

**Agricultural Meeting #4**  
**Tuesday, February 9, 2010**  
**Fairgrounds Pine Room**

**Next Steps**

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**Next Meeting: February 23rd at the Fairgrounds Pine Room at 5:30-7:30.**

Homework for Feb. 20:

1. Review strategies to date.
2. Review uses that you think would be applicable in La Plata.
3. Consider and bring your vision for your land.

Agenda for next meeting:

- Prepare for Ideas Forum (1 hour)
  - Overview of forum purpose/outcome and how ag committee can be most effective
  - Review draft strategies to date and existing comprehensive plan agriculture goals/strategies
  - Identify gaps in strategies
- Discuss additional agriculture incentives and policies (1 hour)
  - Review homework: vision for my land
  - Land use
    - Review homework: uses
  - Land stewardship
  - Taxation

**Participants:**

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Beth LaShell, Christina Tate, Lonnie Malouff, Denise Bohemier, J. Paul Brown, Jennifer Burbey, Katie Roseberry, George & Mae Morley, Matt Isgar, Roy Horvath, Michelina Nyberg, Barbara Jefferies, Ned Jefferies, Christi Zeller, Tom Talley, Brady Paulek, Allen Mc Caw

**Staff:** Tracie Hughes, Marjo Curgus, Courtney Krueger,Carolynn Pakeltis

**Meeting Summary**

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1. **Welcome, new introductions, distribute committee workbooks to new participants, correct participant list**
2. **Review meeting minutes from previous meetings**  
*Marjo summarized from the previous meetings, what is emerging as the critique of existing regulatory policies and what the ag committee would like to see:*

What We Don't Like	What We Want
Expensive permits	Fee reductions
Long permit processes	Expedited processes
Zoning that may limit our ability to sell land to generate money	Incentives:
Devaluing of agricultural land through zoning and regulation	<ul style="list-style-type: none"> <li>• More uses by right</li> <li>• Structures without land use permits</li> <li>• Renewable energy options for ag purposes</li> <li>• Worker housing</li> <li>• Family housing</li> <li>• Planning assistance like Larimer County (RLUP)</li> </ul>
Zoning that may limit our ability to incorporate alternative business enterprises	
Regulations that force the sale of larger parcels and cut up land	A small parcel incentive
Conflicts caused by: Lack of clarity Neighbor concerns subjectivity	Clarity in land use regulations

### 3. Homework Presentations

Members reported back on research they conducted on the following topics. The group then engaged in a discussion about how agriculture in La Plata County could potentially benefit from similar policies.

Clustering:	Jenny and Denise
RTR	Katie
Ag Overlay Ag Committee	Christina
Uses	Courtney
County Strategic Plan for Agriculture	Roy

#### Taos County Ordinance

- Liked that it educated people about what lands they were buying.
- Too much of a compromise.
- Preserves the water and dirt, but somewhat restrictive.

#### Clustering

- Provides incentives for open space
- Requires 60% open space
- 2 dwelling units per 40 acres versus 1 dwelling unit per 35 acres
- Would allow someone to put in a small subdivision in corner of land
- Gunnison puts deed restriction or conservation easement on the land.
- Has criteria to meet, does not mandate conservation easement.
- Conservation easements cost money and require money for continued stewardship.
- Too expensive to mandate.
- Gallatin County gives grants to cover costs for landowners.

- After long discussion about pros/cons of conservation easement, discussion was refocused to the question: *Does that county have a role in conservation easements?*
- Not a lot of support for taxes to support people who want to do a conservation easement, but support if people want to voluntarily contribute to a fund that would help defer landowner costs. Marjo reminded people that the state has money in the lottery fund dedicated to this very purpose, but counties have to apply.
- Landowners need land value as collateral, so have an interest in maintaining the value of their land.
- Zoning helps planner, new residents. Not always agricultural landowner. Liked that it looked at protecting rural livelihood as a whole, based on irrigation.
- Not grants or bonds for easements. Not mandatory. If voluntary okay. But want other options.

### Chaffee County Agricultural Overlay

- Clearly outlines the allowable uses
- Creates a Ranchland Advisory Board with 7 members of which 5 members are production agriculturalist who serve 3 year terms.
- Purpose of overlay:
  - Flexibility
  - Allow less productive agricultural lands to develop
  - Support farming uses
- To qualify to get into overlay, must meet 3 criteria:
  - 1040F
  - Own irrigation water
  - Involved in sale/distribution of ag products
  - NRCS recognizes agricultural land
  - In production through lease or sale
- A fairly open definition.
- All parcels regardless of size eligible.
- Voluntary entry and withdrawal.

### Alternatives to Agricultural Uses

(See accompanying hand out.) Courtney provided a review of how some other communities deal with Agricultural Land Uses. She outlined four levels of permit processes for uses on agricultural land.

Other communities that have zoning actually have various level of policy for land uses. First, **Uses By Right** are uses related to agriculture are uses that would be permitted without a land use permit, but possibly require a building permit, a septic permit, or business permit. Second, **Administrative Review**, would require a land use permit, however, they could be permitted efficiently through the planning department who would review for certain impacts, but not require a public hearing with the Planning Commission or Board of County Commissioners. Third, **Minor Review**, those that may be more intense in impacts, would require a review process but with either the Planning Commission or the Board of County Commissioners, not both. Finally, a

**Major Review** would be for major impacts, like a subdivision over a certain size or a industrial scale agricultural operation, would require a review by both the Planning Commission and Board of County Commissioners.

### **County Strategic Plan for Agriculture**

- Boilerplate example.
- Was developed to implement state policy. But good framework.
- Funds conservation easements, provides incentives enabled by state
- Requires an inventory for the county of soils. Ag viability based on agricultural soils. Defines the characteristics of viable agriculture land.
- Defines challenges.
- Emphasis on economic impact, value of agriculture, non open space.
- If a county adopts this policy, get priority funding.
- Creates Voluntary Agricultural Districts
  - Waives sewer/water requirements
  - No notice for neighbors
- Creates a Agricultural Advisory Board which is given specific powers
- Landowner puts a 10 year restriction (easement) on land to receive a lower tax rate. \$1,000 gross annual income threshold/Schedule F.

### **Chaffee County Right to Ranch**

- Notice to land owners
- Nuisance claim protection
- Defines agricultural production
- In ditch easements, provides 15 ft for maintenance, setback for residences from ditch. Clarifies if a bridge is built, that resident is responsible for debris/flooding.
- Clarifies fence out state.
- Mediation board provided to minimize court litigation.
- It clearly delineates state law in local ordinances where people are likely to deal with local land uses.
- Could be included in Good Neighbor Packet and printed in disclosure.
- Tie it to the title companies.
- Link to the County website landing page.
- Work better at the realtor's office.
- Currently only notify other ag users in notification process.
- Find La Plata County version.

*There seemed to be clear interest in the Right to Ranch as a model for La Plata County to adopt.*

<http://www.chaffeecounty.org/EndUserFiles/8082.pdf>

**Additional Comments/Recommendations:**

- Just make land subdivision easy. As long as water/sewer provided, make it easy. Administrative review. Simplify it.

**Additional Strategy Drafts**

*Based on what was discussed, Marjo suggests the following additional draft recommendations for strategies:*

1. Develop a Right to Ranch in La Plata County similar to Chaffee County's.
2. Develop an Agricultural Advisory Board who can work with the County to advise the County on agricultural friendly practices and policies as well as assist mediation of agricultural land disputes.
3. Develop a land use planning assistance program for agricultural land owners.
4. Develop an expedited review option for agricultural land owners to subdivide.