~~
2. Districts Permitted: By right in B, C, and GI; by Limited Impact Special Review in A, and in RR on unsubdivided land.
3. Parking Requirements: One space per 200 square feet of floor area.
4. Loading Requirements: One loading space for 10,000 or more square feet of floor area.
5. Additional Provisions:
 - a. One single family dwelling, occupied by the owner, operator, or manager of the business ~~will~~ **may** be considered customary and incidental as a part of this use.
 - b. The majority of all products sold must be sourced from Boulder County farms. A minimum of 70 percent of products sold, based on floor area used for sales, must be agricultural products (as defined in 18-105). The remainder (up to 30 percent of all products sold based on floor area used for sales) may be craft, artisan, or prepared food products, and may include a nominal amount of other products (e.g., promotional items). Food items sold must meet Boulder County Public Health Department requirements.
~~No more than ten percent of the Farm Store sales may be of nonagricultural or nonhorticultural products.~~
 - c. This use requires a building lot.

C. Intensive Agricultural Uses

1. 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.
2. Districts Permitted: By right in A, LI, and GI; by Special Review in F and RR
3. Parking Requirements: Sufficient to accommodate the use
4. Loading Requirements: Sufficient to accommodate the use
5. Additional Provisions:
 - a. ~~Accessory Sales associated with Intensive Agricultural Uses shall conform to the requirements of Accessory Agricultural Sales.~~
 - b. One single-family dwelling ~~will~~ **may** be considered customary and incidental as a part of this use.

D. Open Agricultural Uses

1. 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 ~~Season-Extending Agricultural Structures hoop houses or high tunnels used to extend the growing season,~~ or structures for storage or maintenance of items that support the agricultural use are allowed as part of this use.
2. Districts Permitted: By right in F, A, RR, ER, LI, GI, **C, B, T,** and MI
3. Parking Requirements: Sufficient to accommodate the use
4. Loading Requirements: Sufficient to accommodate the use
5. Additional Provisions:
 - c. One single family dwelling, occupied by the owner or manager of the farm, ~~will~~ **may** be considered customary and incidental as a part of this use. Single family dwellings must be located on building lots.

~~E. Seasonal Farm Stand~~

1. ~~Definition: A location for the sale of agricultural and horticultural products, for a period not to exceed 42 days in any calendar year. Nonagricultural and nonhorticultural products and products may comprise no more than ten percent of sales. This use includes Christmas tree sales and pumpkin sales.~~

- ~~2. Districts Permitted: By right in B, C, and GI; by Limited Impact Special Review in A, and in RR on unsubdivided land.~~
- ~~3. Parking Requirements: On street parking may be permissible with review and approval from the Transportation Department.~~
- ~~4. Loading Requirements: Sufficient to accommodate the use on-site.~~
- ~~5. Additional Provisions:~~
 - ~~a. This use may include agriculturally based recreation activities.~~

4-516 Accessory Uses

An accessory use must be a use customarily incidental to and on the same parcel as the main use. A use listed in 4-500 may be an accessory use if the Director determines that the use is customarily incidental to a main use. Except as provided in this article, an accessory use must comply with all regulations applicable to the main use.

A. Accessory Agricultural Sales

1. Definition: A location for the retail sale or wholesale of agricultural or horticultural products. ~~which are grown on-site. Nonagricultural and nonhorticultural products and products which are not grown on-site may comprise no more than ten percent of total annual sales.~~
2. Districts Permitted: By right in F, A, RR on unsubdivided land, ER, LI, GI, **B, C, T**, and MI; By Limited Impact Special Review in RR (subdivided) unless waived by the Director.
3. Parking Requirements: Vehicles should be accommodated on-site. On street parking may be permissible with review and approval from the Transportation Department.
4. Loading Requirements: Sufficient to accommodate the use
5. Additional Provisions:
 - a. ~~The majority of all products sold must be sourced from Boulder County farms. A minimum of 70 percent of products sold, based on floor area used for sales, must be agricultural products (as defined in 18-105). The remainder (up to 30 percent of all products sold based on floor area used for sales) may be craft, artisan, or prepared food products, and may include a nominal amount of other products (e.g., promotional items). Food items sold must meet Boulder County Public Health Department requirements.~~
~~For purposes of this use, the term "on-site" means agricultural and horticultural products that are grown on parcels under the same ownership, lease or control as the parcel where the Accessory Agricultural Sales use is located.~~
 - b. Structures used for the purposes of Accessory Agricultural Sales must meet the requirements for an Agricultural Sales Structure per 4-516 B and 18-XXX. Agricultural or horticultural products grown on the farm may be processed on the farm to create a value-added product provided the majority of the ingredients are grown on-site. ~~For purposes of this use, the term "on-site" means agricultural and horticultural products that are grown on parcels under the same ownership, lease, or control as the parcel where the Accessory Agricultural Sales use is located.~~
 - 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. Sale of value-added products ~~can be sold on-site. This~~ may require a license from Boulder County Public Health.

B. Accessory Agricultural Structure

1. Definition:
 - a. A structure that is accessory to a principal agricultural use, ~~which may include barns that store animals or agricultural implements, detached greenhouses, season-extending agricultural structures (as defined in 18-XXX), indoor riding arenas, or other accessory structures depending on their demonstrated use; or~~
 - b. ~~Agricultural sales structures (as defined in 18-XXY) accessory to a principal Agricultural, Commercial, or Business use.~~
2. Districts Permitted:
 - a. By right in F, A, RR, ER, LI, GI, **C, B, T**, and MI
3. Parking Requirements: ~~To be determined through review. None-~~
4. Loading Requirements: None
5. Additional Provisions:
 - a. Accessory agricultural structures are subject to the minimum requirements of the zoning district in which they are located.
 - b. Accessory agricultural structures must be of a size and scale that relates to the size and scale of the agricultural use on-site, ~~except that Agricultural Sales Structures may be located on property not used for~~

production of agricultural products (see 4-516). 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, detached greenhouses, hoop houses, indoor riding arenas, farm stands, or other accessory structures depending on their demonstrated use.~~

~~H. Accessory Farm Stand~~

- ~~1. Definition: A location for the retail sale or wholesale of seasonal agricultural products, the majority of which are grown on-site. Agricultural products grown on-site must comprise at least 60% of total annual sales. Nonagricultural products may comprise no more than ten percent of total annual sales.~~
- ~~2. Districts Permitted: By Limited Impact Special Review in A, RR on unsubdivided land, ER, LI, and G1~~
- ~~3. Parking Requirements: Vehicles should be accommodated on-site. On street parking may be permissible with review and approval from the Transportation Department.~~
- ~~4. Loading Requirements: Sufficient to accommodate the use~~
- ~~5. Additional Provisions:~~
 - ~~a. For purposes of this use, the term “on-site” means agricultural and horticultural products that are grown 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 value-added 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.~~

M. Demonstration Farm or Farm Camp

- 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 an **Open Agricultural Uses as listed in 4-502**. Overnight classes and overnight camps are not permitted as part of this use.
- 2. Districts Permitted: ~~By Limited Impact Special Review or by right in A and in RR on unsubdivided land (see Additional Provisions below).~~ By right or Limited Impact in A, RR unsubdivided. The review process required is based on the number of attendees and type of events:
 - a. By right for classes or farm camps for 15 or fewer people per day. Classes or farm camps for up to 25 people per day are allowed by right for properties with a Verified Established Farm Use.
 - b. By Limited Impact Special Review for classes or farm camps for more than 15 people. ~~(see Additional Provisions below).~~
- 3. Parking Requirements: Vehicles should be accommodated on-site. On street parking may be permissible with review and approval from the Transportation Department.
- 4. Loading Requirements: Sufficient to accommodate the use on-site.
- 5. Additional Provisions:
 - ~~a. Classes or farm camps for 8 or fewer people per day are allowed by right.~~
 - ~~b. Classes or farm camps for more than 8 people are allowed by Limited Impact Special Review.~~

- c. A related structure, including a classroom or kitchen for food preparation, may be approved as part of the Demonstration Farm use.
- d. A building lot is required for this use.
- e. All farm camps for children must provide a copy of their child care license or a written exemption from the Colorado Department of Human Services to the Land Use Department regardless of the number of children participating in the camp.

N. Farm Events

1. **Definition:** A use accessory to a farm consisting of any group between 26 and 99 individuals assembled for or participating in an event where the farm is used as a venue. The purpose of this use is to allow commercial farms the opportunity to showcase their farm and crops, introduce their customers to the farm, demonstrate their farming practices, and host community-oriented events that provide marketing opportunities to the farm and help diversify farmers' incomes in a way that is low-impact on the land and neighboring property owners. This includes farm-to-table dinners, 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).
2. **Districts Permitted:** By right or Limited Impact in A, RR unsubdivided. **The review process required is based on the frequency of events:**
 - a. **By right: No more than 12 Farm Events per calendar year.**
 - b. **By right: If Home Events also occur on a parcel where Farm Events occur, not more than 18 total events (including a maximum of 12 Farm Events) may occur per calendar year.**
 - c. **By Limited Impact Special Review: 13 to 24 Farm Events per calendar year.**
 - d. **Twenty-five (25) or more Farm Events per calendar year requires approval through Special Review.**
3. **Parking Requirements:** Vehicles should be accommodated on-site. On street parking may be permissible with review and approval from the Transportation Department.
4. **Loading Requirements:** None
5. **Additional Provisions**
 - ~~c. The review process required is based on the frequency of events:~~
 - ~~(i) By right: No more than six (6) Farm Events per calendar year.~~
 - ~~(ii) By right: If Home Events also occur on a parcel where Farm Events occur, not more than 12 total events (including a maximum of six Farm Events) may occur per calendar year.~~
 - ~~(iii) By Limited Impact Special Review: Seven (7) to 12 Farm Events per calendar year.~~
 - ~~(iv) Thirteen (13) or more Farm Events per calendar year will be considered a Reception Halls and Community Meeting Facilities use.~~
 - d. This use must occur on a parcel large enough to accommodate the use, parking, and sanitary facilities in a manner that does not negatively impact the neighboring parcels and traffic and the principal use of the parcel itself.
 - e. No event will occur before 9 a.m. or after 10 p.m.
 - f. Building new Floor Area or utilizing existing Floor Area for these events is ~~allowed~~ **prohibited** under this use classification ~~if the Floor Area is used for agricultural purposes when not used for Farm Events. Utilization of structures that meet the definition of Floor Area would be considered a Reception Halls and Community Meeting Facilities use.~~
 - 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. 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.
 - h. **A Farm Event with greater than 99 people may occur with Special Authorization from the Zoning Administrator, following submittal of notice to neighbors within 1,500 feet of the proposed event location, and a 14 day comment period. Farm events with greater than 99 people in attendance may not occur more than 12 times per calendar year.**

4-517 Temporary Uses

A. Educational Tour

1. Definition: A gathering or activity involving the use of a parcel for educational purposes incidental to the existing use on the property. Use relies on the location as a basis for the activity. Types of uses contemplated are school field trips and infrequent educational tours.
2. Districts Permitted: By right in all districts.
3. Parking Requirements: None
4. Loading Requirements: None
5. Additional Provisions
 - d. Allowed up to 24 times per year and may include up to 20 additional vehicle trips per day.

4-802 Applicability and Scope of the Site Plan Review Process for Development

- A. Site Plan Review shall be required for (unless not required or waived pursuant to sections B and C below):
3. Any cumulative increase in floor area of more than 1,000 square feet on a parcel over that existing as of September 8, 1998.
 - a. In calculating this 1,000 square foot threshold, any demolition and rebuilding of any existing structure or any portions thereof, shall be counted toward the threshold.
 - b. Any floor area not legally existing as of September 8, 1998 shall be counted toward the threshold, **with the exceptions of:**
Season-Extending Agricultural Structures, as defined in 18-XXX and less than 12 feet in height.
Agricultural Sales Structures less than 500 square feet and less than 12 feet in height.
 - c. Applies to all principal and accessory structure(s), **with the exceptions of:**
Season-Extending Agricultural Structures, as defined in 18-XXX and less than 12 feet in height.
Agricultural Sales Structures less than 500 square feet and less than 12 feet in height.
 10. A change of use of a parcel
 15. An Agricultural Sales Structure larger than 500 square feet or greater than 12 feet in height.
- B. Site Plan Review shall not be required for: **[Note to reviewer: This list of conditions exempt from SPR has been re-organized. Substantive changes have been made to B2, and B3 c and d.]**
2. Season-Extending Agricultural Structures up to 5,000 cumulative square feet located on parcels 5 acres or larger or up to 3,000 square feet on parcels less than 5 acres. If there is a conservation easement on the property the holder of the conservation easement must confirm in writing that the proposed structures are consistent with the conservation easement.
 - a. Season-Extending Agricultural Structures that do not go through a Site Plan Review process will go through an administrative review to ensure any proposed structures adhere to Floodplain Overlay District provisions (4-400), and are constructed within applicable setbacks.
 3. All other accessory structures less than 1,000 square feet, except:
 - a. Structures that would increase floor area beyond the cumulative thresholds specified in this section A(2) or A(3).
 - b. Structures proposed for properties that lie within a Natural Landmark, a Natural Area or the associated 250' buffer as specified in this section A(3) and A(4).
 - c. Agricultural Sales structures larger than 500 square feet or greater than 12 feet in height, as specified in this section A(15).
 - d. Season-Extending Agricultural Structures proposed for properties covered by conservation easements. If the conservation easement holder confirms in writing that the proposed Season-Extending Agricultural Structures are consistent with the conservation easement, Site Plan Review shall not be required.
- 4-7. [renumber 3-6 to become 4-7]
- C. Site Plan Review may be waived for the following circumstances if the Land Use Director determines that there is no potential for any significant conflict with the criteria listed in Article 4-806 of this Code:
2. In the plains, any nonresidential accessory structure less than 5,000 square feet, **with the exception of Agricultural Sales Structures.**
 3. In the mountainous areas, any nonresidential accessory structure less than 2,000 square feet, **with the exception of Agricultural Sales Structures.**

In considering a waiver determination, the Director shall notify adjacent property owners. The Director shall not issue the determination for seven days following such notification and shall consider any comments received by the public. In waiving any requirement for Site Plan Review as authorized under this section 4-802, the Director may impose written terms and conditions on the waiver as may be reasonably necessary to ensure that the regulatory basis for the waiver is not contravened once the subject use or construction is commenced.

Article 18 • Definitions

18-104 Agriculture

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.

18-105 Agricultural Products

Products intended for direct human or animal ~~consumption-use~~ such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants, ~~flowers, herbs,~~ and wool.

[Add Definition] Agricultural Sales Structure

A structure, or portion of a structure, used for sales of agricultural products and adhering to the provisions for the Accessory Agricultural Sales and/or Farm Store uses.

18-149 Farm

A parcel of land ~~for which the principal use is used for~~ agricultural ~~real purposes~~.

18-162 Floor Area

The area of a building or structure, existing or new, including basements and attached garages calculated without deduction for corridors, stairways, closets, the thickness of interior walls, columns, or other features as measured from the exterior face of the exterior walls. Floor area does not include the area of any covered porch. ~~Floor area does not include season-extending agricultural structures with a height of 12 feet or less, and that lack utilities other than irrigation, heating for the purposes of frost protection, and task lighting.~~ (For Residential Structures, see also Article 18-189D.)

18-186 Principal Use

The primary purpose or function for which a parcel is used.

[Add Definition] Verified Established Farm Use

A demonstrated production farm use verified by the Land Use Department to meet the following criteria:

- a) the principal use of the property is production of crops, livestock, or other agricultural products (with the exception of hay and forestry products) either for sale by a for-profit business, or for use by a certified 501(c)3 non-profit organization;
- OR
- b) Annual revenue from sales of agricultural products (with the exception of hay and forestry products) produced by the farm or ranch (i.e., by an agricultural business operating on the property) is greater than \$15,000, as demonstrated by IRS Schedule F or other documentation.

~~Properties that meet the criteria for a Verified Established Farm Use are eligible for streamlined review processes and additional allowances for related agricultural uses and structures as set forth in Article 4. The intent is to reduce costs and regulatory requirements for those properties contributing substantially to agricultural production in the County, and whose owners and operators can be expected to have the knowledge and experience to make productive use of land while minimizing land use impacts.~~

[Add 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 utilities.

Topic	Current Condition	Code (and Related) Changes Under Consideration	Comments
Farm Sales			
<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. Article 18 <u>Definition of Agricultural Products</u> (18-105): Products intended for direct human or animal consumption such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants and wool.	References to Agricultural Sales (i.e., with Farm Store and Accessory Agricultural Sales use definitions) would include the following provisions: "The majority of all products sold must be sourced from Boulder County farms. A minimum of 70 percent of products sold must be agricultural products (as defined in 18-105). The remainder (up to 30 percent of all products sold based on floor area used for sales) may be craft, artisan, or prepared food products, and may include a nominal amount of other products (e.g., promotional items). Food items sold must meet Boulder County Public Health Department requirements." Percentages 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>What are the timeframes associated with different uses?</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 for any of the uses.	Changes intended to simplify Code and focus Code provisions on areas of greatest concern in terms of land use impacts.
<i>Where can a farmer sell their products?</i>	Accessory Ag Sales allowed 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 it is not currently allowed; add Business, Commercial and Transitional zone districts	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). It 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 >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 >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><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; Eligible for SPR Waiver if less than 5,000 sf in the plains, or if less than 2,000 sf in the mountains Subject to Building Permit if greater than 120 sf, has utilities or meets other conditions in Building Code</p>	<p>Improve clarity and make more user friendly by introducing definition for Agricultural Sales Structure. Proposed Definition <u>Agricultural Sales Structure</u>: A structure, or portion of a structure, used for sales of agricultural products and adhering to the provisions for the Accessory Agricultural Sales and/or Farm Store uses. Allow as an accessory use in all districts where Accessory Agricultural Sales allowed, up to 500 sf. Structures >500 sf are subject to Site Plan Review (SPR).</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. This Code change would clarify that those structures can be used for sales, though they would need obtain a building permits to ensure the space meets health and safety requirements to accommodate the use.</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
Farm Events			
<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)	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)." This provision will remain in place.
<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. [This involves a change in the use definition, and a change to the Occupant Load limits specified in the zoning regulations for each zone district. The occupant limit for VEFU will be raised 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 a property wants to host >99 people it would fit under "Group Gathering" (a temporary use). That use is 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 (i.e., permanent structures) for events, subject to Building Code requirements. Floor space must be used for agriculture-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 this 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; Events must occur between 9am and 10pm	Same as current	
Demonstration Farm / Farm Camps			
<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 Verified Established Farm Use.	
<i>How are educational group visits treated (e.g., school groups)?</i>	Not specifically addressed in the Code	Add a special provision to allow up to 24 times per year by right. These visits may include up to 20 additional vehicle trips per day. This will result in a new temporary use called "Educational Tour."	

Topic	Current Condition	Code (and Related) Changes Under Consideration	Comments
Hoop Houses and Greenhouses ("Season-Extending Agricultural Structures")			
<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 utilities." May require affidavit indicating no one will enter the structures during excessive wind and snow load events. Definition 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 are defined). Accessory Ag Structures Definition references both greenhouses and hoop houses. (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. (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. (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.	Would improve clarity compared to current code which references multiple terms (hoop house, high tunnel, etc.).
<i>What review processes apply?</i>	<p>a. Site Plan Review required if: $\geq 1,000$ sf, or built on vacant land and requires a Building Permit; b. Eligible for SPR Waiver if less than 5,000 sf in the plains, or if less than 2,000 sf in the mountains c. Need Building Permit if it is more substantial than what could be considered a "Shade Cloth Structure", if it has utilities, or if is >120 sf.</p>	<p>1. For any property owner, no land use process unless triggers SPR (e.g., $>1,000$ sf); 2. No land use process up to cumulative 5,000 sf of Season-Extending Agricultural Structures, for parcels 5 acres or larger, and up to 3,000 ft for parcels less than 5 acres, provided the holder of any conservation easement on the property confirms in writing that the proposed structures are consistent with the conservation easement.</p>	<p>Staff currently considers all hoop house-like structures as "shade cloth structures", but there is ambiguity as to what is a "shade cloth structure", or what would count as a greenhouse; Consistent with current conditions, the new structure would require permits from the Building Division if the scale and type of requires a permit (i.e., >120 sf and has water and electrical service); Staff will work toward developing design templates that would, by virtue of being familiar to staff, likely receive a smoother approval process.</p>
<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	Season-Extending Agricultural Structures with a height of 12 feet or less, and that lack utilities other than irrigation heating for the purposes of frost protection, and task lighting, do not count as floor area.	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
General / Cross-Cutting			
Processes for established farm uses			
<p><i>Are different processes available to properties with established agricultural uses?</i></p>	<p>There are no differences in the processes available to established agricultural uses (vs. those with anticipated agricultural uses). Staff spends a great deal of time in Development Review Team meetings considering whether a proposed structure relates to the size and scale of the agricultural use already underway or anticipated for the property.</p>	<p>Develop a form to be completed by a property owner or representative that serves as an affidavit and documentation that property is a Verified Established Farm Use. The application process may involve submitting a plan for future agricultural uses on the property that can serve as a reference for planners when reviewing future applications for the property.</p> <p>Add definition for Verified Established Farm Use: A demonstrated production farm use verified by the Land Use Department to meet the following criteria: a) the principal use of the property is production of crops, livestock, or other agricultural products (with the exception of hay and forestry products) either for sale by a for-profit business, or for use by a certified 501(c)3 non-profit organization; OR b) Annual revenue from sales of agricultural products (with the exception of hay and forestry products) produced by the farm or ranch (i.e., by an agricultural business operating on the property) is greater than \$15,000, as demonstrated by IRS Schedule F or other documentation.</p>	<p>Staff will develop a form for property owners/representatives to complete confirming there is a Verified Established Farm Use (VEFU) on the property.</p> <p>Benefits to VEFU:</p> <ol style="list-style-type: none"> 1. Eligible for greater # of attendees at Demonstration Farm and Farm Camp classes 2. Allow ≥200 average daily trips 3. Allow occupant load up to 150 4. Agricultural principal use automatically assumed by planners conducting land use reviews to help make review process go more smoothly <p>Additional ideas for future consideration:</p> <ul style="list-style-type: none"> -Eligible for potential reduced fees for land use processes -Eligible for extra farm worker accessory dwelling units -Consider allowing "farm ahead" signage in county road rights of way, and alongside roadway approaching farm (with county or other necessary approval)
Traffic / Parking Provisions			
<p><i>What review processes are necessary?</i></p>	<p>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>	<p>Farms with approved Verified Established Farm Use and an Agricultural Sales Structure present on the property can have up to 200 Average Daily Trips before triggering a Special Review Process; they are exempt from the 150 average vehicle trip/day provision that would otherwise require a Special Review process.</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>	<p>150 Average Daily Trips (each car visit counts as two daily trips) currently triggers a Special Review process. The proposed change recognizes that Agricultural Sales Structures are likely to need on the order of 100 separate sales in order to make the venture financially viable. That would equate to 200 Average Daily Trips if each sale is to a single occupant vehicle. Property owners would be given Transportation Guidelines for Farms, which may include a form property owners need to sign to verify that they are adhering to the guidelines. Staff believes this would appropriately balance the need for traffic safety with those of the agricultural community to sell products at their farms.</p>

Topic	Current Condition	Code (and Related) Changes Under Consideration	Comments
<p>Signage</p> <p><i>How much signage can a farm have?</i></p>	<p>(Article 13-600) Sign Code 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 sf total area per sign no more than 32 sf 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 sf total area per sign no more than 16 sf 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>	<p>No changes proposed. Consider potentially allowing "farm ahead" signage in the right of way for VEFU.</p>	<p>We heard from farmers during public meetings and farm visits that there is confusion about what is allowed for signage.</p>

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,¹ 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.

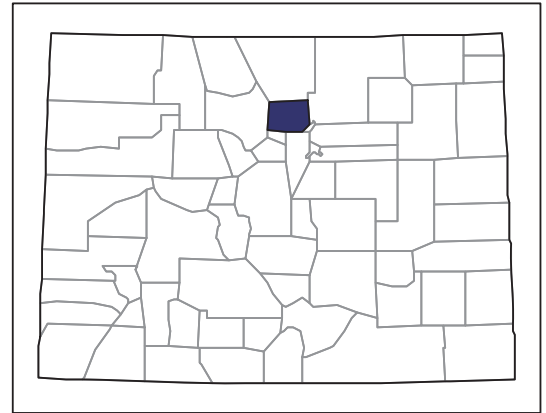
Table 1. Overview of Agricultural Activity in Boulder County

Source	Number of Farms	Farm Area	Operator Data
USDA 2012 Census of Agriculture	855 self-reported farms in the county <ul style="list-style-type: none"> Includes forestry operations 	132,948 acres <ul style="list-style-type: none"> 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
Boulder County Assessor	1,601 individual owners of land taxed as agricultural property	61,216 acres <ul style="list-style-type: none"> Classified as agricultural land for tax purposes Average farm size: 30 acres	1,490 acres <ul style="list-style-type: none"> Largest amount of agricultural property owned by a single owner
Boulder County POS Ag. Resources Division 2017 Annual Report	65 tenants <ul style="list-style-type: none"> Some lease multiple properties 92 cash leases 36 crop-share leases 	25,000 acres <ul style="list-style-type: none"> 7,000 acres rangeland 16,000 acres cropland <ul style="list-style-type: none"> 84.3% conventional 15.7% certified organic & transitioning 	-

¹ 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.

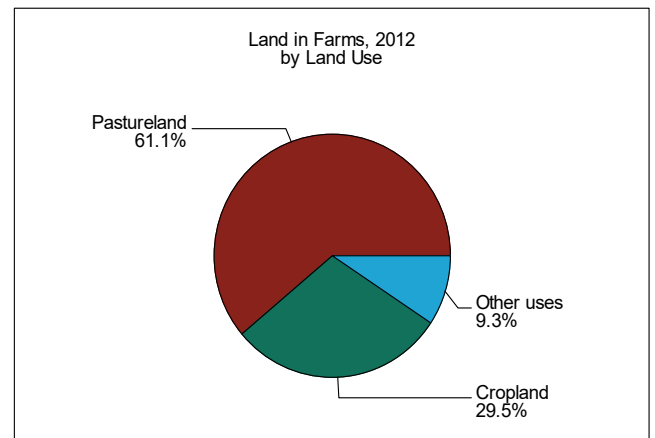
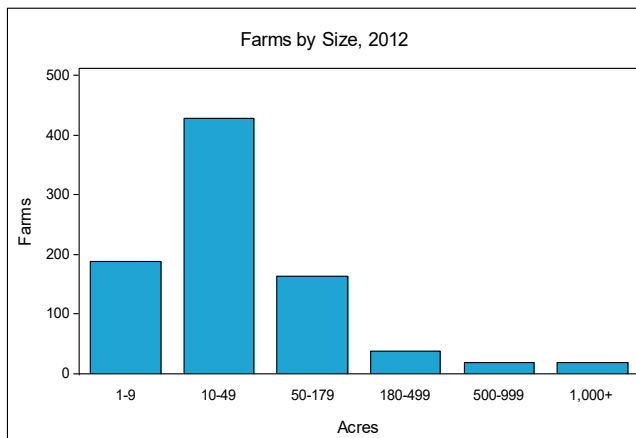
Table 2. List of Relevant Farm Eligibility Definitions

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"> • Farm must be set up to make a profit (sales receipts and proof of investment) 	Have to show documentation for 2 years before tax classification is changed <ul style="list-style-type: none"> • Unless property has water rights, then it’s expedited
Boulder County Land Use Code	18-104 Agriculture: <ul style="list-style-type: none"> • 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. 	18-149 Farm: <ul style="list-style-type: none"> • A parcel of land used for agricultural purposes.



Boulder County Colorado

	2012	2007	% change
Number of Farms	855	746	+ 15
Land in Farms	132,948 acres	137,668 acres	- 3
Average Size of Farm	155 acres	185 acres	- 16
Market Value of Products Sold	\$33,883,000	\$34,037,000	0
Crop Sales (D)			
Livestock Sales (D)			
Average Per Farm	\$39,630	\$45,625	- 13
Government Payments	\$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 ¹	U.S. Rank	Universe ¹
MARKET VALUE OF AGRICULTURAL PRODUCTS SOLD (\$1,000)					
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
VALUE OF SALES BY COMMODITY GROUP (\$1,000)					
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
TOP CROP ITEMS (acres)					
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
TOP LIVESTOCK INVENTORY ITEMS (number)					
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		
\$5,000 to \$9,999	91	Principal operators by sex:	
\$10,000 to \$19,999	76	Male	612
\$20,000 to \$24,999	10	Female	243
\$25,000 to \$39,999	28		
\$40,000 to \$49,999	8	Average age of principal operator (years)	61.0
\$50,000 to \$99,999	23		
\$100,000 to \$249,999	19	All operators by race ² :	
\$250,000 to \$499,999	16	American Indian or Alaska Native	2
\$500,000 or more	15	Asian	12
Total farm production expenses (\$1,000)	40,269	Black or African American	3
Average per farm (\$)	47,098	Native Hawaiian or Other Pacific Islander	-
		White	1,355
Net cash farm income of operation (\$1,000)	-1,759	More than one race	4
Average per farm (\$)	-2,057	All operators of Spanish, Hispanic, or Latino Origin ²	48

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.

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

Attachment D:
Public Comments Received
During Referral Period

11/20/2018

Wufoo · Entry Manager

DC-18-0003: Agriculture-Related Amendments

#1

Name *	Mark Young
Email *	mark@bcollife.com
Phone number (optional)	(720) 633-0355
Farm, ranch or business name (optional)	rFarm2
Farm Sales	I love the proposed changes.
Farm Events	This will be very helpful and encourage more farming.
Demonstration Farm / Farm Camps	
Hoop Houses and Greenhouses ("Season-Extending Agricultural Structures")	This is a real gray area in the code and could use some clarification.
Other	
Attach a file with comments (optional)	
Created 13 Oct 2018 7:34:01 AM	
PUBLIC	

11/20/2018

Wufoo · Entry Manager

DC-18-0003: Agriculture-Related Amendments

#2

Name *	Aaron Harber
Email *	Aaron@HarberTV.com
Phone number (optional)	(303) 666-6161
Farm, ranch or business name (optional)	Golden Run Farms

Farm Sales

The concept is to try and help farmers generate revenue so the 70% rule seems high. Simply saying "a majority" of the products should come from the farm would be sufficient to accomplish the County's objectives and give farm families the flexibility to test different products and see what is successful. The County should do a better job of learning about business concepts and practices so its rule-making and regulations comport with the challenges of trying to operate a business. The County should step back and see what ideas it could generate to simplify its regulations. By streamlining them, the County would help farmers and also make it easier to enforce its own regulations. Give it a try! :)

Farm Events

Some of the most common farm events are weddings and related activities, such as receptions. In some cases, ceremonies may be smaller than the receptions. The proposed limit on the number of people is too low and should be raised to 250. That should cover the needs of most events.

Demonstration Farm / Farm Camps

Same concept: Increase the numerical limits so the activities can be profitable. In basic Economics, the application of Marginal Cost concepts to profitability is critically important. This especially applies in agricultural activities and the supplementary activities the County is considering.

The concept highlights the fact that, once Fixed Costs are covered, Marginal Costs are the only additional expenses to the sales of products and/or services. Therefore, there are Economies of Scale which the County should consider and promote. The County's policies, however, ignore this financial reality and, instead, tend to place limits at the top which, in turn, reduce the opportunity for profitability.

Hence, the County, whether intentionally or unintentionally, puts one foot on the economic pedal and the other on the economic brake --- unfortunately, at the same time.

Here's an example which should be easy to translate to farming. If you own a restaurant, you have certain fixed costs you have to cover such as a lease or mortgage payment, utilities, labor, equipment & supplies, and core food products,.

Once you cover these costs, your additional costs will include extra food and not much more (maybe labor but most employees make a majority of their income from tips anyway).

So, if your expenses average \$3,000 a day and you serve an average of 200 meals in a day, you need to get at least \$15 per meal to break even.

If you serve an additional 50 meals at \$15 per meal and your additional (marginal) cost is only \$3 per meal, your costs go up \$150 but you now have a profit of \$600!

This is why every extra meal served in a restaurant usually represents a positive, disproportionate portion of the restaurant's profit.

For a farming operation, even more costs are Fixed Costs. Farmers have a mortgage or pay a lease which is set well in

11/20/2018

Wufoo - Entry Manager

advance. They have expensive equipment with monthly payments they have to make. They buy seed and/or plants to create crops along with fertilizers and/or herbicides & pesticides. They have water and/or lease water. They pay insurance and labor costs as well as other expenses.

Most of these are Fixed Cost in the sense the operator either pays for many of them in advance or, at the minimum, knows exactly how much they are.

In some cases, more outlays will occur for certain expenses such as labor, chemicals, et cetera. And weather-related events can result in increased expenditures.

So, if initial expenses are \$100,000, and the crop sales come in at \$90,000, the operation loses \$10,000. If the sales total \$150,000, then the operation makes a profit of \$50,000.

So, anything which can be done to increase crop yield, reduce costs, or do anything which increases profitability can make the difference between success and failure --- and, ultimately, in the survival of an agricultural operation.

The County needs to give farmers much more flexibility because, unlike the restaurant business --- where meal prices usually are fairly stable --- prices of agricultural commodities and livestock & animal products are not set by their producers and, even worse, can be subject to substantial fluctuations due to circumstances over which they have absolutely no control or even influence.

This is why the County should do whatever it can, within reason, to create a simplified regulatory structure which minimizes the costs of compliance and which gives agricultural operators the flexibility they need to achieve profitability so they can continue farming and, ultimately, attract successors who want to farm. By making the regulatory structure complex and by promulgating rules which are restrictive, Boulder County unintentionally is killing farming by making it less attractive rather than what it could do --- i.e.m make it more attractive.

However, the current effort by the County to find ways to help agricultural operations should be applauded but also should be recognized as being only a start.

Hoop Houses and Greenhouses ("Season-Extending Agricultural Structures")

In today's competitive agricultural environment, interior space can make a huge difference in the success of a farming operation. With the effects of Climate Change being seen right here in Colorado, and in Boulder County --- with major flooding, extreme wind storms, hail, et cetera, having shelter for crops, equipment, and other assets has become more critical than ever.

Farming always has been subject to the vagaries of weather so anything which can be done to mitigate the potential impact of destructive events is critically vital to any agricultural operation. Over time, this has become even more important to many farmers.

Plus, the more shelter a farm has, the greater the chances for agricultural success and the greater the value of the overall property. Extensive shelter also makes a farming operation more attractive to a successive owner. Thus, by the County's promoting efforts to increase sheltered space, it helps make farming more attractive to future farmers.

The County should re-orient its thinking, however, and not restrict extensions and expansions to small or temporary structures; rather, it should promote the construction of permanent facilities --- which are much safer than temporary ones --- and increase restrictive limits such as 5,000 square feet to 25,000 square feet.

Again, by encouraging those who want to invest in permanent agricultural structures, the County will promote farming on a long-term basis. The County has had policies which contradict this reality so it should reverse course and formulate policies which encourage permanent agricultural structures.

The County should allow much more square footage on

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Wufoo · Entry Manager

Other

The County needs to reconsider its overall approach to "one-size-fits-all" regulations. While there are some minor distinctions in current regulations, they don't take the size of farms into account to the extent they should be based on a farm property's acreage.

It certainly makes sense for the County to be sensitive to what occurs on a 5-acre farm, especially if it is surrounded by neighbors who also are on 5-acre parcels. Small acreage parcel farms often are in areas which are on or near roads with more traffic than farms with 100 or more acres.

But the County has done a poor job of differentiating between small and large-acre properties in its regulations. If a 5-acre property has a 5,000 square-foot building, it's noticeable but if a 100-acre property has a 25,000 square foot building, if well-positioned, it likely would not be noticeable.

A 5,000 square foot building on 5 acres represents about 2.3% of the property. A 25,000 square foot building on 100 acres represents about 0.6% of the property --- 75% less!

Again, the County should reverse course and encourage construction of more permanent structures so properties would be seen more as agricultural operations and would be seen as more attractive by future buyers because more agricultural buyers would find the properties more attractive.

Under current County policies, construction of permanent structures is discouraged so, in essence, the County is contributing to a real estate environment which makes farming less attractive than the County and all of us say we want it to be,

Feel free to contact me if you'd like me to discuss this and have a discussion --- with a Q&A opportunity --- with a group of County staff. :)

Attach a file with comments (optional)

Created 23 Oct 2018 8:53:33 AM	
PUBLIC	

11/20/2018

Wufoo · Entry Manager

DC-18-0003: Agriculture-Related Amendments

#3

Name *	Sylvia Tawse
Email *	sylvia@freshideasgroup.com
Phone number (optional)	(303) 913-9650
Farm, ranch or business name (optional)	Pastures of Plenty FArm

Farm Sales

My husband, Lyle Davis, and I applaud the proposed changes making it less cumbersome for farms to sell at their own farm stands. What is the policy for food handling to make items from either the farm's own harvests (baked goods, salsas, breads, prepared foods) or from other Boulder County and BCFM member farms? Is it still illegal for a farm to apply for a proper health department license, set up a commercial kitchen, and create a true farm-to-table restaurant on a real farm?

Farm Events

We are pleased with the potential increase to 24 farm events per farm but confused by the language. Does this now mean all farms may host up to 24 and there is no longer a 12-event category which requires review and compliances? What happened to the 6 event total for all farms not in the 12-event category?

Why up to 150 for up to only 12 events and not full 24? Shouldn't a farms' history, infrastructure, compliances and experience with events be the criteria for # of guests?

In 4-516 N. 1. you still list guests between 26 and 99. This is confusing with the other references to up to 150 guests. Please clarify.

In 4-516 N. 2.c. you reference "By Limited Impact Special Review" for consideration of 13 to 24 events. Is this annually reviewed? What is the timing? Many of us farms are booking events now for next season so this is a timely question. Who conducts the review? When?

In 4-516 H. you reference neighbors 1,500 from event space. We have no neighbor (of our 5 adjacent neighbors to our property line) that are 1,500 feet from our event space. Does this mean the special authorization would not be required?

Demonstration Farm / Farm Camps**Hoop Houses and Greenhouses ("Season-Extending Agricultural Structures")**

Thank you for making this less cumbersome. We lost 14 months of growing time trying to get our greenhouses permitted so that we could use them. This change will greatly benefit nearly all farmers.

Other

What is the timing for this becoming formal policy? Will there be public hearings? We have two neighbors who created a lot of neighborhood angst during our own review and public hearings for farm events. It is our most sincere desire to not create such havoc and dissent in our neighborhood. One of these neighbors lives 3/4-mile away and the other is within 1/4-mile. They had City of Boulder residents sign a petition against our hosting events. This was a very antagonistic and aggressive act and it upset our usually peaceable neighborhood. We've had zero neighbor problems since approved in 2015 and wish to keep it that way.

Attach a file with comments (optional)

Created
25 Oct 2018

Attachment D: Public Comments Received During Referral Period

11/20/2018

Wufoo - Entry Manager

5:25:08 PM	
PUBLIC	

11/20/2018

Wufoo - Entry Manager

DC-18-0003: Agriculture-Related Amendments

#4

Name *	Andre Houssney
Email *	ahoussney@gmail.com
Phone number (optional)	(720) 201-5725
Farm, ranch or business name (optional)	Jacob Springs Farm

Farm Sales	Proposed changes are a very positive step. Produce grown locally should have no restrictions whatsoever. Since this is what our community wants to encourage.
Farm Events	A natural way to limit excessive and undesirable farm events – rather than changing the code from 6 to 12 events per year, is to stipulate if greater than 70% of the food served at the event, by value, is produced by that farm, events should be unlimited, This creates a natural limit to the number of events a farm can have with larger and more productive farms able to hold more events.
Demonstration Farm / Farm Camps	A normal class size is 30 students – the limit should be no lower than this number.
Hoop Houses and Greenhouses ("Season-Extending Agricultural Structures")	An allowed number of square feet of hoop hose, above the 3,000 should be determined by a review process that is simpler, less expensive and more streamlined than a site review
Other	On a bigger picture level, the county should be not managing land use primarily to maximize private property values, but instead to maximize Community Values, like local food.

Attach a file with comments (optional)

Created 26 Oct 2018 7:16:40 AM	
PUBLIC	

11/20/2018

Wufoo - Entry Manager

DC-18-0003: Agriculture-Related Amendments

#5

Name *	Nathan Weston
Email *	westonnate@gmail.com
Phone number (optional)	(720) 470-2424
Farm, ranch or business name (optional)	Jacob Springs Farm

Farm Sales	If food is being grown locally and organically, this economic activity should be encouraged, not limited. The people being punished and limited should be industrial agriculture which uses large amounts of pesticides and oil based fertilizers, which destroy the top soil and poison our water.
Farm Events	It is an improvement to double the amount of events a farm can have, but it does not go nearly far enough. If the food being served at the event is grown on the farm(70%) then there should be no arbitrary number limit. These events would regulate themselves, due to running out of products to serve that were grown on the farm. If it's a large farm, they'll have more events, but then there is no problem with annoying neighbors.
Demonstration Farm / Farm Camps	Unfortunately, class sizes are 25-30. raising the arbitrary number was good, but why is there a limit in the first place? Why can't we have 30 kids come to the farm.
Hoop Houses and Greenhouses ("Season-Extending Agricultural Structures")	Allowing more than one hoop house would allow local growers to supply food to local restaurants year round. This would make the lives of many local farmers much more secure and fruitful. Just because there are rich people with McMansions who do not like the sight of hoop houses does not mean they should be allowed to suppress the living of the little guy. Manage for community values, not property values. It is in your mission statement to protect and encourage local food.
Other	Everyone agrees that the US's food system is utterly screwed up. Boulder has a chance to be a pioneer in cultivating sustainable local food systems. Many people in Boulder would absolutely love to see you take action in this direction. Thanks.

Attach a file with comments (optional)

Created 26 Oct 2018 7:39:15 AM	
PUBLIC	

11/20/2018

Wufoo · Entry Manager

DC-18-0003: Agriculture-Related Amendments

#6

Name *	Alice Starek
Email *	thegoldenhoof@icloud.com
Phone number (optional)	
Farm, ranch or business name (optional)	The Golden Hoof

Farm Sales

I very much appreciate the changes you all have suggested here. The removal of the arbitrary and restrictive farm stand rules should be a huge help to local food production. I also appreciate the 70/ 30 rule for local food to crafts- sounds very reasonable and logical. I very much hope that this same kind of thinking can be applied elsewhere, say in what could be sold. I think informed, adult end users should have the right to waive government control of their food choices- all direct to consumer on farm sales of food should be legal with some sort of "buyer beware" statement. We can legally do many dangerous, but arguably healthy things like ride a bicycle on public roads and it is legal. We should have direct easy access to local foods of all sorts and get to make our own informed food safety decisions. People who don't think it's safe don't have to eat it, the same way people who don't want to ride a bike on a road don't need to just because it's legal.

Farm Events

I very much appreciate the expansion proposed for farm events and believe it will be helpful, however it seems arbitrary and restrictive. I would like to suggest two other avenues that might allow more appropriate events with less complication. Why not change the baseline as you have, but instead of having a cumbersome Special Use or Limited Impact Special Review process to allow an appropriate expansion of these rights, why not have an empowered staff member who could negotiate these extended rights with individual farmers on a case by case basis. Then if there is a need (complaints) something like a Special Use process could be instigated to override the offending decision. The other option which I would prefer would be to simply allow all farm events that use 70% local foods. This would encourage exactly what we want to see- more local food. Then the rights could be pulled back via something along the lines of a Special Use process if there are complaints. This way farmers would be considered innocent until proven guilty- we'd have the right to sell our food in any honest way possible, but if we create problems we could have our rights removed.

Demonstration Farm / Farm Camps

Again I think the suggested changes would be very helpful, but they seem arbitrary. Normal class sizes seem to be in the range of 15 to 30 people from what I have seen. I believe these class sizes have been determined based on what works financially and educationally. I do not see the downside in allowing the full normal class size to happen on a farm setting. Farmers desperately need opportunities to earn money and allowing larger class sizes allows classes to be profitable. Perhaps we could allow up to 30 as the norm, but have a Special Use like process come up if there are problems with specific farm classes. Farm classes seem to me like something we would want to encourage.

Hoop Houses and Greenhouses ("Season-Extending Agricultural Structures")

Again, I think these changes are great. We will no doubt use this one as will many other local farmers, however it still seems arbitrary and many farmers will want and need more to make their businesses work (especially as climate change roles on). Again, I would suggest making the new rule the baseline and having a staff "farmer advocate" who would be empowered to allow 3 times that on a case by case basis as seems appropriate. Then a Special Use process (or whatever) could overturn that decision if it seems problematic. This way only the problematic cases would need a full review.

Other

I'm thrilled to see the obvious desire on the County's part to want to make things better for farmers and I totally appreciate the suggested changes. I also think that if we really want to see local farming become

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sustainable economically we are going to need to see a wholesale shift in how we work with local food farmers. We are going to need to think about how to both remove the barriers and restrictions and how to legalize, promote and support local food sales of all sorts.

Thanks! Alice Starek

Attach a file with comments (optional)

Created 26 Oct 2018 9:02:24 AM	
PUBLIC	

11/20/2018

Wufoo - Entry Manager

DC-18-0003: Agriculture-Related Amendments

#7

Name *	Annie Shattuck
Email *	annie.shattuck@colorado.edu
Phone number (optional)	
Farm, ranch or business name (optional)	
Farm Sales	The changes in the land use code on farm sales are very positive. I am happy the county listened to the ag community on this subject. There is still a question about building codes for farm sales structures.
Farm Events	The changes on farm events were also positive, however for a Verified Farm Use it was unclear how the county arrived at the new limits on farm events. They are also not tailored to a specific site - farms on main roads with few neighbors should easily be able to accommodate more.
Demonstration Farm / Farm Camps	The changes in regards to farm camps and educational tours were also very positive. However the limit of 15 participants seems arbitrary. The average elementary school class with chaperones, teachers etc could easily be 30-35. Why not use this as the standard so school visits are permitted?
Hoop Houses and Greenhouses ("Season-Extending Agricultural Structures")	
The county seems to have permitted what most farmers already have, essentially legalizing what had been the de facto standard. Before this change farmers could relatively safely assume the prohibitions on a 3000 sq ft hoop house would not be enforced. But this is limiting. Restaurants and consumers in Boulder demand much more winter and early season produce than farmers can produce. Certain properties could easily accommodate 3-4x this amount of square footage without impacting the rural character of Boulder County. Site plan review is expensive and time consuming. There needs to be more flexibility so farmers can meet local demand. 3000 sq ft again seems arbitrary.	
Other	
First of all I want to thank the county. I participated in the listening sessions last year, and much of what was highlighted by the agricultural community and those of us consumers who showed up to support local agriculture was taken into consideration. Especially the creation of a VEFU category - this is a very positive step in the right direction. There are however some crucial pieces from that discussion missing. Workforce housing on farms is not addressed. The concern over permitting for wash stations (for leafy greens) - now subject to septic and building restrictions, small scale poultry processing (permitted under state and federal exemptions but illegal under county rules), and other small scale processing infrastructure was left out. This makes illegal a crucial component of staying in business for small scale producers for the local market. The sustainability ballot initiative demonstrated overwhelming public support for local food production. The issue of land tenure for small farmers on open space and of sharing investment costs on county lands for soil restoration and small farm infrastructure (irrigation, hoop houses, sheds, farm stands, processing infrastructure) was also not addressed. These are some of the biggest issues facing small farm businesses. There was also a suggestion in the listening sessions that the county employ a dedicated staff member to help streamline the process for the agricultural community. Most farmers are working long hours on very thin margins. A dedicated staff member to help navigate the county regulations for the ag community would be helpful and appreciated.	
I would hope the county has a broader vision to support the local agriculture community while still retaining Boulder's rural character. This is a good first step, but lacks vision or ambition. Mostly what I see in these changes in the low hanging fruit.	
Attach a file with comments (optional)	

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Wufoo - Entry Manager

Created 26 Oct 2018 10:06:27 AM	
PUBLIC	

From: [Wufoo](#)
To: [Wobus, Nicole](#)
Subject: DC-18-0003: Agriculture-Related Amendments [#8]
Date: Friday, October 26, 2018 10:15:20 AM

Name *	Jonathan Smolens
Email *	jsintegral@yahoo.com
Phone number (optional)	(303) 818-3937
Farm Sales	Why the limits? Please support and encourage the economy of local farms
Farm Events	Why the limits? Please support and encourage education and celebration of local farms
Demonstration Farm / Farm Camps	Why the limits? Please support and encourage education and wisdom of local farms
Hoop Houses and Greenhouses ("Season-Extending Agricultural Structures")	Why the limits? Please support and encourage extending the growing season with hoop houses that allow farmers to grow more over more time.
Other	I appreciate the steps that were made. They are in the right direction. However if we are really to promote and develop our local food system we are going to have to do a lot more. If you are not aware of the urgency of creating a local food system, I urge you to look into it. Our lives and the lives of our children are on the line with this. Local food is a big part of the solution for climate change, economic injustice and community health and happiness.

From: [Wufoo](#)
To: [Wobus, Nicole](#)
Subject: DC-18-0003: Agriculture-Related Amendments [#9]
Date: Friday, October 26, 2018 10:16:19 AM

Name *	Karel Starek
Email *	thegoldenhoof@icloud.com
Phone number (optional)	(303) 956-2495
Farm, ranch or business name (optional)	The Golden Hoof LLC
<p>Farm Sales</p> <p>Farm Sales are the life blood of a farm and the proposed changes are perhaps the best revision to the codes in this package. This is because arbitrary limitations of on farm sales imposed by both facilities and especially number of days of allowed sales are being removed rather than incrementally loosened.</p> <p>Ability to use space in existing structures is huge.</p> <p>I don't understand the language change in 4-502 5a from "will" to "may"</p> <p>I like the standard of allowed sales being based on local sourcing, but am leery of definitions that distinguish craft and artisan products from agricultural products. I think if the crafts and artisan products derive from local agricultural enterprises they should not be called out as non compliant.</p>	
Farm Events	Moving in the right direction. See comments in Other.
Demonstration Farm / Farm Camps	Any incremental loosening of these numbers is obviously better, but It still seems arbitrary. There should be a logical reason or standard tied to each of these restrictive numbers or they should be eliminated.
Hoop Houses and Greenhouses ("Season-Extending Agricultural Structures")	The more general "Season Extending" terminology is better than allowing specific structures. Again, arbitrary numbers can prevent the goal of promoting the goals here in favor of protecting the downside.
<p>Other</p> <p>In these proposed changes there is movement toward return of common sense to this regulatory process, but it is only the tip of the iceberg. Judgement calls and farm advocacy need to be built into the Land Use oversight to allow for farms to navigate this process. There should be a Land Use 'farm specialist' with a mandate to advocate like a transaction broker for navigating this process. The extent to which the codes continue to put agricultural enterprises into distinct cookie cutter Land Use boxes with arbitrary numeric limitations will continue to stifle innovation and economic success. Agriculture is by it's very nature a makeshift operation necessitating creative responses to environmental, cultural, and economic concerns that can not be predicted with prescriptive specific formulas. What works this year will not necessarily be what works next year. Therefore land use codes pertaining to Agriculture need to operate more like Common Law defining the boundaries of clearly unacceptable abuses, not as a prescriptive recipe for accepted practices.</p>	

Definition of Agriculture– There is still a problem in Boulder's Code that does not allow scale of operation to come into play when distinguishing Agriculture from Agribusiness. This will be an ongoing problem if not corrected. I will give you one example:

Senate Bill 16 058 Creates a State exemption mirroring a Federal exemption from government oversight for the on-farm processing of up to 1000 poultry for direct to consumer sales. Boulder County Land Use code however classifies this enterprise as Agribusiness necessitating all sorts of prohibitory compliance mandates the effectively ensure that this enterprise either does not exist in Boulder or exists only on the Black Market.

Defacto Compliance Audits – One of the perhaps unintended consequences of applying for a building permit or any other activity that invites the County into the loop is that the County does not confine the scrutiny to the project at hand nor seem too concerned with assisting in the burdens associated with resolution of any discovered compliance issue. The practice of asking an operation to define and defend all activities that take place on the farm for review by all departments within the County will most always turn up non compliance. Therefore a process that at first seems like a small detail can morph into a crisis for a farm operation found to be out of compliance on an unrelated issue.

In the verified established farm use I don't understand why hay is not a qualifying crop. Hay is one of the few profitable cash crops in this market allowing a farm to cobble together a living wage.

From: [Wufoo](#)
To: [Wobus, Nicole](#)
Subject: DC-18-0003: Agriculture-Related Amendments [#10]
Date: Friday, October 26, 2018 12:49:44 PM

Name *	Tanner Starbard
Email *	tanner@madagriculture.org
Farm Sales	Improving producers' ability to make on-farm sales reduces their transportation cost and can improve their prosperity. As a consumer, it's fun and educational to see where the food comes from, particularly if the commute takes you past these farms anyways.
Farm Events	Let's have more farm events! Connect the community to their local food, experience the open spaces that make Boulder so special, and support local farmers! More educational capacity, too. Why only 15 kids when classes are much larger than that? How can we work with transportation department to address traffic issues?
Hoop Houses and Greenhouses ("Season-Extending Agricultural Structures")	These can be a slippery slope to becoming a sea of greenhouses, but adding even one more hoop house can be a nice boost to farmers in the offseason. Expand the cap a bit more.

From: [Wufoo](#)
To: [Wobus, Nicole](#)
Subject: DC-18-0003: Agriculture-Related Amendments [#11]
Date: Friday, October 26, 2018 1:07:34 PM

Name *	Brandon Welch
Email *	brandonwelch7@gmail.com
Phone number (optional)	(508) 930-0885
Farm Sales	Direct to consumer sales could be allowed if appropriate precautions were put in place. If farmers/ranchers were required to label their packaging saying that it was direct to consumer without being processed in a USDA plant, it would help producers sell their products and limit middlemen. What would you like to see from farmer and rancher products that would enable direct to consumer sales?
Farm Events	We believe that farmers and ranchers should be able to host any number of farm to table events while being regulated on a case by case basis. There should certainly be a limit to a number of farm to table dinners, but why 12? What can I do to help increase that number?
Demonstration Farm / Farm Camps	The average farmer is 58 years old. Who is going to replace those farmers when they are too old to work the land? Today's kids that are inspired by the land. We need to provide easy access for them.
Hoop Houses and Greenhouses ("Season-Extending Agricultural Structures")	<p>I'm curious why only 1 hoop house is allowed on someone's property and what we can do to increase this number? In certain situations where hoop houses inhibit someone's view or negatively affect them another way, I 100% understand that a hoop house cannot be put out there.</p> <p>Though the mentality that the number 1 is ok to apply to all farms is not the case. It can inhibit growth and financial freedom of the farmer. 1 hoop house can maybe supply a single restaurant through the winter. In some cases, 2 hoop houses wouldn't work. In other cases, 5 hoop houses would be perfectly fine. Context is key.</p>
Other	<p>I think to alleviate stress on the county, a person/worker should be assigned a position to deal with these issues and review applications on a case by case basis.</p> <p>I think you all made a great first step and I commend you for that. The reality is, land ag policy is still too tough on many small farmers that are out there grinding everyday to make the financials work.</p>

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From: [Wufoo](#)
To: [Wobus, Nicole](#)
Subject: DC-18-0003: Agriculture-Related Amendments [#12]
Date: Friday, October 26, 2018 2:35:12 PM

Name *	Michael Moss
Email *	michael@kiltfarm.com
Phone number (optional)	(970) 846-6233
Farm, ranch or business name (optional)	Kilt Frm
Hoop Houses and Greenhouses ("Season-Extending Agricultural Structures")	I feel that 3000 sq ft of SEAS is not enough. The quick calculation of all structures on my 7 acre AG zoned property that meet the definition of SEAS is greater than this limit. Season extension structure tend to shift and change as the season evolves. 3000 ft could be surpassed for a span of a few weeks and this is going to trigger a SPR. 10,000 ft on AG and unsubdivided RRzoned land should be the threshold.

From: [Wufoo](#)
To: [Wobus, Nicole](#)
Subject: DC-18-0003: Agriculture-Related Amendments [#13]
Date: Friday, October 26, 2018 3:21:50 PM

Name *	Michele Moffat
Email *	michelemoffat@yahoo.com
Phone number (optional)	(917) 691-7110

Farm Sales

The overarching goal of the revisions to the Code should be to make agriculture economically viable for local farmers. Compared to the rest of the State, our county has some of the highest land, housing and labor costs. On-farm sales are a way of augmenting income to make a farm viable. I advocate for broadening what may be sold at a farm stand.

I would redraft 4-502(B)(5)(b) and 4-516(A)(5)(a) as follows:

"The majority of gross revenue from products sold must be sourced from Colorado farms."

Delete: "A minimum of 50 percent of products sold must be agricultural products (as defined in 18-105). The remainder (up to 50 percent of all products sold) may be craft or artisan products." There does not need to be a distinction between the raw agricultural product and a value-added product that uses the in-county agricultural input. The more ways I can sell and promote my agricultural product increases the chance that my farm will survive.

Assume the following: I grow heritage wheat on my land. As a way of augmenting my income, I buy Palisade peaches, make peach pies using my wheat flour and sell them at my farm stand (in addition to selling pies made with Boulder County apples and other items grown on my farm and in-county). Is the pie counting in the category of not promoting local ag (ie, in the non-majority piece) because the peaches are from the Western Slope? Is the pie an "agricultural product" or a "craft " or "artisan" product?

I added the term "gross revenue" because units were not mentioned in the code--does majority mean by weight, by volume, by gross sales? The code needs to define this.

Also, if the code is redrafted to include the concepts of "craft" and "artisan", they need to be defined terms.

In order to make local farming economically viable with the high cost of land, housing and labor, the code needs to promote the ways that local farmers can earn income not limit it.

Farm Events

Modify 4-516 (N)(1) to 26 - 199 individuals. The 99 person cap severely limits the types of events that a farm can host. A wedding, for example, may often involve more than 100 guests and when you factor in the staff that need to be hired for the event (good for the county's GDP!!)--caterers, chefs, food servers, clean-up personnel, a band, valet parking staff, hair dressers, a wedding coordinator--the number can easily exceed 99 individuals. Make conforming changes to the rest of the code to increase 99 individuals to 199.

Modify 4-516 (N)(2)(a) as follows: "By right: Farm Events that promote Boulder County agriculture."

The question should be reframed from "how many?" to "what does the event promote?". Limiting the number of events to 12 is as arbitrary as 6. If farm-to-table dinners are promoting products produced or made in Boulder County, why limit them?

Demonstration Farm / Farm Camps	Similar to my comment on the number of Farm Events that are permissible, why limit farm camp sizes to 15? Why not tie it to the education code that governs class size at a school?
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Hoop Houses and Greenhouses ("Season-Extending Agricultural Structures")	Increase from one 3000 sq ft structure to three structures.
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Other	4-501(A)(2) Revise as follows: Districts Permitted: By right in LI and GI and in A for products produced onsite; by special review in A for products produced offsite. 18-186 (b): change \$15,000 to \$5,000.
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From: [Wufoo](#)
To: [Wobus, Nicole](#)
Subject: DC-18-0003: Agriculture-Related Amendments [#14]
Date: Friday, October 26, 2018 6:06:49 PM

Name *	Richard Andrews
Email *	rich@zeoponix.com
Farm, ranch or business name (optional)	Jessie M. Andrews Family Farm LLLP
Farm Sales	<p>The proposed rules have made improvements in the overly restrictive, even unrealistic present rules, such as the present and totally arbitrary number of allowed days in "seasonal farm stand" rules.</p> <p>However, it is not at all necessary to even require limited Impact Special Review for Agricultural Sales Structures.</p> <p>It is particularly curious why 4-802 C. 2. and 3. have the added requirement for a mandatory Site Plan Review for "agricultural sales structures" of less than 5000 sqft. in plains and 2000 sqft in mountains. Makes no sense.</p>
Farm Events	<p>The expanded number of participants and numbers of events is welcome....but still very arbitrary. Numbers should be flexible based upon the particular farm and its capabilities and setting, not arbitrary. Trust the farm and farmers to be practical. Home events rules have been allowed without too much restriction or need for case or event by event oversight. Again, please put some trust into the citizenry and farmers too. It's in their best interest to be good neighbors for events.</p>

Demonstration Farm / Farm Camps

The proposed rule, 4-516 M. 2. is confusing in the statement of "Districts Permitted" which states By Right or Limited Impact in A, RR un-subdivided. Recommend simply make some rules that do not entail seeking approvals or impact reviews of any kind. That burden is unnecessary to both the farmers and the Land Use staff. We all have better things to do with our time.

Specifically, M.2.a., b. and c. are unrealistically limiting. Often school events have more than the number of people noted. Classes are often combined to attend such "field days" and they are often accompanied by multiple field trip persons (other than students) such as volunteer parents, etc. The rules do not accommodate those realities. Numbers should be left to the farm based upon its capabilities, not simple an arbitrary value.

Research farms should be encouraged by allowance in rules. These could also easily result in events, classes, demonstrations that are larger than the proposed rules. Even the county itself violates these limits when Parks and Open Space conducts their field trips to farms. Is Land Use going to slam the door on Parks and Open Space too?

Research by and on both private farms and public open space is to be encouraged, particularly since the county has been unable to establish more than minor agricultural research after several failed attempts. Let it happen and without a lot of restrictions....try cooperation and encouragement instead, including not just private lands but on open space lands too.

Hoop Houses and Greenhouses ("Season-Extending Agricultural Structures")

It is welcome that the proposed rules expand the allowed area for hoop houses. However, the upper limit of only 3000 sq feet for properties of > 5 acres is unrealistic and arbitrary. This is truly minimal for a commercial farming operation. The limit of less than 12 feet in height does not recognize that many "season extending agricultural structures" that are presently sold and widely used may equal or exceed this height. Many simple hoop house kits are 12 feet high.

There really is any notable proposed rules for more permanent and fully utility equipped greenhouses. they don't meet the new proposed "season extending structure" definition.

More year around growing is and will become more important to farmers....to provide foods and horticultural products over more seasons.

While staff may not realize the history, Boulder County used to have substantial greenhouse growing, notably of flowers (chrysanthemums and roses in particular), and lots of under glass area. Those operations were substantially larger than 3000 sq feet. Neighboring counties host significant greenhouse operations of vegetables, vegetable starter plants, and herbs, and yes, even marijuana. Why should such operations be discouraged by arbitrary areal limits in Boulder County?

The production of outdoor marijuana production is essentially outlawed in Boulder County and cities. This is a terrible policy in that indoor production, mostly in expensive warehouse space, is one of the largest growth emitters of greenhouse gases in the whole state with the energy demanding lighting, heating, cooling, ventilation, pumping, etc. County ag land use codes should encourage outdoor production of marijuana to help meet the county goals to reduce green house gas emissions; instead they do the opposite. Why?? Does the sustainability office ever talk with Land Use?

Other

Overall Comment:

The proposed rule changes are a step in a better direction. But so much more improvement is needed.

Why have you listed only three categories of comments above? There is so much more even in the proposed rules, let alone everything that is not even covered in the new proposed rules that was included/offered in the Ag Outreach Project topics and public comments in January 2018.

With that said, here are some "Other" comments:

(1) The continuation in rules that distinguish between agricultural activities in zones designated "agriculture - A", rural residential (RR), and estate residential (ER) and even forestry (F) is simply artificial, wrong and illogical. The reality is that agriculture, whether "Open" or "Intensive" should be

uniformly allowed in all of these zoning districts. The practice of agriculture and related methods/activities should really be defined by the owner/occupant, and the capabilities of the specific land and parcel(s) to conduct agriculture, not an artificial zoning label or designation. The reality of these zoning designations is largely historical, a legacy, not reality related to the specific properties and their characteristics. Many properties labeled as RR or ER, for example, may actually be more suitable, and sometimes even larger and sometimes with more adequate and available water rights, better soils, more suitable topographies or micro-climates, for agriculture use than properties labeled "A".

(2) The goal of the county should be and must be to recognize that agriculture is the most essential human activity for sustaining life. It should be valued highly, not made unnecessarily restricted in practice. It is providing for the people of our county, in fact should be encouraged to provide first and foremost for our local population. Rules should facilitate serving our populations, and in particular in relieving the approximately 15 % of our county that is food insecure...a shameful statistic for a county that is often referred to as wealthy. LAND USE RULES SHOULD REFLECT THESE PURPOSES AND FACILITATE MEETING THESE FUNDAMENTAL NEEDS OF OUR LOCAL COMMUNITY.

(3) Overall, the proposed changes to Land Use Code are a step in the right direction, but simply do not go far enough to liberalize and facilitate the conduct of agriculture in Boulder County.

(4) The Proposed changes are often still constrained to very specific numerical limits, such as size of season extension accessories, number of persons allowed for various farm events or educational functions, limits on square footage of hoop houses and accessory facilities, etc. These changes are still absolutely arbitrary and do not deal with reality that every property and farm is different with respect to its size, location, features, purposes, etc. Much more flexibility and trust in the agricultural operators should be given....not arbitrary one size fits all rules and limitations.

(5) The proposed rules have not dealt with a large number of use/event/support capability categories of land uses/issues considered and which were provided in comments by citizens/farmers during the January 2018 Outreach Project. Notable and very important issues remain unresolved and consequently are restricting, even inhibiting the essential practice of agriculture in Boulder County. When will these matters be dealt with??

Some of these remaining issues are:

- farm worker housing, a very critical issue;
- rules that inhibit many farms in achieving goals, economic sustainability, and pushes agriculture toward environmentally damaging industrial scales, rather than diversity of agriculture, notably smaller tracts using environmentally responsible methods and crops.
- facilitating value adding, upgrading, processing of farm products on farms, instead of prohibiting such uses/activities on farms;
- multiple uses on same property by owners/farmers; current rules disallow and discourage multiple economic activities on same property – a distortion of the reality and necessity for economic survival of farmers; the emphasis on a singular use is detrimental but should be considered as essential and even beneficial to our community.
- encouragement by county of non-toxic and sustainable/regenerative agriculture; land use rules could better serve enhancement of organic safe food, feeds, beverages and fibers and simultaneously enhance soil building regenerative agriculture by restricting use of toxins such as pesticides and synthetic ag chemicals.

- allowances for more cooperation in agriculture by encouraging, not prohibiting, sharing of capabilities such as produce processing, establishment of intentional farm communities/cooperatives, etc.
- conduct of agricultural research, development and demonstrations, with accompanying on farm supporting accessory activities (the county has failed in its attempts to conduct adequate and useful RD&D to demonstrate and improve agricultural practices)

(6) We all are faced with a changing climate and global warming effects due to human impacts on our atmosphere with green house gases. Agriculture is a major contributor to emissions of these climate disrupting gases, up to 30% worldwide, both directly on the farms/ranches in routine activities, and indirectly by the use of additives/imports to farms, types of ag products produced (e.g. corn for ethanol) and transportation related but heavy embodied greenhouse gas (GHG) materials (fertilizers, pesticides, fuels, equipment, materials, etc.). Boulder County has expressed aspirations and goals to reduce the GHG emissions in our county....yet they have not implemented real programs in agriculture to accomplish those aspirations. ALL LAND USE RULES SHOULD BE CAREFULLY CONSTRUCTED TO INCENTIVIZE SUCH GHG REDUCTIONS.

(7) The proposed changes to Principal Use 18-186 are simply not needed. In fact the whole concept of "Principal Use" is objectionable. Land owners should not be confined in their use of properties, notably in any way restricting home businesses, even on farms. This section is objectionable.

Why does there need to be anything in code that defines a "Principal Use" of a property? Many properties that are farmed are also the site of other businesses conducted by the occupants/owners, most often just involving the actual residents. This is almost an essential necessity for many property owners given the inability to produce enough income by farming alone. Many "farmers" are also engineers, consultants, contractors of various sorts, bookkeepers, realtors, educators, etc. Some of their other than farmer occupations may be agricultural related such as providing services to other farmers like welding/repairing farm implements, providing ag consulting, soil evaluations, etc. They may also make their processing and harvesting equipment available to other farmers. This all should be encouraged, not limited. They have to be doing more than just farming to live in this expensive county, and to pay the high taxes. An honest understanding of this reality of multiple uses on any property must be recognized by Land Use. A farm is not singularly a farm.

The only legitimate reason for proving by any owner that they actually are engaged in agriculture is related to property taxes, and the lower property tax rates available to certain categories of land use. The Assessor therefore is the only County entity that needs to be involved in proving that a farm is actually a farm, not Land Use or any other department.

One additional and specific reason for objecting to "Verified Established Farm Use" definition and use in other sections of the code is that not all persons are driven by money and financial gain. It is wonderful that some farms actually exist now in Boulder County that dedicate all or nearly all of their produce to give to food insecure people. Your new rule does provide a provision for proving so-called "Verified Established Farm Use" to the food insecure by monetary measures or even why should it only donated via a certified 501(c)3? Why not just being a good neighbor to those in need? And the arbitrarily low threshold of \$15,000 to define a farm is unnecessary. What really matters is whether agriculture production happens. If you must quantify, why not put it in quantity of produce, not dollars of sales or other legalistic measures?

(8) The 18-149 definition of a farm again uses the term "principal use" (see notes above). This definition is not realistic for the reasons noted above. It simply can be eliminated from the code as

unnecessary and socially discriminatory. What may actually be a farm since it produces farm produce, can and very often is much more. For example, the allowed uses recognized in the code of farm events, education, research and demonstration activities may actually be the "principal use" if measured in various ways, including income. So why build in such contradiction into code?

(9) FINAL COMMENT

The Land Use Department should be supportive to agriculture in the county. It should not be burdensome, expensive, diversionary of agricultural mission of providing food, feeds, fibers and beverages to the community. This is what is essential and only farming can keep even the staff of Land Use alive and well.

From: [Wufoo](#)
To: [Wobus, Nicole](#)
Subject: DC-18-0003: Agriculture-Related Amendments [#15]
Date: Friday, October 26, 2018 9:09:01 PM

Name *	Wynn Martens
Email *	purplemartens@gmail.com
Phone number (optional)	(303) 908-1103
Farm Sales	The expanded capacity that the new regulations allow are an improvement. However, I don't understand the need for these limits. If a farmer is selling products produced solely from their farming efforts, why place a restriction on when or how often they can do so.
Farm Events	The increased number of events is helpful but again shows an overall lack of vision and true support for the farmers and the viability of their business. Why the number of events needs to be arbitrarily restricted is unclear. If they are using products that are primarily (70% or more) from their farms, why can't that be restrictive enough in and of itself?
Demonstration Farm / Farm Camps	It would make more sense to use the same limits that BVSD uses on their classroom sizes (number of students per teacher) than to apply an unfounded number to these camps and educational experiences.
Hoop Houses and Greenhouses ("Season-Extending Agricultural Structures")	Still too restrictive. The farmers have more demand to supply local produce to restaurants than they can meet given the restriction on hoop houses. Why not let the farmers take advantage of the demand in the market? Farming is hard but it contributes immensely to the quality of life for our community and its overall well being. Optimizing from that perspective would benefit us all, not just the farmers.

Other

The land use code changes are appreciated by the farming community but they don't go far enough. Hopefully this is a first step in a longer, more involved process that would produce a creative vision for truly supporting agriculture in Boulder County. Optimizing on property values instead of community values is short sighted. A one size fits all code doesn't fit a thriving farming community. Each farm is different, it has its own setting, challenges, relationships and opportunities. A flexible, agile, land use partner is needed if this community is going to truly benefit from the energy and overwhelming interest in local farms Boulder offers.

From: [Wufoo](#)
To: [Wobus, Nicole](#)
Subject: DC-18-0003: Agriculture-Related Amendments [#16]
Date: Friday, October 26, 2018 9:15:51 PM

Name *	Dariel Blackburn
Email *	delizgreen612@gmail.com
Phone number (optional)	(719) 484-9422
Farm, ranch or business name (optional)	NA

Farm Sales

The rules need to make it easier for Farmers to sell their products from their farm. It is costly, both in terms of transport and time for our Farmers to go to Farmer's Markets. It is such a heavy burden on small farmers to go to these markets when they could be selling daily from their own farms. Do the County Commissioners really want to run them out of business. The rules enacted by the County appear to be aimed in this direction and made to favor the larger farms in the county--this, even though these larger farms do not create 'real food' that provide a healthy diet. Sugar beets and corn meant to be turned into high fructose corn syrup are not real food. You are making it almost impossible for the 'real farmers' growing 'real food' for our county to make a living.

Farm Events

Since the 'Farm to Table' and 'Tours of Farms' are an actual way that Farms can make some extra money--badly needed by our Farmers--why place such arbitrary restrictions on how many can be held. Why not work with the Farmers to make it easier for them to make an extra income besides their growing. Why not begin to partner with them to make 'making a descent living' something that is easier to do? Why NOT?

Demonstration Farm / Farm Camps

This is another example of arbitrary numbers--apparently doubled since the last code changes. Please give our Farmers the possibility of making some extra money while actually educating children and adults about how and where their food it grown.

Hoop Houses and Greenhouses ("Season-Extending Agricultural Structures")

Apparently you have enlarged the number of sq. ft. allowed for Hoop Houses, but why not allow a real enlargement that can make it possible for them to really make much needed extra money through the winter months. Why not two or three of these Hoop Houses where they can grow enough produce to supply several restaurants. The restaurants want it and their customers are asking more and more for healthy food. Why not?? Do you know that less than 2% of the food we eat in Boulder County is grown here? Do you know that water is becoming scarcer and that food should be the place that this scarce water is being allocated--not to golf courses and sugar beets and GMO corn, but real food that you and I would like to eat.

Other

The County needs to hire a full time employee that would work with the farmers and understand their dilemmas and situations and can make fair decisions based on reasonable considerations. It appears that codes are now being written that simply ask Farmers stay withing certain sq ft.

restrictions and numbers of people allowed and other arbitrary ways of accounting. Your way of regulating is creating 'outlaws' of all our Farmers as they cannot make a living within the unjust confines of your way of regulating. These Farmers need to be encouraged and supported as they are growing the real food that will make a real difference in peoples lives and health in our future. Do not stand in their way but instead work to support them. Thank you for listening. Please do listen.

Why have you not addressed the issues of necessary housing for farm workers? Not being able to house works on the farming site is an extra cost and time loss for the Farmers and causes impoverishing expenses to the farm workers as well. This issue must be addressed--not just on private farms but also on Open Space Land.

Why hasn't the issue of allowing the processing of Chickens on farms been addressed? Apparently there is a Fed and state exemption for processing 100 chickens with no requirements. Why is Boulder Cty dragging its feet? Are you simply hoping to drive these farmers out of business? As County Commissioners, you also have to eat. Do you really want to exist on corn and sugar beets? When you have run all the hard working Farmers out of business and global warming makes it harder and harder to produce food in our climate, it will be much harder to encourage the growing of food. We are losing the older farmers who know how to grow and who should be teaching what they know to enthusiastic young people. You are not supporting or encouraging but only standing in the way. Get out of the way and let them do what they do best. Do not micromanage when you know nothing of what you are managing.

From: [Wufoo](#)
To: [Wobus, Nicole](#)
Subject: DC-18-0003: Agriculture-Related Amendments [#17]
Date: Friday, October 26, 2018 11:06:14 PM

Name *	Jon Fenton
Email *	jonathanjenton@gmail.com
Phone number (optional)	(412) 605-9245

Other

Generally speaking, these amendments to the land use code are beneficial, but they are not nearly comprehensive enough. There seems to be a break in reasoning here, which is likely extremely difficult to address effectively. The codes and land use regulations intended to protect the inhabitants of an urban or suburban environment (and often leveraged to reign in profit-driven real estate developers) are often far over-reaching and destructive to what could be a thriving rural landscape. There is a value system at play here that cannot and likely will not subscribe to land use codes. We have a responsibility as a people to enable and support our rural communities – those that feed and clothe us. The current state of affairs works to limit the rural person's freedoms – ultimately limiting their endeavors so far as to make them financially unviable.

Although it would take a significant amount of effort and time, it is worth considering a comprehensive overhaul of our agricultural (and rural) land use code. We have the opportunity to create a "code" that is flexible and supportive of a thriving rural landscape while maintaining the protections to citizens that are currently provided. There are many community members who are experts in zoning, land use, and other relevant fields who are not only willing, but who are waiting to help with this effort.

While it is often difficult to understand for those who live and work in an urban, intellectual and (often) thought-driven atmosphere, those whose responsibilities lie with physical care and cultivation of the land, and the production of the food and fiber that feeds and clothes us...they often do not have the time or energy to deal with issues such as land use codes. We as a people owe to them the energy and attention needed to facilitate the creation of a foundation upon which they do not have to struggle, but can excel.

Attachment D: Public Comments Received During Referral Period

From: [Wufoo](#)
To: [Wobus, Nicole](#)
Subject: DC-18-0003: Agriculture-Related Amendments [#18]
Date: Saturday, October 27, 2018 1:10:25 AM

Name *	jill skokan
Email *	jillskokan@aol.com
Phone number (optional)	(303) 717-6836
Farm, ranch or business name (optional)	Black Cat Farm
Farm Sales	<p>Can the intent or the word MAJORITY in:</p> <p>"The majority of all products sold must be sourced from Boulder County farms. A minimum of 70 percent of products sold must be agricultural products (as defined in 18-105). The remainder (up to 30 percent of all products sold) may be craft or artisan products."</p> <p>be better clarified? As written it would technically allow a farm store selling all vegetables to re-sell 49% of the vegetables from Costco.</p>

Attachment D: Public Comments Received During Referral Period

From: [Wufoo](#)
To: [Wobus, Nicole](#)
Subject: DC-18-0003: Agriculture-Related Amendments [#19]
Date: Friday, November 2, 2018 1:40:10 PM

Name *	Michael Ellis
Email *	silleekim@comcast.net
Farm, ranch or business name (optional)	Abundant Garden
Other	Please change verified established farm use to allow these changes for farms that aren't yet established, but which may need the new rules in order to be able to get established. It's kind of crazy to tell prospective farmers that they can't take advantage of the new rules that might allow them to become established, because they aren't yet established.

From: [Olson, Eric \(HII-TSD\)](#)
To: [Wobus, Nicole](#)
Subject: Docket DC-18-0003: Agriculture-Related Amendments to the Boulder County Land Use Code #20
Date: Thursday, October 25, 2018 1:31:48 PM

Dear Boulder County Commissioners and Land Use Staff,

I have received a copy of the draft Agriculture-Related Amendments to the Boulder County Land Use Code (Docket DC-18-0003). Generally, we have no comments on this draft with the exception that we assume this does not change any of the provisions and agreements previously made for the James Construction property (6001 Jay Road, Boulder). These provisions and agreements are as described in SPRW-18-0017 dated March 27, 2018 and the attachments there to along with the attached memorandum of March 7, 2018 and its attachments regarding the docket LUW-18-0001.

Sincerely,

Eric and Jane Olson
4408 Wellington Road
Boulder, CO 80301
eolson@hii-sn3.com
303/641-1506

From: [Laura Bloom](#)
To: [Wobus, Nicole](#)
Subject: For farm land code changes
Date: Monday, October 29, 2018 7:33:18 AM

#21

Hi,

I know this is late but I only just now read the Left Hand Valley Courier so figured I'd put in my two cents in hopes it makes a difference.

I'm all for the farm land code changes! It's so wonderful to have events at farms. Dinners, gatherings etc. And it allows farmers to expand their ability to make a living, especially when hail or other weather kills the produce. It's wonderful to buy from local farm stands...real; fresh; variety; supporting local. I'd be in favor of going even further and push for agritourism where they can host overnight guests who can learn, eat, and work on a farm. I did this as a child in PA and never forgot it. I've done it in Europe and it's priceless. In Austria, they even have "heuriger" where whatever is grown on the farm (including wine/grapes) can be processed, cooked and served by the farm.

Thank you for adding these potential delightful options to our neighborhoods.

Laura Bloom
6993 Miro Ct.
Niwot, CO

— Until further notice, celebrate everything.

From: Sylvia Tawse
Sent: Wednesday, October 17, 2018 11:50 AM
To: nwobus@bouldercounty.org
Subject: Questions from Pastures of Plenty Farm

Hello Nicole,

My husband, Lyle Davis, and I write you as farm owners since 1993 in Boulder County. Our farm is Pastures of Plenty Farm and has been a working organic vegetable and flower farm since 1994. Lyle is also one of the original founders of both Alfalfa's Markets and the Boulder County Farmers Markets. Both Lyle and I served on the original CO Organic Producers' Association board in the late 80's and 90's and helped to draft Colorado's organic standards. I am a founder of Fresh Ideas Group (FIG), which is PR and Branding firm specializing in natural and organic food and farms since 1995,

and a co-founder of Naturally Boulder, a nonprofit network. We love food, farms and practices that tread lightly on the environment. Pastures of Plenty sells at four distinct farmers markets and has 70 CSA members. We are also the first farm to be approved for the 2014 Farm Event Policy 12-event tier. It was a contentious process and also expensive for our family business. We spent more than \$32,000 to prove compliance and endured a 66% drop in our farm's event income.

We write regarding the recently reported draft of code changes for several farm policies. We have a few questions. We could do this by email, or would love to meet in person, if you have the time.

Our questions:

- 1) What is the timing for approval of these new land use code changes? We ask because we are now giving tours and booking next season. We have eight events reserved, leaving only four events under current policies. Obviously, if the change to 24 events is approved, that is a huge positive for our farm and family.
- 2) Is the 24 event proposed change just for those farms approved, now, and in the future for 12-event status?
- 3) Does it matter or not that a farm is working farm (actively farming the land) in order to be approved as a 12- (or 24-) event farm? We ask because since 2014's changes we've seen a huge upswing in faux farm event venues. Non-farms hosting 'farm-to-table' events is of concern to us and others who do authentically farm for a living.
- 4) What is the current thinking on Health Dept. approved food handling and service on ag. land in Boulder County, i.e. pop up and permanent restaurants on farms, as is the trend in other strong food and farm regions in the country (Knoxville TN and The Blackberry Farm, Weschester County NY and The Stone Barns Center, and Metro Seattle and The Herb Farm as examples).

I know you are so busy. We appreciate your answers and thoughts. Please know we are here to also answer any of your questions and to help in any way to preserve and grow agriculture in our beautiful county and region.

Many thanks --



Sylvia R. Tawse
Fresh Ideas Group
Boulder | Denver
freshideasgroup.com
c: 303.913.9650



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