

Agricultural Meeting #3
Tuesday, January 26th
Durango Public Library

Next Steps

Meeting on Feb 2nd cancelled. Marjo has to take her mother to the airport. If it were any other family member she would put the ag committee first, but it is her mother. Sorry!

Next Meeting February 9th at the Fairgrounds Pine Room at 5:30-7:30

Agenda for next meeting:

- Review last meetings proposed strategies
- Share homework assignments
- Discuss additional agriculture incentives
 - Land use
 - Land stewardship
 - Taxation
- Identify gaps in strategies for next meeting and Ideas Forum

Participants:

Staff: Marjo Curgus, Carolyn Pikeltis, Courtney Krueger, Jason Meininger

Subcommittee members: Roy Horvath, Jennifer Burbey, Kellie Hotter, Christina Tate, George Morley, Beth LaShell, Darrin Parmenter, Jim Dyer, Dennise Bohemier, Katie Roseberry

Meeting Summary

1. **Welcome, new introductions, distribute committee workbooks to new participants, correct participant list**
2. **Review meeting minutes from both meetings**
 1. Econ Dev Strategies *Marjo explained the group will return to these for refinement prior to the Ideas Forum, but that she thought the group did a very good job crafting strategy statements.*
 2. The second meeting: *Although a little less productive in terms of strategy development, there was still some good problem identification. She summarized the results from that meeting. (see chart)*

What We Don't Like	What Might Be Solutions
Expensive permits	Fee reductions
Long permit processes	Expedited processes
Subjective permitting processes	Clarity
Zoning that will limit our ability to incorporate alternative enterprises into agriculture operations	Incentives for Ag: <ul style="list-style-type: none"> • Facilitate more uses of property • Allow commercial uses that support ag • Allow for structures without engineering and/or permits • Allow renewable energy use on agricultural land (not utility scale) • Allow more ag worker housing and flexibility
Zoning that limits ability to quickly generate money from land sales	
Subdivision and/or zoning that forces sale of larger parcels to avoid	

regulatory process (35 acres)	<ul style="list-style-type: none"> • Develop a small parcel incentive • Develop a system like RLUC in Larimer = farm land use plan that has some measure of entitlements •
Conflicts causes by: lack of clarity, neighbor concerns, value differences, subjectivity	

3. Defining Property Rights

Charlie provided an update to the planning process by describing the work the Working Group is doing on drafting a new guiding principle for the Comprehensive Plan that will be an articulation of property rights. He explained that this principle is an effort to clarify and consolidate the repetition of the addition of “respect for property rights” which was added to many goal statements during the goals meetings.

Marjo presented back what she has heard, both in La Plata County as well as across the West, when people talk about respect for property rights. She said that there are usually many important personal values, desires, beliefs, issues, as well as legal meanings in the phrase “respect for property rights.” She asked that as we move forward with developing strategies that will support agriculture, we are thoughtful about how we articulate what we are trying to express. How we discuss them and what actions we take may be different depending on what value we are most concerned with. Thus, in La Plata County what do we want to focus on with regards to the property rights issue? What are we talking about?

- *The personal, not legal, beliefs about property rights that are rooted in American values, especially Western values, about personal responsibility, individuality, stewardship, and belief in limited government? This is often in conflict for some individuals with the legal definitions.*
- *The current legal definitions of property rights and case law which define what a legal takings is? Sometimes this is in conflict with the belief system of individuals.*
- *The changing political power balance that is occurring in many western amenity communities that were once dominated by agriculture? Currently ag is 51% of the privately owned land in La Plata County, but it is decreasing. What does it mean 5 years from now or 10 when you are less than half of the private land? What about when ag becomes 35%? Is it a question of the amount of agriculture land and who owns it?*
- *Or are we concerned with the long term value of agriculture as an industry, despite the number and size of landowners, which will give it a voice in the future?*
- *Do we want to improve the processes in the County’s government to make them function better in the future or do we want to want to become advocates for it to go away?*
- *The prosperity of you and your families is important. In some cases property rights is not about agricultural land, but potentially other ways you and your family might prosper.*

4. The group discussed trends in agriculture:

- *People want more local food. Are state and federal regulations discouraging this?*
- *Harder and harder to make a living. Production costs increasing.*
- *Parcels and water are being broken up into unusable and unmeasurable pieces.*
- *If trend is towards smaller farms (hobby farms), regulations may need to be tweaked to allow agriculture benefits (e.g. tax break)*

- *Primary product still hay and forage.*
- *The number of farms is increasing.*
- *Need to be cautious of census data and how they define agriculture.*
- *How do we define agriculture? What are we protecting? A feel for place? Food production?> hobby farms?*
- *I define it as my ability to make a paycheck from agriculture*
- *Is there a difference between Production Ag and Personal Ag?*
 - *The group discussed this for a while. Production ag was tentatively defined as filling out a Schedule F. We agreed to revisit this issue.*
 - *Incentives should focus on optimizing the productive capacity of the land. This idea was also discussed in some depth. That parcel size is not as important as maintaining agricultural uses of the land.*
 - *Ag incentives ought to span the spectrum.*
 - *Ownerships also does not necessarily translate into use. Some owner do not use land as ag, but lease land to ag uses.*
- *A possible trend in the future might be the development of tax benefits for open space, much like there is now for agriculture.*
- *Another trend is the increase in conflicts between agriculture and residential uses. These include:*
 - *Fencing*
 - *Livestock guard dogs*
 - *Use of water by residents from irrigation ditches*
 - *Hunting on agricultural land*
 - *Driving in fields*
 - *Need disclosure statements in sales agreements*
 - *Weeds from absentee landowners*
 - *Spraying weeds on your property blowing over into neighbors organic garden*

5. Next the group discussed possible solutions for the barriers.

What Might Be Solutions	What We Want
Fee reductions	
Expedited processes	
Clarity	
<p>Allow commercial uses that support ag</p> <p>We had a long discussion about the thresholds for Class I and Class II business permits. In general it is a class II permit with more than 4 employees.</p> <p>Marjo explained that in communities that have zoning which makes certain uses “by right”, you do not require a land use permit for those uses, only a business license or building permit. Generally, uses by right are those with lower impacts. However, if a use would have significant impacts on traffic, water, etc. it might require a permit. Tracie explained that because there is</p>	<p>Need something that may allow guest quarters, but smaller and easier than a real B&B. Say one or two rooms.</p> <p>Home based businesses are allowed for home offices.</p> <p>May need to make an incentive to ease permitting process for value added agricultural businesses.</p> <p>Courtney will look at what typical allowable agricultural uses are in Agriculture Zones.</p>

not zoning districts, everything in LPC is evaluated based on impacts (performance based code) and requires a permit.	Committee members will think about what uses should be use by right on agricultural lands.
Facilitate more uses of property	Farm stands. They are allowed in the Animas Valley as use by right because they have zoning. Should not matter ag status. They ought to be allowed.
Allow for structures without engineering and/or permits	
Allow renewable energy use on agricultural land (not utility scale)	
Allow more ag worker housing and flexibility	<p>Currently, the county has an expedited process for 2nd/3rd dwelling units without land use permits and it only requires a building permit. You can do 2 additional houses on 30 acres and 3 houses on 40 acres. State statutes will not allow more than 30 acres and 2 houses with an exempt well.</p> <p>Also currently can get approval for 120 seasonal permit.</p> <p>Need a system for more temporary housing like 5th wheels, bunk or dormitories that can occur each year.</p> <p>Do people really need worker housing? What is the need?</p> <p>Family housing: we may need the ability to do more on the number of units? What are options:? Mother in law quarters for example are within 150 feet. Maybe just a bit too close for the country.</p>
Develop a small parcel incentive	Marjo provided an overview of other cluster and small parcel incentives from around CO (see last page)
Develop a system like RLUC in Larimer = farm land use plan that has some measure of entitlements	

6. Marjo distributed examples of other community ag land use policies. She assigned homework to meeting participants to look at actual policy examples from different communities that were developed to help agriculture.

Instructions: Read over the policy and think about what in it seems like it might be beneficial (in concept) to La Plata County. Be prepared to present your thoughts back to the others in the committee.

Clustering:	Jenny and Denise
35 acre exemption incentives	
Larimer	
Gunnison	
RTR	Katie
Chaffee Ag Policy Recos	

Ag Overlay Ag Committee	Christina
Ag Overlay Ag Definition and Purpose Statement	
Ag Overlay Incentives	
Uses	Courtney
Land development incentive	
Notification	
County Strategic Plan for Agriculture	Roy
PDR program	

If you are interested in research on any of these topics for the next meeting, please contact Marjo. She can send you the materials.

Overview of Tools from Around Colorado

Marjo presented some examples of incentives from around Colorado that were developed by committees like this one to solve a local problem. The point of these is not to say there is a silver bullet, but to begin to demonstrate how things can be done differently.

In CO, the state provides the right for land over 35 acres not to be regulated. This provides an incentive for property owners to use this process because of its simplicity. However it does have drawbacks. It makes subdividing into ranchettes the easiest thing to do. This is not always the most fiscally responsible for county government provision of services or the most economically beneficial to the landowner. Thus many counties have created incentives for land owners to go through the county subdivision process.

Statutory Cluster Ordinance: enabled by state statute, but needs to be adopted by county. Provides 2 dwelling units per 35 acres with an expedited review (1 planning hearing with the BCC), and no need for well augmentation.

A cluster ordinance: provides additional density bonuses through both zoning and/or subdivision frequently with expedited review.

Larimer County Rural Land Use Process: requires a minimum of 70 acres. Provides density bonuses for landowners to incentivize 2/3 land conservation for 40 year period. It is accomplished through clustering that allows lot size and design flexibility.

Gunnison County Large Parcel Incentive Program: provides an expedited review and density bonuses along with lot size flexibility. Also an extension of vested rights through a development agreement. Density bonus is based on a sliding scale:

Acres	Allowable units under 35 acre exemption (state law)	Allowable units if protect less than 85%	Allowable units if protect more than 85%
70	2	3	n/a
140	4	6	7
280	8	12	14
560	16	24	28
1,000	28	42	49

Chaffee County Agricultural Overlay: Includes a Ranchland Advisory Board, notification clause for lot sales, expanded allowable uses for rural zone for ag lands, negotiated ditch buffer between ag land and residents, and a small parcel land incentive.

Agricultural Districts: in many parts of the country there are Agricultural Districts. Zoning is most frequently thought of as density, but it also is use/intensity, location, and form. In the Midwest, ag zones are created voluntary entry and exit, and additional protections like right to farm protections, protect from eminent domain, and even include voluntary downzoning to ensure land is used for agriculture, not residential development.

Also there are programs such as Purchase of Development Rights and TDR that we can discuss.

The concept of citizen zoning has been brought up in last meeting. Marjo pointed out that all of the above policies are voluntary.