



**DC-18-0003:
Agricultural Land Use Code Amendments
Highlights**

April, 2019



Code Update Timeline

Activity	Timeframe
Public engagement (meetings, web survey, etc.)	January – May 2018
PC Study Session	August 15, 2018
Lit review, farm visits, additional research	June – September 2018
Public referral	September – October 2018
Planning Commission hearing and decision	November 28, 2018
BOCC hearing and decision	December 13, 2018
Code changes go into effect	February 1, 2019



Code Update Objectives & Scope

Objectives:

- Simplify structure
- Clarify language
- Better match review processes with intensity of uses and land use impacts
- Require only the amount of review necessary to ensure public safety and sound land use planning to facilitate success of producing farms

Scope:

- Farm sales
- Farm events
- Demonstration farm and farm camps
- Hoop houses and greenhouses (Season-Extending Agricultural Structures)
- Streamlining of Land Use Code processes for producing farms (VEFU)



Verified Established Farm Use (VEFU)

Reduce costs and regulatory requirements for farms contributing most to county's ag production

Don't put lower-revenue farms at a disadvantage

- Properties meeting criteria eligible for streamlined processes and allowances
- Seeks to better match process requirements with impacts and facilitate a diverse and sustainable agricultural economy
- Active farmers are expected to have knowledge and experience to minimize land use impacts



Define VEFU

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.



VEFU Bonuses

- Allow up to 25 attendees at Demonstration Farm and Farm Camp classes per day (standard is 15)
- Allow up to 200 average daily trips (standard is 150)*
- Allow occupant load up to 150 (standard is 100)*
- Agricultural principal use automatically assumed by planners to help make review process go more smoothly
- Additional ideas for future consideration (e.g., additional farm worker accessory dwelling units, reduced fees)

**Exceeding this would trigger Special Use Review process*



Farm Sales: Reduce # of Use Categories

- Reduce number of use categories pertaining to agricultural sales from 4 to 2
- Eliminate: Seasonal Farm Stand (P) and Accessory Farm Stand
 - Incorporate seasonal Christmas tree sales into new temporary use: Temporary Christmas Tree and Fireworks Sales
- Keep: Farm Store (P) and Accessory Agricultural Sales
- Remaining 2 sales-related use categories address all ag sales-related activity



Farm Sales: Uniform Provisions for Ag Sales

- Majority (> 50%) of all products must be sourced from Boulder County
- $\geq 70\%$ must be agricultural products (as defined in the Code)
- The remainder (up to 30%) 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



Farm Sales: When and Where?

- When can products be sold?
 - **New Code:** No restrictions on number of days per year
- Where can products be sold?
 - **Old Code:** Accessory Sales allowed
 - by right in F, A, RR (un-subdivided), ER, LI, GI, MI;
 - by Limited Impact in RR (subdivided) unless waived by the Director
 - **New Code:** Add Business, Commercial, and Transitional zoning districts



Farm Sales: Sales Structures

- Land use impacts for sales structures differ from other ag 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
- Allow by right in all districts where Accessory Agricultural Sales use is allowed, and with no SPR if: *(Subject to SPR if it exceeds these parameters)*
 - 12 feet or less in height
 - up to 500 square feet
 - not on a CE property
- VEFU properties with Ag Sales Structures can have up to 200 average daily trips (limit is 150 in other cases)



Farm Sales: New Christmas Tree and Fireworks Sales Use

- Removed the Seasonal Farm Stand principal use, where sales of Christmas trees was previously addressed
 - Many Christmas trees sold in the county come from out of state so they would not meet the “majority from Boulder County” provision under the new Accessory Agricultural Sales definition
- Added a new temporary use: Temporary Christmas Tree and Fireworks Sales
 - Provisions of the previous Seasonal Farm Stand use would be combined with provisions of the old Temporary Fireworks Stand use



Farm Events: Increase # of Events Allowed

- **Old Code:** 6 allowed by right; 12 allowed by Limited Impact Special Review
 - Considered Reception Hall or Community Meeting Facility if >12
- **New Code:**
 - Allow 12 by right
 - Allow 24 by Limited Impact Special Review
 - No upper cap if approved by Special Use Review



Farm Events: Increase # of People Allowed

- Increase the limit on number of attendees allowed per event from 99 to 150 ***up to 12 times per year***
 - Occupant load is increased from 100 to 150 for VEFUs (before triggering Special Use Review)
- Events in excess of 99 people require Special Authorization from the Zoning Administrator and will be subject to comment from neighbors within 1,500 feet of the proposed event location
 - Required to adhere to conditions to mitigate any increased impacts, otherwise a request to increase attendees may be denied



Farm Events: Allow Use of Structures (Floor Area)

- **Old Code:** Farm events are not allowed to use any structures located on the property
- **New Code:**
 - Allow use of floor area (such as in existing barns) for events, subject to applicable Building Code requirements
 - Floor space must be used for agriculture-related uses (e.g., office, equipment storage, general purpose) when not used for events



Demo Farms & Farm Camps: Increased # of Attendees

- Increase the number of attendees allowed by right at camps or classes
 - **Old Code:** 8 people per day
 - **New Code:**
 - » Allowed by Right:
 - 15 people per day (standard)
 - 25 people per day for VEFUs
 - » Allowed by Limited Impact Special Review: more than 15 people per day



Educational Tours: Add a New Temporary Use

- Old Code did not specifically address educational tours
- New Educational Tours Use will allow school field trips and other infrequent educational events up to 24 times per year by right
- Visits may include up to 20 additional vehicle trips per day (allows 10 additional vehicles to travel to/from on day of the educational tour)



Season-Extending Ag Structures (SEAS)





SEAS: Add Definition To Improve Clarity

- Include a new definition that describes the type of structure the ag community told us they need to succeed
- **Season-Extending Agricultural Structure (SEAS):** 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.



SEAS: Land Use Review Processes in 4-802

SEAS will have modest land use impacts and are important for most farms to succeed. Therefore, the new Code has scaled-back process requirements for *ALL SEAS* (not just for VEFUs):

- No land use process required up to 5,000 cumulative sf on parcels 5 acres or larger, or up to 3,000 sf on parcels smaller than 5 acres, except for CE properties, or over 12' in height
 - Building Permit only, if size and scale requires a Building Permit (e.g., > 120 sf and has water and electrical service)



SEAS: Land Use Review Processes in 4-802

- SEAS proposed on a vacant parcel don't trigger SPR (if meeting the 3,000/5,000 sf size thresholds)
- SEAS don't count toward SPR trigger for cumulative 1,000 square feet built since September 1998 (if meeting the 3,000/5,000 sf size thresholds)
- The Director may exempt a SEAS on a CE property from triggering SPR if the CE holder allows it
- SEAS don't count toward the 25,000 square foot limit for Ag zoned parcels ≤ 35 acres (if meeting the 3,000/5,000 sf size thresholds)
 - This exemption is located in 4-102.F