

Agriculture Outreach Project



Summary of March 2018 Public Meetings

PURPOSE AND BACKGROUND

Boulder County held two topic-focused community meetings in March, 2018, as part of the Agriculture Outreach Project. The meetings were part of the county's Agriculture Outreach Project, a cross-departmental effort that got underway in late 2017 to work together with the agricultural community to identify and address potential issues that will better position farmers and growers to succeed and thrive in Boulder County.

The March 8 meeting focused on farm sales and farm events. The March 14 meeting focused on hoop houses, greenhouses, and housing. The purpose of the meetings was to gain a deeper understanding of some of the specific needs of the community, review staff's initial ideas, and ask some additional focused questions.

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

This document summarizes feedback gathered at the meetings. The views presented here are intended to represent the range of views expressed at the meeting. They are not necessarily the majority views of those attending the meeting, or those active in the Boulder County agricultural community as a whole. Feedback provided via a comment form from a specific individual are described as coming from one individual.

Staff will reference this information, as well as additional data gathered from the Agriculture Outreach Project (through past and future data collection opportunities) when proceeding with the Land Use Code update process.

PRIORITY TOPICS DISCUSSED

General Concerns

Current Conditions Described by Attendees¹

- The cost of various Land Use processes, building permits, and public health licenses is burdensome.
- The inconsistency between the requirements of each department is frustrating and confusing.
- The complexity of the requirements make them challenging for members of the public and planners to navigate.
- The inability to put structures on Parks & Open Space (POS) land is restrictive. The length of the leases should be considered as a factor.
- It seems that the regulations are not set up to support small family farms, but mansions are okay because they generate more tax revenue.
- The commercial building code requirements for small farm upgrades makes projects infeasible.
- The Land Use Code makes it hard to combine residential and business use.
- The county should place greater emphasis on the needs of the rural economy.
- There needs to be greater alignment with the county's sustainability goals.
- A growing portion of the population of farmers in Colorado is over the age of 60 and it is difficult for young farmers to enter the market due to the high cost of living.

Attendee Suggestions

- Combine all of the agriculture-related requirements in one easy location, and organize the code so all relevant information is located together.
- Information source and communications:
 - We need a one-stop shop, Farm advocate, ombudsperson, or Liaison for the agricultural community who understands and coordinates the requirements for each department of the county. Parks & Open Space seems like an appropriate location.
- Eligibility for treatment as “farm” under Land Use Code:
 - A fast track review for farms which can submit a Schedule F or other proof of substantial sales of agricultural food products would be helpful.
 - Boulder County Farmers Market ‘membership’ could be another criteria (may be more inclusive of smaller-scale operations).
- We understand and respect the necessity of planning, health, and safety reviews, but some considerations need to be made for farms in order to keep costs down and maintain the rural character. For example, consider waiving fees or reduced fees for eligible farm operations.
- Provide grant money or funds to offset costs for farms seeking review processes and building permits. Look to funding sources such as the Sustainability Tax Fund.

¹ This summary records the perceptions expressed by attendees. It does not include clarifications or corrections. Staff will develop an FAQ document as part of the Agriculture Outreach Project, and that will address common questions, including those that arose at public meetings.

- Update the Guide to Rural Living to set expectations for potential neighbors. Consider including a Right to Farm statement in the code. The county should embrace the concept of “new ruralism” or bringing work to where you live.
- Review animal unit allowances to account for offspring on working farms.
- Storage and/or washing stations on leased POS land would be extremely helpful.
- Allow for co-locating plant starts for several farms in a green house on one property so farmers could work together.

Farm Sales

Current Conditions Described by Attendees

- There are too many farm-sales-related uses in the code, and they have very specific and limiting restrictions regarding the number of days per year, and types and origin of products that can be sold.
- The code content related to agricultural processing does not make sense as farmers want to “industrially” process food on-site. Why should making cider on my farm require a Special Use Review process?
- Sourcing of Products Sold:
 - Allow farmers to combine their sales on one property, or have the ability to sell some products that are not their own. Currently the code requires that no more than 10% be grown off-site without a review process being triggered.
 - It is difficult for Front Range farmers to grow produce that is in demand here, such as onions, potatoes, apples and peaches that are grown in ample quantities on the western slope and other areas of the state better suited to those crops.

Attendee Suggestions

- Sourcing of Products Sold:
 - The emphasis should be on supporting local farmers, only require that products sold are primarily grown in Boulder County. Selling products from multiple farmers at one site helps attract customers due to convenience / one stop shop concept (e.g., should support those who want to sell meat from another farm if they only grow veggies on their own farm).
 - Some suggested 50-75% grown onsite as a benchmark. Others suggested 80% from within Boulder County with the remainder sourced from Colorado.
 - Allow sale of products sourced anywhere in Colorado so those wanting to ‘buy local’ (to CO) can do so in a way that also helps support local Boulder County farmers. Shoppers who purchase a popular product at a farm stand may purchase other produce from the farmer or be more likely to come back and purchase other items from the farmer in the future.
 - Consider just limiting sales to “ag products.”
- Signage:

- Allowing signage in the ROW can improve traffic circulation and safety (e.g., cars have enough warning of upcoming farm stand to slow down safely if they'd like to turn in there). Similarly, parking signage can prevent parking on the roadways.
- **Models:** Grand County and Mesa County standard farm themed signage.
- Traffic and Parking:
 - Only require a review after a certain number of cars on site per day. Some suggestions included (100 or 75) 75 cars or 150 traffic (our current trigger for Special Use Review).
 - It would be helpful to have assistance in understanding how to mitigate traffic concerns, as long as it didn't cost a lot.
 - Traffic issues are parcel specific (e.g., unique parcel configuration and location relative to intersections, etc.) and warrant parcel-specific review.
 - Leverage empirical data on traffic issues to inform regulations.
 - Reduce speed limits on roadways in predominantly agricultural areas to encourage agritourism (i.e., enhancing likelihood that passersby would see and stop at farms).
- Duration and Timing of Sales:
 - Do not limit sales to a certain number of days per year.
 - Vary hours of operation based on the level of intensity of use.
 - Do not regulate hours of operation, these are self-regulating. No one is going to want to sell agricultural products late at night.
- Review Processes for Scale / Type of Operations:
 - Small farm stands should not require a review.
 - Make farm sales a requirement for considering yourself an 'agricultural use' or 'farm.'
 - Use a farm's location and parcel size as criteria in determining the type of review that applies, specifically:
 - Don't require a legal building lot if there is no permanent structure being used for sales.
 - Require no review for structures < 5,000 ft².
 - For farm sales of minimal / limited intensity:
 - Parcels > 10 acres, no review; parcels 5-10 acres, minimal review
 - For farm sales of moderate intensity:
 - Have 20 acres be the size threshold for determining the level of review.
 - **Models:** Lafayette Full Circle Farm and Isabelle Farm store as benchmark to determine the maximum size of farm store (it has sales and processing facility).
- Sales on POS land:
 - POS should allow for farm sales on-site, but would need storage and wash stations to accommodate.
 - Consider county providing a small structure for ag sales on POS land.
- Other:
 - Encourage use of existing farm structures for sales of ag products.
 - Have a farmers market that's limited to growers only.
 - Consider allowing leasing of space for farm stand (e.g., locate a farm stand at a gas station, etc.)
 - County could offer small structures (template / prototype and/or actual structures) for farm stands.

Farm Events and Farm Camps

Current Conditions Described by Attendees

- Six events by right with 26-99 people is too restrictive. Farms have to go through a Limited Impact Special Review for 6-12 events per year, but Home Events are allowed 12 by right.
- The current code requires a Limited Impact Special Review for demonstration farm classes or camps with more than 8 students per day. Having stricter processes for farms with more than 8 campers is costly and time consuming for the farm. It needs to be worth the farmer's time to offer the camp.
- It is not clear based on the code where school field trips fall in the Farm Events, Farm Camps categories.
- Bringing the community to the farm is the best way to educate about and market local produce. Education is key in supporting a local agricultural economy.
- There is interest in overnight camps.

Attendee Suggestions

- Number of Events Allowed:
 - Some suggested allowing 12 events per year by right or maybe 1-2/ week.
 - Some suggested 10 events by right and 20 with Limited Impact Special Review.
 - Consider allowing an unlimited number if your primary use is a farm.
 - Potentially slowly increasing the number of events allowed by right over time and see what impacts or concerns emerge.
 - Allow for as many educational group (Senior Center, school, Y) field trips as possible and allow for 4-H groups and Young Farmers associations to not count towards the events cap. Farmers aren't going to over-do these as they have to farm too.
- Number of people allowed:
 - Eliminate review for events with fewer than 15-20 people, or 26 people, to be consistent with Farm Events criteria.
 - If transport is by bus, consider allowing more people as traffic impact is minimal. For example, consider bus loads (1 or 2?) as an option for cap on size
- The State regulates childcare. The county should not add another layer of review.
- All of these uses should not be considered accessory, but rather a part of any farm use.
- No review should be required unless the neighbors complain. Farmers will self-regulate nuisance concerns (e.g., won't offer events late at night, etc.).
- Consider exemptions for one-off events (temporary uses). [Or make it clearer what is currently allowed under the code – Group Gatherings / Special Events.]
- Need to make it easy to have temporary use or event permits.
- Education and Public Information:
 - Educate the public about local farming, and make it easy for members of the community to identify Boulder County farms with sales or agritourism activity. For example:
 - Themed county ag operation signs

- Produce brochure or website highlighting active farms in the county (e.g., see “Making Local Food Work” and “The Shed” agricultural outreach efforts).

Greenhouses and Hoophouses

Current Conditions Described by Attendees

- There are discrepancies between land use code requirements and building code requirements. A shade cloth structure without utilities is exempt from building permits, but may trigger a land use review due to “floor area”.
- Building permits for hoophouses or greenhouses can be expensive. They often trigger commercial building code due to the occupancy of employees and occasional public, which also triggers a requirement to pay for energy offsets for conditioned spaces.
- In order to support an agricultural economy, we need to allow for structures which extend the growing season and increase the efficiency of water use and food production.
- Utilities are always needed to temper the unpredictable Colorado Climate.
- Farmers do not have the capital to build structures, let alone the time and resources to put together complex plans for planning and building permit review.
- Most hoop houses will stay up for extended periods of time and can act effectively as permanent structures.
- Federal regulations for washing stations are increasing. How can the county allow for permanent structures to meet these regulations?

Attendee Suggestions

- Hoop House-Specific Comments:
 - Definitions:
 - Generally used for extending the growing season and for crop protection only.
 - Plants are grown in the ground, and/or they have dirt floors.
 - Heat, water, and electricity are necessary. Generally they would have a rudimentary heating system, like extension cords to space heaters.
 - Generally built to withstand the wind.
 - Include “plastic” covers, not just “shade cloth.”
 - Generally 10 to 15 feet tall.
 - Spaces between hoop houses varies. Some growers allow more space for snow to fall off and sometimes access to drive between.
 - Suggestions for what to allow / limit:
 - Don’t limit based on size or floor area.
 - Require a decommissioning plan to ensure that the land gets restored (if not being treated as a permanent structure).
- Greenhouse-Specific Comments:
 - Definitions:
 - Utilized year round.
 - Permanent, with a foundation or slab.
 - Conditioned.

- Plants are generally grown above/off the ground.
 - Suggestions for what to allow / limit:
 - Tie the floor area allowed on a property to the size of the parcel, similar to animal units.
 - Less than 12 feet in height should be allowed to build without a Land Use review or permit.
 - There are large greenhouse operations in Pueblo, Silt, Jefferson County, and Weld County, look to those jurisdictions for guidance.
 - Other:
 - Generally the public is not entering a greenhouse or spending lots of time in it. For some, the public only rarely enter during walk-throughs and tours.
- General (hoop houses and greenhouses):
 - Farms have varying needs for hoop houses and greenhouses.
 - Instead of focusing on distinctions between greenhouse and hoop house, consider the actual impacts: acreage, spacing, whether the land can be restored, and address any safety concerns like fire hazards.
 - There was a suggestion of 1,000 square feet per acre, or 5,000 square feet for a medium sized farm.
 - The county should provide a building plan model that is to code and would allow for a streamlined process.
 - One participant provided the following input:
 - Highlighted that what a farm needs depends on what it wants to grow and in what season, and cautioned the county from setting arbitrary limits on total square feet for either hoop or greenhouses as it would stifle diversity of agricultural activity.
 - Height of hoop and greenhouses is commonly in the range of 12-15 feet.
 - Allow a wide variety of configurations and supplemental heating options, including compost, solar hot water/air, heat sail battery, inflated double cover, hoop within hoop, etc.
 - On privately-owned land the owner should be able to decide the extent and type of growing taking place indoors / outdoors, and associated structures needed.
 - Any parcel greater than 3 acres should be rezoned to support agriculture and food production, instead of just allowing 'lifestyle ag'.
 - Use tax forms to demonstrate use for ag purposes (e.g., already used to obtain lower tax rate).
 - Allow for storage and processing in Rural Residential zoned land, or rezone to ag.
 - A challenge this farm has encountered: Got charged a permit fee for a structure they were building themselves using deconstructed materials.
 - One farmer commented:
 - Their farm needs a 3,000 ft² structure, with structure height in the range of 12-14 feet.
 - 1-2 hoop/greenhouse-type structures per 5 acres should be allowed.

- Suggests grandfathering existing conditions when a farmer comes in for a building permit (e.g., was told he could not get SPR approval until they replaced their un-permitted septic system).
- Two participants indicated that any cold frame structures should be exempt from Code requirements.
- Do not require commercial building code for hoophouse/ greenhouse structures with only occasional public walk-throughs.

Housing

Current Conditions Described by Attendees

- The cost of living in Boulder County is prohibitive for agricultural labor, and thus deters workers from farming here.
- Temporary and permanent separate dwellings to house workers is necessary. Workers often need to be on the farm to do 3AM deliveries, so it is attractive to employees to live on-site.
- The definition of a family (no more than 3 unrelated persons) is not conducive to the needs of a farm.
- The code inhibits multi-generational farms, in many cases second generation families cannot afford to live in Boulder County.
- Some farm operations work multiple non-contiguous parcels or Open Space leases, and the provision in 4-516.G.6.a. (Accessory Dwelling, Ag Worker Unit) does not account for this “The applicant shall adequately demonstrate that the property size and nature of the agricultural work on the property requires a second household for labor on-site.”
- A lot of workers are temporary and move with the seasons. They would like the opportunity to rent the Ag ADU in the off-season.
- The two week limit to “camping” on-site is prohibitive to worker camps.

Employment and Housing Trends

The participants in attendance reported their current employment rates and employee housing wishes as follows:

- Most farm owners live on their farm where they would like to have employee housing, although some lived elsewhere
- The number of year round employees range from everywhere from two to eleven
- Maximum number of seasonal or temporary employees ranged from two to seventy, with a suggestion that most farms need 1 to 2 employees per acre during peak season
- Most farms reported wanting at least one separate dwelling for a permanent foreman and their family and some form of bunkhouse for temporary workers 3 months a year, although some suggested longer period of seasonal help up to 9-10 months/year

Attendee Suggestions

- One participant commented that no grower wants to get into the business of housing. If the county makes farms provide a schedule F or similar, then concerns for density and transportation impacts would naturally be limited by the limited number that would meet the eligibility requirements.
- Having housing opens a farm up to federal inspections for worker housing.
- “Man camps” are used by the oil industry and may be a solution to Land Use issues. They are self-contained and include water, composting toilet, kitchen, and bunk style housing. Man camps are certified to meet OSHA, HUD, and USDA standards. Therefore, they could provide a model that could be replicated for affordable worker housing on farms.
- Farmers can’t afford to build fancy dwellings. Let people live in trailers with adequate services.
- Other jurisdictions allow one worker dwelling unit per acre.
- Boulder County POS should stop partitioning off existing homes on purchases and selling the homes. Open Space acquired properties with houses should be retained to house farm families and workers.
- Allow tiny houses clustered on a common utility and septic, these are safe and insurable structures.
- Provide housing for young farmers to make it more feasible for them to live in the county and get started on a career in farming.
- One farmer suggested that it should not matter whether the property owner lives on the farm for purposes of getting approval for ag worker housing units.
- Allow bunk houses/dorms should be allowed in addition to Ag ADU. Bunk housing is especially important for those growing specialty crops, or integrated animal and vegetable cropping.
- Define what it means to be a farm worker. Do they need to be paid or can they be volunteers?