



MEMORANDUM

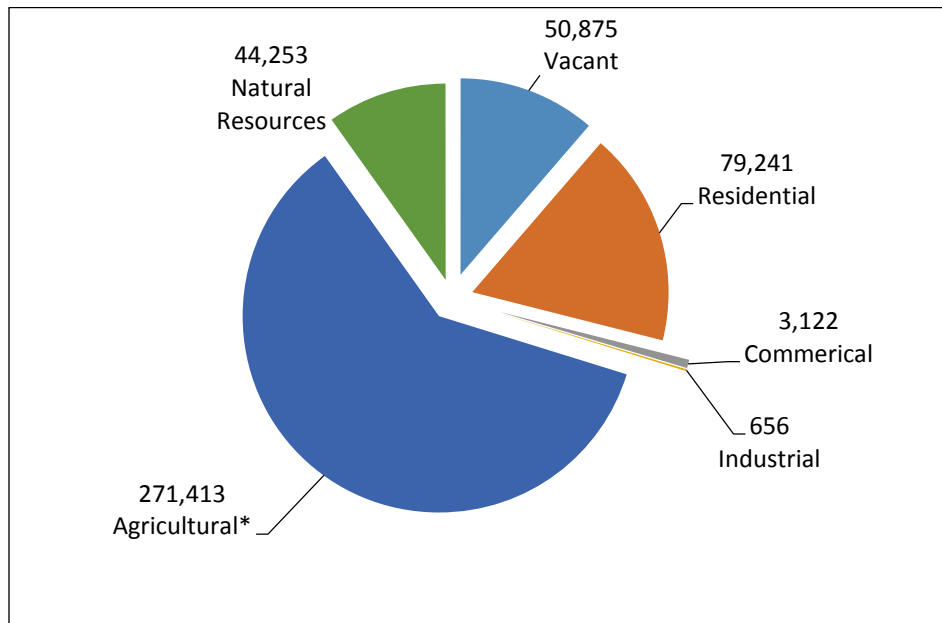
DATE: October 9, 2018
TO: Board of County Commissioners
FROM: Jason Meininger, Planning Director
Re: Agriculture Plus (AG+) Zone District

I. Introduction

Historically, agriculture has been the predominant land use in the rural parts of La Plata County, helping define the area’s character. Agriculture plays such an important role in the county and the state that the Colorado Legislature has adopted a “Right to Farm” statute that protects agricultural operations from nuisance claims (C.R.S. § 35-3.5-102).

Over the past several decades, however, declining agriculture commodity prices, coupled with increasing land values (predominantly resulting from an in-migration of new residents) has made selling agricultural land for residential development a profitable enterprise. This leads toward a transition to more dense rural residential uses from what had historically been agricultural uses. While this phenomenon is not unique to La Plata County, it has been recognized by many area residents who believe that the preservation of agriculture in La Plata County is essential to maintaining the working landscape of the County.

La Plata County Property Assessment by Acreage: 2010



II. OVERVIEW

In 2010, there were approximately 271,413 acres of land taxed agriculturally in the County. Despite this large amount of land, agriculture represents a relatively small component of the County's overall economy. As of 2010, agricultural products and services accounted for 2.7% of jobs in the County¹.

In 2009, a group of agricultural producers were convened to provide guidance and suggestions on steps the County could take to support the agricultural community. The committee identified a number of recommendations that could be implemented to make agricultural operations more diverse and grow their economic strength. Broad suggestions that came from the group include:

- Encourage agricultural operations to establish or expand, regardless of parcel size;
- Develop a subdivision option that allows for more lots (smaller acreage) than the current Minor Exempt Subdivision (MES) process, in exchange for preservation of productive agricultural lands;
- Establish and expand "uses by right" that are compatible and supportive of agricultural operations. Examples could include onsite sales of agricultural products (farm stands), home office, outfitting operations, wholesale greenhouses and nurseries; and,
- Strengthen local protections for agricultural operators.

III. Agriculture Plus Zone District (AP)

In direct response to community direction and suggestions, a zone district designed to be specifically responsive to La Plata County's agricultural community's needs. The Agriculture Plus (AP) zone district as developed, is intended to promote agricultural operations and businesses directly related to the working farms and ranches. The types of uses contemplated for this zone district was reviewed for consistency with both the desires of the community, and policies which promote economic development. The district is contemplated to be segmented into two permit types based on the intensity of the uses and their relationship to the principal agricultural use:

i. Agricultural Plus District (AP) – Uses By Right.

Traditional and hybrid agricultural activities where the hybrid land use and development is **customarily incidental and/or? directly related to** the pre-existing principal agricultural activity being conducted on the agricultural parcel. Uses in this category are reasonably necessary to the principal agricultural use. Such uses including the following:

A. Farm/Ranch. Any property containing at least one acre used for the science and art of production of plants and animals, including the preparation of these products for man's use and their disposal by marketing or otherwise and includes horticulture (fruits, vegetables, ornamental plants), floriculture (flowers), viticulture (grapevines), dairy (lactating hooved animals), livestock (horses, mules, burros, cattle, sheep, goats, llama and swine), poultry

¹ U.S. Dept. of Commerce, Bureau of Economic Analysis

(domesticated bird, including chickens, turkeys, ducks, geese, guineas or squab), apiary (hive or hives of bees), fur-bearing animals and any and all forms of farm products and farm production. (CRS § 35-1-102). A farm/ranch does not include: (1) a licensed slaughterhouse, butcher or packing establishment carrying on the trade or business of slaughtering domesticated animals such as, but not limited to cattle, horses, mules, burros, sheep, goats or fowl for compensation or profit, under a license issued by the State of Colorado; (2) a parcel of land used for the breeding, hatching, raising, producing, feeding or keeping of exotic animals or alternative livestock as defined in C.R.S. §35-41.5-102, (3) a feedlot certified under the Feedlot Certification Act, C.R.S. §§ 35-53.5-101 et seq.; (4) pet animal facilities licensed by the Colorado Department of Agriculture pursuant to C.R.S. §35-80-101 et seq.

B. Sod farm. Any property containing at least ten acres used to produce grasses or other plants acceptable for lawn plantings which, when severed from its growing site, contains sufficient roots to remain intact. CRS § 35-26-102

C. Tree farm. Any property containing at least ten acres used to raise and harvest trees for wood products such as lumber, posts and poles and fuel wood where forest products are sold on-site or transported to market and such property is included in a forest management plan approved by the Colorado State Forest Service or other state certified forestry consultant.

D. Equine or llama activities. A facility or place used for boarding equines or llamas, equine or llama training or teaching facilities, or riding, except rodeos where an admission or participation fee is charged.

E. Grain storage facilities. Structure(s) that hold grain without further manufacturing or processing after harvest.

F. Small-scale processing facilities. A building, room or enclosure that does not exceed 1,500 square feet used to process the food products produced on the farm including synthesizing, preparing, treating, modifying, cutting, peeling, trimming, washing, waxing, eviscerating, cooking, baking, freezing, cooling, pasteurizing, formulating, homogenizing, mixing, bottling, milling, grinding, extracting, distilling, labeling or packaging, retail sales on the premises but excluding a licensed slaughterhouse, butcher or packing establishment carrying on the trade or business of slaughtering domestic animals for compensation or profit, under a license issued by the State of Colorado.

G. Greenhouse. A structure used primarily for the raising of agricultural or horticultural commodities, except marijuana, without retail sales.

H. Storage of motorized and non-motorized farm and ranching equipment.

I. Farm machinery repair. A commercial enterprise for the repair of implements of husbandry that are designed, adapted or used for agricultural purposes such as hay balers, hay stacking equipment, combines, tillage and harvesting equipment, agricultural commodity handling equipment and other heavy movable farm equipment primarily used on farms or in a livestock production facility and not on the highways and personal property valued by the county assessor as silvicultural. C.R.S. §42-1-102(44)(a) and (b).

J. Direct market business. A commercial enterprise in which agricultural products produced on site are marketed and sold directly to consumers without an intermediate wholesaler or distributor, other than a farm co-op organization.

K. Agricultural research facility. A facility for the investigation, testing and demonstration of agricultural products and processes including biotechnical agriculture, soil, plant and animal sciences.

L. Home occupation. A lawful, revenue-generating activity meeting all requirements of this Code, carried on within a dwelling on the farm or ranch property by a person who occupies the dwelling and where the business is contained within and secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained (subject to maximum size limitations [no > than 50% of total area) but does not include occupations related to sexually oriented businesses, hazardous material storage and/or processing, junkyards, solid waste disposal or transfer centers or uses classified as hazardous waste generators under State or Federal law.

i. Agricultural Plus District (AP) – Accessory Uses (likely Admin. Approval).

Hybrid land use and development occurring on a single agricultural property where the accessory use is **secondary and clearly subordinate** to the pre-existing principal agricultural activity being conducted on-site. (All accessory uses/structures will be subject to some limitations; underlying property must be “AP” - comprising at least ten acres).

A. Farm stand. Temporary or seasonal outdoor markets that include the retail sale of locally grown vegetables, fruits and farm products and may include the retail sale of prepared or processed food products, provided the food products sold are prepared or processed using raw materials primarily grown or raised on the property. Farm stands may continue for up to six consecutive months per calendar year on the same property.

B. Agritourism enterprise. Activity related to the normal course of agriculture which activity is engaged in by participants for entertainment, pleasure or other recreational purpose or for educational purposes, regardless of whether a fee is charged to participants. (CRS §13-21-121). Agritourism enterprise may include heritage activities, corn mazes, pumpkin patches, hayrides, sleigh rides, birding, fishing, community or school gardens, farm/ranch vacations, dude ranches, bed and breakfast inns, agricultural festivals, or Christmas tree farms but does not include any activity related to or association with medical or retail marijuana.

C. Bed and breakfast facilities. An overnight lodging establishment that is a residential dwelling unit or appurtenance thereto, in which an innkeeper resides, or that is a building designed but not necessarily occupied as a single-family residence that is on the farm property and next to the innkeeper’s residence; provides at least one meal per day at no charge; and there are not more than thirteen sleeping rooms available for transient guests. CRS §§12-47-103 and 39-1-102

D. Wineries, cideries and distilleries. An establishment where vinous (wine and cider) or spiritous liquors are manufactured using products grown and produced on the farm property.

E. Tastings. Directly related to the vinous (wine and cider) liquors grown and produced on the farm or ranch property that occur on such property by adult patrons of a liquor licensee pursuant to the provisions of C.R.S. §12-47-301(10) and 44-3-402(2).

F. Sales rooms. Directly related to the vinous liquors grown and produced on the farm or ranch property, an area in which a licensed limited winery pursuant to C.R.S. §44-3-403, sells and serves alcohol beverages for consumption on the licensed premises, sells alcohol beverages in sealed containers for consumption off the licensed premises, or both.

G. Public livestock or farm implement auction/market. A facility or place on the farm or ranch property where livestock or farm implement auctions are conducted or operated for compensation or profit, consisting of pens, or other enclosures, and their appurtenances in which live horses, mules, cattle, burros, swine, sheep goats and poultry are received, held or assembled for either public or private sale. The total outdoor/indoor animal confinement and sales areas may not exceed 5% of total property acreage. Sale dates are limited to one day per month.

H. Farm machinery sales and rentals. An establishment for the sale and/or rental of equipment and implements of husbandry that are designed, adapted or used for agricultural purposes such as hay balers, hay stacking equipment, combines, tillage and harvesting equipment, agricultural commodity handling equipment and other heavy movable farm equipment primarily used on farms or in a livestock production facility and not on the highways and personal property valued by the county assessor as silvicultural. C.R.S. §42-1-102(44)(a) and (b). The total acreage utilized for the storage and sale of equipment and implements shall not exceed one acre.

I. Family child care home or State licensed child care center as defined in C.R.S. §26-6-102 for not more than eight (8) children.

J. State licensed group home for the aged, developmentally disabled or mentally ill having not more than eight (8) persons pursuant to C.R.S. § 30-28-115.

K. Assisted living residence. A residential dwelling on the farm parcel used as a residence to no more than three adults not related to the owner of the parcel, either directly or indirectly through an agreement with the owner, for room and board and at least the following services: personal services; protective oversight, social care due to impaired capacity to live independently; and regular supervision available on a twenty four hour basis but not to the extent that regular twenty four hour medical or nursing care is required. The term “assisted living residence” does not include any facility licensed by the State as a residential care facility for individuals with developmental disabilities, or any individual residential support services that are excluded from licensure requirements pursuant to rules adopted by the Colorado Department of Public Health and Environment.

L. Veterans assistance program. A program operated by a nonprofit organization or governmental agency that offers one or more of the services listed in C.R.S. § 28-5-712, to ensure the health and well-being of veterans of the United States armed forces and related to agricultural activities including educational courses, dude ranches, birding, fishing, animal training and boarding, bed and breakfast inns and community sponsored events regardless of whether a fee is charged to participants.

M. Accessory rural occupation. An occupation not otherwise listed within a use by right or accessory use for AgPlus that is conducted by the owner or lessee of the AgPlus property and such occupation is customary, incidental and accessory to either a single-family dwelling or agricultural use. The accessory rural occupation may use the inside of a single-family dwelling, detached building(s) or both but may not exceed a total of 5,000 square feet. Outdoor activity may not exceed 2,500 square feet, must be at least 100 feet from property lines and effectively buffered from existing residences on adjacent lots. Vehicle trips are limited to 10 trips/day for any purpose, including employees, deliveries and customers. Multiple accessory rural occupations are allowed on any lot provided that totaled together the requirements for a single accessory rural occupation are not exceeded. Uses specifically prohibited as accessory rural occupations include, but not necessarily limited to, sexually oriented businesses, autobody or paint shops, community halls, flea markets, industrial uses, general retail, hazardous material storage and/or processing, junkyards, pet animal facilities with outdoor use, shooting ranges, solid waste disposal or transfer centers, uses classified as hazardous waste generators under State or Federal law, outdoor storage of recreational vehicles, boats and other large items. The use must not significantly change the character of the property, single-family dwelling or neighborhood. This use is intended to support agricultural and rural enterprises with reasonable operational characteristics, scale and intensity so they function as an incidental use to the principal use of agriculture on the property without negatively impacting the enjoyment of life, investment and rural living expectations on neighboring properties.