



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 Board of County Commissioners
Hearing Action and Direction on DC-18-0003, Agricultural Land Use Code Updates
December 13, 2018
Meeting Summary

Staff

Land Use Department

Nicole Wobus, Long Range Planning Manager¹
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

BOCC Questions and Direction

Commissioner Jones asked if staff could estimate the number of Verified Established Farm Use (VEFU) applicants the department would likely receive. Nicole Wobus explained that it was difficult to estimate, partially due to differences between the USDA definition of “farm” and the new VEFU definition proposed as part of the Code amendments, which would have a narrower view of what constitutes a farm as a principal use (i.e., USDA data on the number of farms may not be a strong predictor of the number that will apply or be deemed to meet the VEFU definition).

Commissioner Jones asked if staff would support increasing the height limit for Season-Extending Agricultural Structures (SEAS) that would be exempt from some Site Plan Review (SPR) triggers, from 12 feet to 15 feet. Land Use Director Dale Case noted that the proposed SPR exemptions for SEAS represent a significant change from existing regulations. He explained that staff had researched standard SEAS kits and found that many are 12 feet or less in height, and that structures taller than this tend to have greater visual impacts. Staff can always incrementally increase height and size thresholds going forward. Chief Building Official Ron Flax added that structures greater than 12 feet in height have more stringent Building Code requirements due to wind and snow loads. Commissioner Jones then agreed that the 12 feet tall height provision makes sense for the time being, but asked staff to consider a potential height increase going forward as staff monitors and reports on the effects of the Code changes.

Commissioner Gardner asked staff to clarify the difference between the Demonstration Farm/Farm Camp use and the Educational Tour use. Nicole explained that a grade school class of 30 or so children having a field trip during the school year would fall under the

¹ Nicole Wobus presented at the meeting. Staff fielding questions at the meeting included Nicole Wobus, Dale Case and Christy Wiseman.

Educational Tour use; the Educational Tour use does not have an attendee cap, but rather limits the additional vehicle trips generated by the tour. Commissioner Jones pointed out that the additional vehicle trip provision does not specify between passenger cars, vans, and full-size buses (which would allow a wide range of tour sizes). Staff explained that the language about additional vehicle trips allows for some flexibility (i.e., regarding the types of vehicles used to transport tour attendees, and the total number of attendees); staff anticipates that farmers hosting tours will self-manage tour group sizes based on property-specific constraints, while remaining within occupant load limits for the property.

Commissioner Jones asked staff what the schedule for monitoring and reporting the effects of the Code changes would be, as a monitoring step was requested by the Planning Commission. Nicole invited the BOCC to give feedback on specific data points that staff should collect. She offered to provide BOCC with a proposed plan for monitoring and reporting on progress under the new Code language, which could be revised based on BOCC feedback. Commissioner Gardner mentioned that the BOCC might hear direct public feedback going forward, in addition to feedback that staff receives. Dale explained that staff could report to the BOCC after the first, second, and third years of the agricultural Code amendments, similar to the future reporting timeline for the recently approved solar Code amendments in DC-18-0002.

Public Comment

One member of the public provided comment: Brian Coppom of the Boulder County Farmers Market. Comments focused on the topic of prioritizing local food production.

BOCC Deliberation and Decision

Commissioner Jones stated she received positive feedback as well as questions as to why the Code changes don't go farther. She agreed with public comment expressing that more work needs to be done to support the county's agricultural community. Recognizing Ron Flax's concerns about the safety of SEAS, she asked that staff flag the 12 foot height threshold as something to carefully monitor going forward. She closed by stating the importance of balancing rural character preservation with supporting the local food economy given constant urbanization pressures.

Commissioner Gardner noted that she is excited to see the effects of these Code changes and related efforts to support farms in all areas of agriculture around the county.

Commissioner Domenico noted that an incremental approach to removing or loosening Land Use Code requirements helps to achieve this balance. She recognized that while Code changes will never go far enough to keep up with those on the leading edge of progressive techniques, it is the county's role to look out for the whole community. She also expressed support for the new Christmas tree-related use that was updated from the draft Code version that was presented to Planning Commission.

Commissioner Jones motioned to approve the Code amendments presented in Docket DC-18-0003. Commissioner Gardner seconded. The Code amendments were approved with a 3-0 unanimous vote.