

Yes, No, Maybe, Depends: Regulations Relevant to Agritourism in Colorado

Colorado State University Extension
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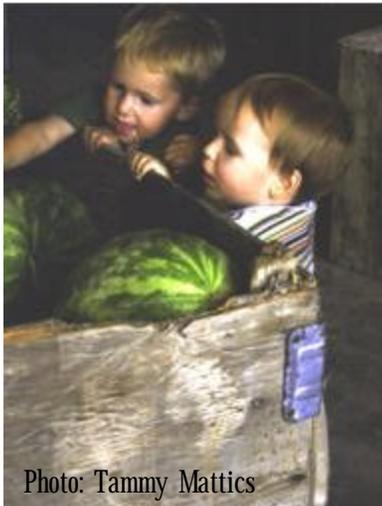


Photo: Tammy Mattics

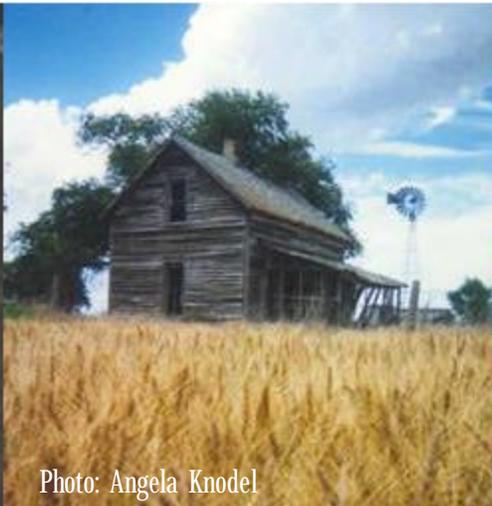


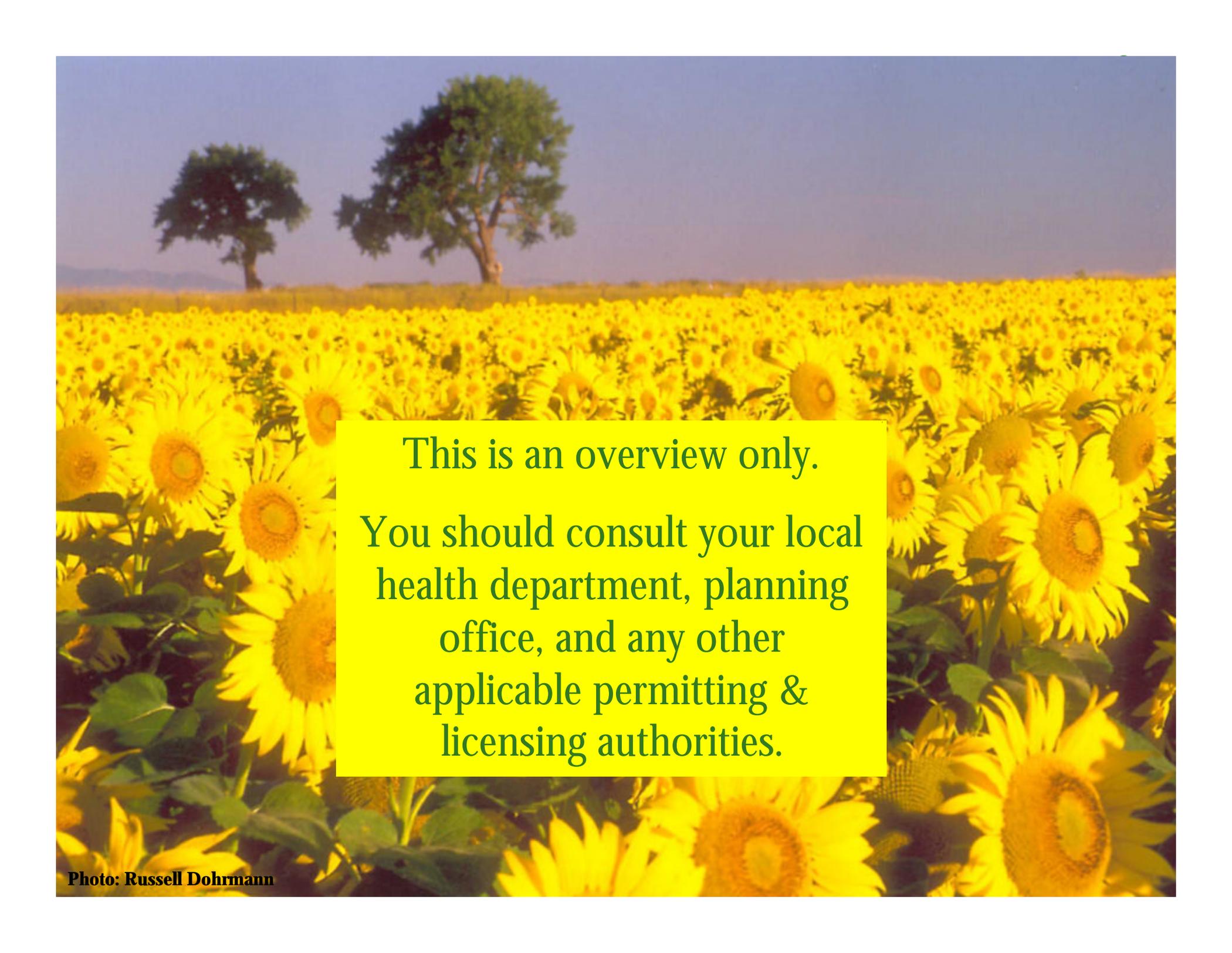
Photo: Angela Knodel



Photo: Elizabeth Thaler



Photo: Pat Martin

A large field of sunflowers stretches across the foreground and middle ground. In the background, two trees stand against a clear blue sky. The sunflowers are in full bloom, with bright yellow petals and dark brown centers. The overall scene is bright and sunny.

This is an overview only.
You should consult your local
health department, planning
office, and any other
applicable permitting &
licensing authorities.

Federal, state and local (county & municipal) regulations:

- Affect the activities you can conduct on your property & where, when, and how
- Determine permits you'll need to secure in order to operate (understand costs and timelines)
- Might apply differently if your service/product mix changes
- Need to assess cost, time & personnel **BEFORE** starting a project

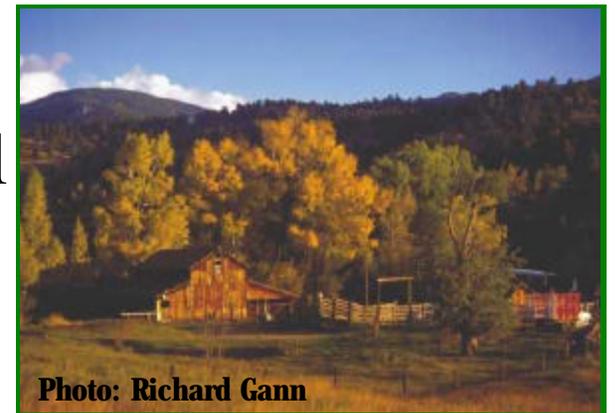


Photo: Richard Gann

Zoning & Development

- Regulated at the county and municipal level
- **Key issue:** How is production agriculture defined in the county master plan?
 - Influences how zoning impacts agritourism enterprises
- Need to understand your zoning code and the performance standards (what impacts trigger which reviews)
 - What commercial uses are permitted?
 - Is the activity compatible with surrounding uses?
 - What are the requirements to mitigate impacts?

Zoning & Development Regs

- Your enterprise may be evaluated on:
 - Access to your property (traffic, noise, dust, parking)
 - Activity on your property (lodging, food service, events)
 - Any construction/development of site (building, water, waste, wildfire)
- General issues regulated might include:
 - Signage (permit, size, permanence, setback...)
 - Lighting (may specify what's illuminated, who's impacted)
 - Noise (no adverse effect vs. precise levels)
 - Parking design standards (accessibility, size, number)
 - Geologic hazards (mud, flood-study, mitigation)

Remember...

Many zoning & other local regulations may not apply to your proposed business, but you need to investigate.

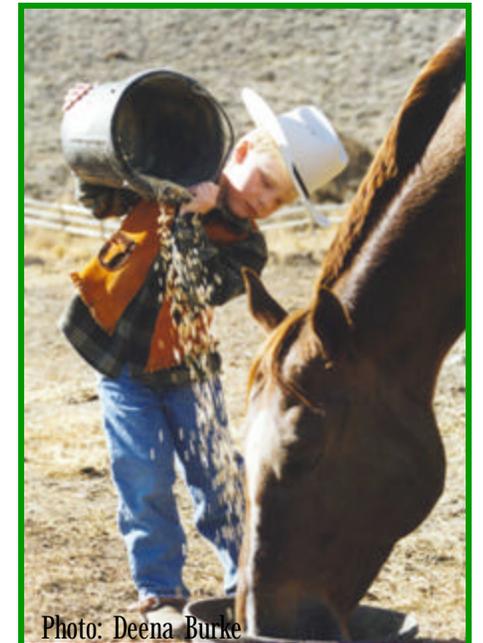


Photo: Spencer George

Regulations governing hired employees

- Who can be employed & wages paid
 - Fair Labor Standards Act (federal)
 - Child Labor Act (federal, state-CYEO)
 - INS laws
- Working conditions
 - Occupational Safety and Health Act (federal)
- How employment taxes apply to your business
 - Income tax on wages (federal & state)
 - Workers' compensation insurance (state)
 - Unemployment taxes (federal, state)

*Know what records to keep & for how long



Taxes applicable to agritourism businesses

- Sales tax on retail products (sold or leased)
 - Need a retail sales tax license
 - Rates depend on your location
 - ◆ May need to collect state, county, local taxes & file separately
 - Must tax food sold for immediate consumption
 - Recreational services should be exempt
 - If your sales cross jurisdictions, consult a professional to follow the trail (i.e., mail, Internet)
 - Lodging & accommodations also subject to tax
- Seasonal business tax
 - Need standard license but can file only during months of operation



Permits and Licenses- federal, state, local

- Goal is consumer safety & welfare
 - Food preparation & service
 - Lodging services
 - Recreational services
- Assess types of transactions (products & services):
 - serving and/or preparing food, what kind, any processing?
 - overnight lodging?
 - selling produce (your own, or someone else's?)
 - offering recreational services (where?)

Licensing for food service

- Define it: see handout for description of state & local licensing
- Consumer Protection Division, CDPHE, has “Colorado Retail Food Establishment Rules and Regulations” which sets standards & may conduct inspections
- If not a B&B, your menu & preparation processes will dictate the kitchen you must have
- Must involve your county health department from the start, because regulations & licensing may differ

Licensing for lodging establishments

- State sets standards, but has no licensing for:
 - Public Accommodations (Consumer Protection Division, CDPHE)
 - Campgrounds and Recreation Areas (CDPHE)
- However, county zoning regulations may require specific licensing or permitting, or may prohibit that use entirely

Licensing for recreational services

➤ Outfitting

- ◆ Transportation, facilities, guiding, training for take of wildlife
- ◆ Need a Colorado license through Outfitter Registration
- ◆ Must prove liability insurance, bond, first aid training
- ◆ Valid license to take game or fish
- ◆ River outfitters licensed through CO State Parks

➤ Private lake fee fishing

- ◆ Commercial lake license permits fee fishing on privately- owned lake for fee-fishing

➤ Exhibiting domestic animals (e.g., petting zoo)

- ◆ Licensed by USDA Animal Plant Health Inspection Service

Special licensing-recreational services involving wildlife

- DOW regulates use of native & exotic wildlife in commercial (for-profit) wildlife parks for:
 - ◆ Big game hunting park - hunting privately-owned big game
 - ◆ Wildlife exhibitors park - Exhibiting wildlife of certain families (must be AZA accredited)
 - ◆ Wildlife producers park - raising & selling wildlife (not birds)
 - ◆ Upland bird & waterfowl hunting & producers park – raising & releasing commercially raised game birds & waterfowl for preserve hunting
 - ◆ Zoological park – operating a non AZA-accredited facility for wildlife exhibition
- Must demonstrate commercial status, including advertising & generating profit
- Small number of birds may be purchased, released & hunted on the day of release w/o wildlife park license, on private property
- Wildlife viewing is not a licensed activity

Using public land for recreational services

- USFS, BLM both require special use/rec permits for any commercial recreation activity or organized event
- Discuss proposed activity with District Ranger/Manager
 - Determine permit types available, fee structure
 - Need an operating plan
 - Insurance, itinerary
 - Must comply with all local, state and federal laws



Using public land for recreational services

- State parks
 - Consult park manager
 - Specific to activity & level of impact
 - Equestrian & fishing activities require special use permit
- State Trust Lands (limited access)
 - DOW Public Access Program
 - Ag lessees with special use permits for recreation
- County open lands



Photo: Spencer George

Knowing the regulatory environment and how it affects your agritourism business is an essential part of your plan!

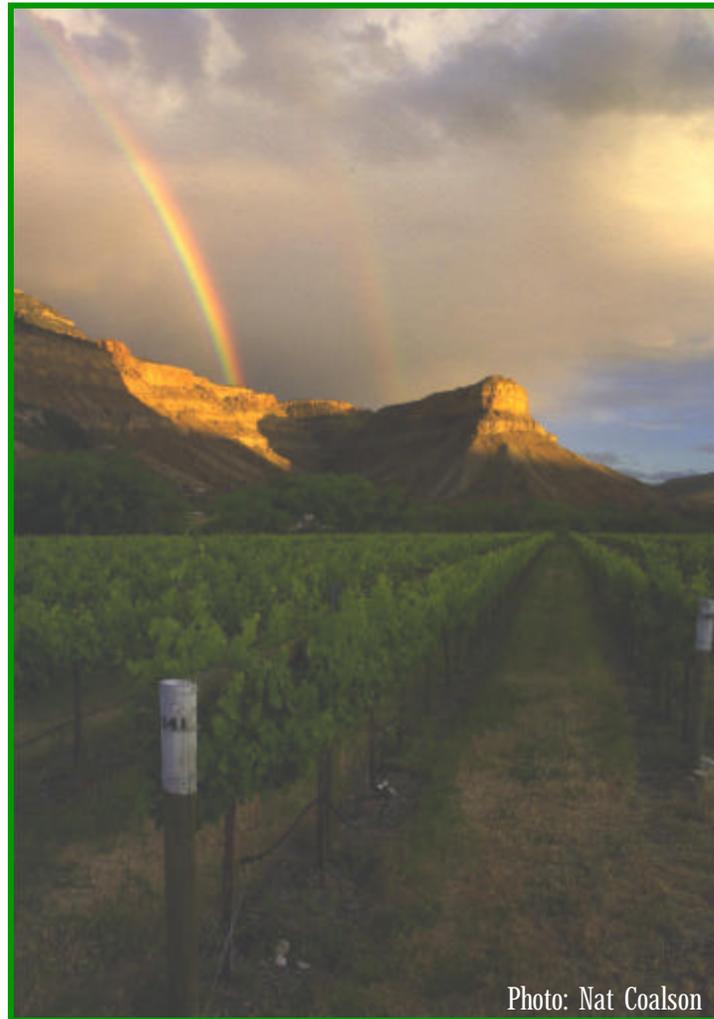


Photo: Nat Coalson