

**ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY,
COLORADO ADOPTING AN AMENDMENT TO SECTIONS 7-10-80 AND 4-30-50 OF THE
2006 PITKIN COUNTY LAND USE CODE, TITLE 8 OF THE PITKIN COUNTY CODE,
SPECIFICALLY TO UPDATE THE PROVISION RELATED TO SEASONAL FARM WORKER
HOUSING**

ORDINANCE No. 014-2020

RECITALS

1. Pursuant to 30-35-301 C.R.S., the Board of County Commissioners (“BOCC”) of Pitkin County, a home rule county, is authorized to make and publish ordinances for carrying into effect or discharging the powers and duties conferred upon such counties by law and as seems necessary.
2. Pursuant to Section 2.8.1 of the Home Rule Charter (“HRC”), the BOCC is authorized to take official action by Ordinance for certain matters where action is prescribed pursuant to the Colorado Revised Statutes as amended.
3. Eden Vardy of the Farm Collaborative (Applicant) has requested approval of a Land Use Code Text Amendment to update the existing provision for temporary housing for agricultural workers during the growing season. The Applicant is proposing the amendments in order “to support local farm and ranch operations for the food security, environmental sustainability, and the vital historic resource it represents for Pitkin County.”
4. The proposal is to strike Land Use Code Section 7-80-20(d) and to add a new Section 4-30-50(b)(3), Seasonal Farm Worker Housing Unit, under the “Use Specific Standards for Accessory and Temporary Uses.” The proposed Land Use Code amendment is attached hereto as **Exhibit A**.
5. The application was referred to all of the Caucuses. The Snowmass/Capitol Caucus voted to support the request. The Woody Creek District Planning Commission does not support the request. The Emma Caucus provided comments – some in support and some not in support of the request.
6. The Pitkin County Planning and Zoning Commission considered the proposed code amendments at regularly scheduled meetings on January 21, 2020 and February 4, 2020, and recommended approval by a vote of 5-0, pursuant to Resolution No. PZ-4-2020.
7. The BOCC considered and approved the request on first reading on March 11, 2020. The BOCC adopted the Land Use Code Text Amendment on second reading at a duly noticed public hearing on April 8, 2020.
8. The BOCC finds that the proposed citizen initiated text amendment is consistent with Sections 2-30-40(i) and 2-40-10(c) of the Pitkin County Land Use Code (“Code”), the Land Use Policies in the Code, and the Pitkin County Comprehensive Plan, as follows:
 - A. The common theme of the Comprehensive Plan, based on the neighborhood and caucus area master plans, is to “sustain the existing rural character of Pitkin County.” Preservation of agricultural lands is a primary expression of the rural character, and is a basic goal of all of the

INTRODUCED ON FIRST READING AT A PUBLIC MEETING on the 11th day of March, 2020.

NOTICE OF PUBLIC HEARING AND TITLE AND SHORT SUMMARY OF THE ORDINANCE PUBLISHED IN THE ASPEN TIMES WEEKLY ON 3-19, 2020.

NOTICE OF PUBLIC HEARING AND THE FULL TEXT OF THE ORDINANCE POSTED ON THE OFFICIAL PITKIN COUNTY WEBSITE (www.aspenpitkin.com) ON THE 19th DAY OF March, 2020.

APPROVED AND ADOPTED ON SECOND READING AT A PUBLIC HEARING on the 8th day of April, 2020.

PUBLISHED BY TITLE AND SHORT SUMMARY, AFTER ADOPTION, IN THE ASPEN TIMES WEEKLY ON THE 10th DAY OF September, 2020.

POSTED BY TITLE AND SHORT SUMMARY ON THE OFFICIAL PITKIN COUNTY WEBSITE (www.pitkincounty.com) ON THE 3rd DAY OF September, 2020.

THIS ORDINANCE SHALL BECOME EFFECTIVE 30 DAYS AFTER PUBLICATION IN THE ASPEN TIMES AND POSTING ON THE OFFICIAL PITKIN COUNTY WEBSITE, FOLLOWING FINAL ADOPTION BY THE BOARD OF COUNTY COMMISSIONERS.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF PITKIN COUNTY, COLORADO

Jeanette Jones
Jeanette Jones
Deputy Clerk

Steven F. Child
Steven F. Child,
Chairman

Date: Aug-31-2020

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

John Ely
John Ely,
County Attorney

Cindy Houben
Cindy Houben,
Community Development Director

master plans. The Applicant's proposal is to make an existing land use provision more practical for farmers on agricultural lands.

- B. The amendment supports the policy on Agricultural Preservation (Sec. 1-60-80), which addresses conserving and preserving and promoting the viability of productive agricultural land.
 - C. The amendment also supports the policy on Citizen Housing (Sec. 1-60-370) by providing housing for employees. Housing outside of the UGBs is not encouraged, except to provide "job-related on-site housing" as is proposed.
 - D. The amendment provides more flexibility to house farm workers, since food production is labor intensive and many of the new farmers do not own and do not live on the land where they farm. The existing Code provision for temporary farm worker housing does not provide a useable opportunity to provide the housing.
 - E. The applicability of the provision is limited, and the environmental, scenic and neighborhood impacts are addressed in the criteria for approval of the use.
9. The BOCC finds that adoption of this ordinance is in the best interest of the citizens of Pitkin County.

NOW, THEREFORE, BE IT ORDAINED by the Pitkin County Board of County Commissioners that it hereby adopts an Amendment to Sections 7-10-80 and 4-30-50 of the 2006 Pitkin County Land Use Code, Title 8 of the Pitkin County Code, Specifically to Update the Provision Related to Seasonal Farm Worker Housing, as specified in **Exhibit A**.

EXHIBIT A

- I. Strike Land Use Code Section 7-80-20(d).

- II. Amend Land Use Code Section 4-30-50, Accessory and Temporary Uses, to add a new sub-section (b)(3), Seasonal Farm Worker Housing Unit, as follows:

4-30-50: ACCESSORY AND TEMPORARY USES

(b) Use Specific Standards for Temporary Land Uses and Activities

- 3) **Seasonal Farm Worker Housing Unit:** A Recreational Vehicle may be used for seasonal farm worker housing in conjunction with an on-site agricultural operation subject to compliance with the standards in this section and approval of a Temporary Use Permit under Sec. 2-30-30.
 - a) Up to two (2) units may be permitted on a lot/parcel with a minimum of five (5) acres.
 - b) The unit may only be located on a lot/parcel in a zone district where "Farming" or "Ranching" are allowed uses in Table 4-1, but not including RR (Rural Remote), SKI-REC and P-I (Public-Institutional) zone districts.
 - c) The agricultural operation produces and sells food for which the primary purpose is human consumption by the public in Colorado..
 - d) The unit may only remain on-site from March through November.
 - e) The unit may only be occupied by workers (and their immediate family) employed full time by the agricultural operation where the seasonal farm worker housing unit is located.
 - f) The unit must provide a minimum of one dedicated bathroom per four inhabitants; and must have electrical power, heat, cooking, bathing and toilet facilities self-contained within the unit with storage of potable, gray and black water.
 - g) The unit must be connected to a permitted power source. Generators are prohibited.
 - h) The unit shall not be connected to on-site water or wastewater systems.
 - i) Applicant shall provide a maintenance contract for waste removal.
 - j) The unit shall be sited outside of constrained areas and in compliance with required setbacks.
 - k) The unit shall be accessed from an existing driveway or roadway.
 - l) The unit shall be screened to the maximum extent practicable from public roads and neighboring residences.
 - m) All refuse shall be contained within an approved Wildlife Proof Refuse Container or a refuse container which is stored within an approved Wildlife Proof Dumpster Enclosure.
 - n) Fires are prohibited.
 - o) Exterior lighting is prohibited, except as required for safety.
 - p) Dogs shall be kenneled.
 - q) The unit shall comply with National Fire Protection Association (NFPA) 1192 and 1194.