

**Urban Agriculture Open House
January 31, 2013**

Open House Feedback¹
Topic Area: Presentation and Overall Comments
Is a home occupation license required if selling at a second location? When does a home occupation license apply? <i>Staff Response:</i> After the open house, staff has removed all references to a home occupation license, as the Land Use Code already allows for the cultivation, storage and sale of crops, vegetables, plants and flowers produced on the premises. Thus, a home occupation license will not be required if citizens wish to sell produce from their home, though a sales tax license is still required.
Please look into allowing hogs, sheep, milking cows and increasing the number of animal allowed <i>Staff response:</i> We are still researching the questions surrounding hoop houses and scaling the number of farm animals allowed based on lot size, but these issues may need to be addressed in a phase two of proposed changes. But, we do know that these issues are concerns, and we will highlight them during the upcoming hearings.
Would the terminology of registration (instead of licensing) be more palatable? <i>Staff response:</i> The use of licensing for urban agriculture in the City would be consistent with the existing Land Use Code. In addition, as staff is proposing specific standards associated with urban agriculture land uses, the term licensing indicates that the applicants (gardeners and farmers) agree to adhere to those standards, just as with a driver's license where you agree to obey the speed limit, etc.
Is \$100 too much for the license? <i>Staff response:</i> Staff is proposing a six-month grace period, which would allow all existing urban agriculture land uses to be "grandfathered" into the City. This will also give staff the opportunity to evaluate how much time it takes to process an urban agriculture license, e.g., if the time it takes is 4 hours, then the cost will be approximately \$100 (or \$25/hour), but if the time is less, then so will the cost.
Increase the minimum chicken limit to 8 and increase the number threshold based on size of lot <i>Staff response:</i> Based on the feedback from the open house, staff is now proposing that lots less than ½ acre be allowed up to 8 chickens. For lots between ½ and 1 acre, up to 12 chickens would be allowed. Over 1 acre, an additional 6 chickens would be allowed per ½ acre, but residents wishing for more than 12 chickens will also be required to contact their abutting property owners prior to receiving a license, to ensure that neighbor concerns are addressed.
What takes precedence if there is a conflict with HOA rules? <i>Staff response:</i> When Council adopted the Chicken ordinance in 2008 (Ordinance No. 72, 2008), Council did not vote to override Homeowners Associations if the HOAs chose to exclude chickens from the lands

¹ *Staff Note:* This comments were captured both verbally, during the presentation, and from the feedback cards from the open house. If we've incorrectly captured any of your feedback or missed any feedback, please contact Lindsay Ex at lex@fcgov.com or 970.224.6143 to fix these errors or emissions.

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governed by that HOA.

In this vein, staff is currently proposing that any ordinances adopted would not override existing HOA rules. This means that HOAs can enforce their covenants regarding urban agriculture and choose not to allow front yard gardens, chickens or other animals, etc. However, it should be noted that the City adopted a Resource Conservation Ordinance in 2003 that does not allow HOAs to restrict conservation efforts such as clotheslines (located in back yards), odor-controlled compost bins, xeriscape landscaping, solar/photo-voltaic collectors (mounted flush upon the roof), or require that a portion of a lot be planted in turf grass.

Urban agriculture should be specified in zoning

Staff response: These proposed changes would allow urban agriculture in all zone districts, subject to the licensing requirements.

Please examine water resources and their needs for larger food system issues

Staff response: This is a larger issue than can be addressed by these code changes, but staff also understands that there is a larger effort underway to address these concerns.

Water resources efforts/prioritization should be used to support food production rather than lawn watering

Staff response: See response above.

What requires a building permit? Do farming structures or greenhouses require a building permit? Examine the wind load, snow loading, etc. for greenhouses

Staff response: A building permit is required when a building exceeds 120 square feet or 8 feet in height. Yes, farming structures and greenhouses require a building permit. Staff has initiated discussions with the Building Department regarding these concerns and will continue to research if these requested changes are feasible. Please contact the Building Department at 970.221.6760 with specific questions.

Please examine mosquito spraying: concerns over the health of produce and who is contracted to spray and their requirements

Staff response: This is a larger issue than can be addressed by these code changes. Staff would suggest contacting Parks staff with these questions (phone number is 970.221.6660).

What are the different standards between a community garden and market garden versus a farm? What distinguishes one from another?

Staff response: All community gardens, market gardens and farms acting as a principal use on the land will be regulated under the urban agriculture licenses. The key issue is whether or not the garden or farm is the main use on the property; if it is, a license will be required under the current proposal. For example, one church member asked if their community garden required an urban agriculture license. Because the community garden is clearly subordinate to the church, an urban agriculture license is not required. Staff is also working on a graphic to depict these differences for increased clarity.

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Topic Area: Gardens and Farms
<p>Water allocation and priority over other city needs - sod farming, construction - is a huge concern now. Without consideration there will be no local food to offer to the community.</p> <p><i>Staff response:</i> See similar responses above.</p>
<p>Water concern: In cases of drought and City curtailment of lawn watering, could market gardens/farms apply for an exemption?</p> <p><i>Staff response:</i> Staff has contacted our Water Conservation Coordinators regarding this question, and the restrictions on no watering between 10 am and 6 pm only apply to turf. Thus, urban gardens and farms will not be restricted in the same way residents are. Please note that we are putting into our standards for urban agriculture licenses that farmers should minimize their water usage during 10 am and 6 pm, from a conservation perspective, but we also understand sometimes this is the best time to water your crops, e.g., in establishing new plants or reviving ones that are not thriving.</p>
<p>I would make this (the neighborhood meeting) optional, in other words, make the meeting contingent upon neighbors' requests for a meeting.</p> <p><i>Staff response:</i> A neighborhood meeting is proposed to be at the discretion of the Director and would be required if compatibility issues with surrounding neighbors were of concern. For example, one farmer indicated they are on a 4-acre lot and the surrounding lots are either vacant or also farmed; it is unlikely a neighborhood meeting will be required. However, if a new urban agriculture land use were proposed in the middle of existing neighborhood, a neighborhood meeting could be required.</p>
<p>Do not create licensing hassle, as it will discourage gardeners/farmers from both starting gardens and complying with City standards</p> <p><i>Staff response:</i> The licensing system is meant to be a middle ground between no regulations, which would not address the concerns raised in the public outreach process, and the full development review process, which would trigger infrastructure improvements. The standards proposed include best practices that many existing farms are already following and are not meant to be a hassle but instead a way to ensure compatibility with the land uses surrounding the urban agriculture land use.</p>
<p>To promote urban ag, do NOT spray over community with pesticides (mosquito spraying)</p> <p><i>Staff response:</i> See similar response above.</p>
<p>Allow structures for year round growing</p> <p><i>Staff response:</i> See similar response above.</p>
<p>Instead of a license why not land stewardship classes?</p> <p><i>Staff response:</i> See similar response above.</p>
<p>Associated cost is a barrier to low-income families/neighborhoods</p> <p><i>Staff response:</i> Staff will work with the Economic Health Department to see if these barriers can be overcome; this is most likely to be addressed after the proposed regulations go to City Council for first and second reading.</p>

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<p>This is fine. Most market farmers already do this and we need to be part of a city (license). The hoophouse limitations are extremely prohibitive. Why not require a notice of warning with any type structure, like we have with horses?</p> <p><i>Staff response:</i> Thank you for your feedback. Please see the response above related to hoop houses and green houses.</p>
<p>Attempting to provide local sustainable food for the community will potentially be negatively affected by restrictions and limitations. A licensing fee, plus permits, supplies, labor, time, water, etc. only makes this less of a possibility for many families and individuals who see "farming" as their only option to providing food for themselves and others in their community.</p> <p><i>Staff response:</i> See similar responses above.</p>
<p>Grandfather in all existing farms as an urban agriculture space</p> <p><i>Staff response:</i> Staff is proposing a six-month grace period, which would allow all existing urban agriculture land uses to be "grandfathered" into the City.</p>
<p>Promotes support & buy-in from neighbors</p> <p><i>Staff response:</i> Thank you for your feedback.</p>
<p>Urban Gardens in existence before 2007? Should be grandfathered (exempt from licensing)</p> <p><i>Staff response:</i> Staff is proposing a six-month grace period, which would allow all existing urban agriculture land uses to be "grandfathered" into the City.</p>
<p>Mandate/encourage bicycle parking with urban agriculture - take holistic environmental approach</p> <p><i>Staff response:</i> Thank you for this feedback. Staff can work on adding this concern to the proposed code changes.</p>
<p>No licensing or review for growing food</p> <p><i>Staff response:</i> See similar response above.</p>
<p>Greatly approve of reducing the licensing process and expenses of new urban ag projects, if this is the intent of licensing versus development review. Existing projects would benefit from grandfathering or grace period spoken of</p> <p><i>Staff response:</i> Staff is proposing a six-month grace period, which would allow all existing urban agriculture land uses to be "grandfathered" into the City.</p>
<p>On a smaller scale farm/garden especially in a urban area, food safety should be a concern. Outside chemicals impact food safety. What is the current safety regulations around this already?</p> <p><i>Staff response:</i> Staff would encourage residents to contact the Larimer County Health Department regarding food safety concerns, as their department manages food safety at the local level. They can be reached at 970.498.6775.</p>
<p>Encourage gardeners to bike & walk by not providing parking</p> <p><i>Staff response:</i> Thank you for this feedback. Staff can work on adding this concern to the proposed code changes</p>

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I am for making neighbors reasonably comfortable and urban ag for everyone. I am against increasing fees and legislative burden on producers. Neighborhood meetings seem like a positive way to create dialogue and improve neighborly buy-in.

Staff response: Thank you for this feedback.

The needs of low-income families and the working poor need to be better represented. I realize the City needs to recoup costs, but we also have a moral obligation to the poor. Can't we find the funds in licensing from someplace else?

Staff response: Staff will work with the Economic Health Department to see if these barriers can be overcome; this is most likely to be addressed after the proposed regulations go to City Council for first and second reading.

What is your point? --Playing? --Really developing sustainable food strategies? --Allowing people to support themselves?

Staff response: The intent of the code changes is to ensure that the Land Use Code is in alignment with City Plan (that has policy and principle statements regarding the support of local food production) both when and where appropriate.

Only certain or no chemicals should be allowed

Staff response: Staff is proposing that if a garden or farm uses synthetic pesticides or chemicals, that the type of chemical and frequency of application shall be placed on the garden sign, so that residents may be aware of any spraying that may occur.

Why is "urban farm" not a category here? Not all persons growing for sale in the City are taking food to market. CSAs are not markets.

Staff response: Thank you for your feedback. Staff has amended the categories to include community gardens, market gardens, CSAs, etc. under the one category of urban agriculture.

CSA doesn't turn a profit, keeps day job -- where does that fall in?

Staff response: If the CSA is a principal use on the land, then a license would be required. Whether or not the owner has a day job is not considered.

If other HOA overrides (clothes line, xeriscaping, etc.) are largely centered around the freedom to practice sustainability, this should not be subject to HOA rules. As stated in the comprehensive plan, it is the City's responsibility to actively encourage sustainable practices

Staff response: See similar responses above.

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Open House Feedback¹
Topic Area: Animals
<p>There are many properties within the city limits that are greater than 1/4 acre that should have the ability to be more like a farm than just a backyard garden. What if a family wants to feed themselves with eggs but would also like to raise broilers and have more than enough space? Also, more animals should be able to be on the land like pigs, sheep, alpacas, etc.</p> <p><i>Staff response:</i> Based on the feedback from the open house, staff is now proposing that lots less than ½ acre be allowed up to 8 chickens. For lots between ½ and 1 acre, up to 12 chickens would be allowed. Over 1 acre, an additional 6 chickens would be allowed per ½ acre, but residents wishing for more than 12 chickens will also be required to contact their abutting property owners prior to receiving a license, to ensure that neighbor concerns are addressed. Staff is still researching whether additional animals being allowed in the City.</p>
<p>A pig is an extremely helpful animal for urban agriculture for "cleaning up" food waste and making it productive. Please consider including hogs.</p> <p><i>Staff response:</i> Please see response above.</p>
<p>Land/acres or more should be addressed. We have 3 acres and can support much more than 12 chickens and 2 goats. We would like option to have other animals i.e. cow, sheep, pig, alpaca, llama, donkey. Why only chickens and goats?</p> <p><i>Staff response:</i> Please see response above.</p>
<p>If this becomes subject to HOA rules, there will be few animals in residential HOA controlled areas. City rules must overrule HOA</p> <p><i>Staff response:</i> Please see similar responses above.</p>
<p>I am pro regulating humane conditions for urban animals because they have no ability to speak for themselves. I like the idea of urban animal licensing to again protect animals. I would like to see more animals allowed for greater spaces. Also for dairy animals some checklist of basic safety guidelines initialed and signed. Also eventually some nuisances (animal noises) will lead to a greater acoustic environment</p> <p><i>Staff response:</i> Thank you for this feedback, and please see similar response above.</p>
<p>Excellent idea to register or license animals -- to decrease epidemics (ex: avian flu) important to know where birds are located</p> <p><i>Staff response:</i> Thank you for this feedback.</p>
<p>Let's scale farm animals per sq ft/acre all the way up past 1/2 acre as there are many pieces of "farmland" in the city that have not been grandfathered in as a farm. Let's include pigs, sheep cows. Two miniature goats on an acre of weeds/pasture are not enough. This is an incredible time to really make a great change. Let's take an adult step, not a baby step.</p> <p><i>Staff response:</i> Thank you for this feedback, and please see similar response above.</p>

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<p>There needs to be required workshops on poultry/goat care & nutrition</p> <p><i>Staff response:</i> Thank you for this feedback. The Larimer County Humane Society has literature/educational materials regarding raising chickens; similar materials will be developed for the other animals. In addition, staff has contacted the Sustainable Living Association to discuss the potential for these workshops. Staff will continue to work with the community to ensure these resources are provided.</p>
<p>Rather than talk about lot size (which has a house/garage/driveway on it too...) could recommend coop and yard space be included in the concept?</p> <p><i>Staff response:</i> Coop size and yard space are also included. Basing the scaling on lot size is designed to ensure compatibility with surrounding neighbors.</p>
<p>Will the license fee need annual renewal?</p> <p><i>Staff response:</i> An annual renewal is not proposed.</p>
<p>Take into consideration if they have other animals already - horses for example</p> <p><i>Staff response:</i> Thank you for this feedback, right now, the Municipal Code does not analyze animals from a more holistic perspective such as this, as no problems have arisen that staff is aware of. If problems or concerns arise, then additional standards can be proposed.</p>
<p>Chickens only require 4 square feet per bird. I would think more than 6 hens per 1/4 acre would be reasonable</p> <p><i>Staff response:</i> Thank you for this feedback, see similar responses above for how the proposed code changes have changed since the open house.</p>
<p>I have 14 extremely happy laying hens on 1/4 acre</p> <p><i>Staff response:</i> Please contact the Larimer County Humane Society to get back into compliance with the City's regulations.</p>
<p>Requiring licensing fees for goats will make them less accessible to low-income families, thereby working against the intended benefits of urban agriculture.</p> <p><i>Staff response:</i> The licensing fees go directly to the Larimer County Humane Society, which handles the enforcement of these regulations. As noted above, staff will continue to work with other City Departments and organization to see how local food production for low-income families can be made more accessible.</p>
<p>You need to allow more of land that is for farming and is not within a residential area; 6 in residential area is okay.</p> <p><i>Staff response:</i> Thank you for this feedback, allowing more land for farming in the City is outside of the scope of these code changes, but is being addressed in other efforts.</p>
<p>Should be a limit of 8 (not six) poultry on up to 1/4 acre. Six is not enough. Denver allows 8. More than 1/2 acre limit should be much higher.</p> <p><i>Staff response:</i> Thank you for this feedback, and please see similar response above that addresses this feedback.</p>

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What about more than 1/2 acre? You should consider the USDA requirement for animals that equate 1 cattle with so many pigs, etc. 12 Chickens do not equate to 1 horse (also allowed on 1/2 acres in some areas)

Staff response: Thank you for this feedback, and please see similar response above that addresses this feedback.

A milking cow can thrive very well on an acre of land

Staff response: Thank you for this feedback, and please see similar response above that addresses this feedback.