

Project: Urban Agriculture Phase 2 – Hoop Houses and Farm Animals
Focus Group on Farm Animals

September 24, 2013

2:00 – 4:00 p.m. at Conference Room A, 281 N College Avenue

Draft Meeting Notes

Attendees:

Ragan Adams
Courtney Bennett
Andrea Musselman
Lindsay Ex
Lloya Lehnert
Sam Houghteling
Polly Lauridsen
Beth Sowder

Notes:

Background. Lindsay Ex highlighted that in 2012 and 2013, staff worked with the community to allow the practice of urban agriculture as a principal use throughout the City, allowed farmers markets in mixed-use zone districts, and allowed additional types and increased numbers of farm animals to be raised (Phase One Changes). Each of these amendments was designed to further the City's goal of supporting local food production (City Plan Principle Safety and Wellness 3).

During public and City Council deliberation on the Phase One Changes, staff was asked to address two other issues related to urban agriculture:

1. Develop standards for the raising of farm animals in the zone districts where they are currently allowed (Urban Estate, Rural Lands , Residential Foothills, and River Conservation Districts); and
2. Begin to remove barriers to year-round food production by allowing hoop houses.

The focus of this discussion was to address issue #1 – developing standards for the raising of farm animals in the zone districts where they are currently allowed.

Introductions and Goals. Each attendee introduced themselves and identified their goal for the meeting, which included the following:

- Protect animal welfare through fencing/coops/shelter
- Protect neighbors quality of life
- Understand regulations from an enforcement/neighbors perspective
- Be good neighbors and have regulations that foster good neighbor relations

- Protect water quality through the development of standards
- For the City to develop regulations that apply to all instead of individual Homeowners Associations having separate regulations
- Still allow farming, especially on larger acreages but consider neighbors on small acreages
- Have standards that foster this area as a transition area for farming/urban agriculture
- Nuisance control: noise, odors, flies
- Setbacks from neighboring properties and structures
- Regulate the number of animals per area (to maximize animal welfare and minimize impacts to neighbors)
- To determine where the most appropriate location for the regulations would be, e.g., in the Land Use Code (only apply to new developments) v. Municipal Code (apply to all landowners)
- To consider allowing existing uses prior to annexation v. those who bought into the Urban Estate, Rural Lands, Residential Foothills, and River Conservation Districts zone districts.

The group determined that the goal for developing standards related to the raising of farm animals should be as follows:

“To continue allowing farm animals to be raised within these zone districts, while still maintaining the quality of life in the neighborhoods and protecting the welfare of the farm animals.”

Best Practices from Neighboring and Leading Communities. Sam Houghteling, Planning Services Intern, presented his research on how other communities regulate farm animals (see Attachment 1). The group then discussed the various elements of the standards we thought were appropriate for our City, which include the following elements:

- Setbacks – one of the most frequently cited issue in the focus group discussion was the need for setbacks. Other communities have established setbacks that range from 15 feet and up to more than 100 feet for raising roosters. The most common setbacks were 15-30 feet from a lot line and 50 feet from a residence or the closest structure.
- Number of animals per lot – From an animal welfare and a nuisance perspective, staff will develop standards for the amount of open space required per animal, e.g., 4 goats per 9,000 square feet of open space as regulated by Wheat Ridge.
- Water Quality – The focus group discussed the need for buffering animals from water sources, such as ditches and streams, to protect the water quality of these areas.

- General nuisance issues – The City already regulates nuisances, such as waste management and odor issues in the City Code. However, staff will review existing standards and ensure they are adequate for this issue.
- Roosters – The focus group discussed the benefits (improved nutritional value of the eggs and opportunity to raise roosters for 4-H) and drawbacks of raising roosters (noise) within the City and determined the drawbacks outweighed the benefits. Staff is planning to prohibit roosters within City limits.
- Other Animals – The group also listed other animals, such as turkeys and peacocks that should be discussed regarding whether or not to allow them to be raised. The group also discussed whether spacing requirements should be different for full size versus miniature horses and cattle.

During the discussion, staff also discussed the need to allow farm animals within the Public Open Lands district to be consistent with City Code policies that allows Natural Areas to graze farm animals on their lands.

The group also discussed the need to have the proposed regulations apply to all lots and not just to new developments (this would require Municipal (also called City) Code changes). Staff is considering a delayed implementation of this Ordinance so folks who currently would not meet the regulations would have time to come into compliance.

Next Steps:

Staff is meeting with the City Attorney's Office (October 15) and the Planning and Zoning Board (October 4) to discuss the proposed elements for the standards based on the focus group discussion. Staff's goal is to hold a public open house in late-October or early November and have the proposed code changes heard before Council in December 2013.

URBAN AGRICULTURE ANIMAL REGULATIONS – Draft Summary 09.19.13

	Wheat Ridge	Steamboat	Denver	Boulder	Colorado Springs	Austin	Portland	Seattle	Fort Collins
Livestock & Animal Equivalencies	9,000 ft per horse. 1 horse = 4 goats, 2 llamas/ponies, etc. 6,000 sqft per additional animal.	½ acre per horse or equivalent.	No more than 1 horse for each ½ acre of zone lot area.	½ acre per animal, including horse, goat, sheep, cow, llama, burro, or other equine bovine.	Stables/corrals for up to (4) horses, ponies, goats, llamas, potbellied pigs must include 37,00 sqft.	Enclosure for livestock must be 100 ft from adjacent property, and 50 ft from residence.	Horses and larger animals require a permit, must be 50 ft from any residence.	Allowed on lots over 20,000 sqft. 10,000 sqft per animal and enclosures must be 50 ft from closest structure.	½ acre per horse. No standards for other animals.
Miniature Livestock & Goats	Minimum square feet based on horse equivalents. No permit.	No less than 2 goats, no more than 3. No bucks. 200 sq ft/goat. Only allowed in single family or duplexes.	2 per lot, & min of 130 sq ft/goat. Must be maintained in rear 50% of lot in or next to a residential zone. Can increase #'s with a zoning permit.	½ acre per animal (see above).	(See above...)	1-2 must be located at least 10 ft from adjacent home. 2-6 must be 50 ft. 6+ must be 100 ft. Males must be neutered.	3 or less chickens, ducks, doves, pigeons, pygmy goats, or rabbits per lot as a use by right.	3 small animals per lot; 20,000 sqft = 4 small animals; each addt 5,000 sqft = 1 animal. Goats must be mini, dehorned and neutered.	Allowed in all zone districts. 2 per lot, must be maintained in rear 50% in or adjacent to a residential zone. Annual license.
Chickens & Roosters	Does not set a maximum number, but does define structure requirements.	5 hens/lot as a use by right; can increase with a permit, in all zone districts except 3 No Roosters.	Up to 8 chickens/ducks combined per lot. 16 sq feet per chicken. Use by right.	Up to 50 fowl per acre in residential districts. Crowing is prohibited.	Enclosures for fowl must have 4 sqft per bird, and residents should not exceed more than 10 fowl.	An enclosure for 2 or more fowl must be 50 ft from a neighbor.	(See above)	Up to 8 fowl. In comm. gardens or urban farms over 10,000 sqft, 1 addt fowl per 1,000 sq ft. No Roosters.	Up to 6 hens per lot, 2 sq ft per hen. Requires permit.

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Other		½ acre per large farm animal. ½ acre/5 small animals.	Pigeons or doves – 25 maximum. Rabbits – 2 maximum.	No person shall own or keep any swine, hogs, or pigs.		Animals/ Fowl permitted in every district with proper enclosure.	Pot-bellied pigs/miniature pigs (up to 95 lbs) are allowed, up to 3 per lot.	No more than one potbelly pig, no taller than 22 in, and no greater than 150lbs.	
Setbacks/ Enclosures	No enclosures within 30 ft of a residence or the front lot line, except for lots over an acre or if the lot has no main structure. The fence must enclose a min of 800 sq ft for the 1 st animal and an additional 100 sq ft for each addtl animal. Enclosures shall be no closer than 15 ft to a side or rear lot line.	Coops shall meet min. structure setback requirement. Pens and corrals shall be located at least 30 ft from all property boundaries. Enclosures shall be located so that they are located at the rear area (backyard) of the property. Enclosures shall be a minimum of two hundred (200) square feet per small animal.	No enclosure may be closer than 15 ft to a structure on an abutting zone lot containing a dwelling or on the same lot not containing the keeper. On any residential zone lot, the animals shall be maintained in the rear 50% of the Zone Lot Depth.	An enclosure is overcrowded unless its area is at least the square of the following sum for each animal confined therein: the sum of the length of the animal in inches (tip of nose to base of tail) plus six inches.	All buildings and corrals must be constructed at least fifty five feet (55') from the building envelope of the adjoining lot.	An enclosure used to keep ten+ small animals must be located at least 50 ft from an adjacent residence. An enclosure for livestock must be at least 100 ft from adjoining property and at least 50 feet from a house. Mini Livestock: up to 2: 10 ft, up to 6: 50 ft, 6+ 100 ft. 2 or more fowl: 50 ft.	Enclosure at least 15 ft from any residence, not including owner's home. Any walkway, street, park, etc, that is less than 150 ft away shall be protected by a six foot hedgerow, partition, fence.	Structures housing domestic fowl must be located at least 10 feet away from any residential structure on an adjacent lot.	

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Compliance Procedures	After complaint, owner follows a manure mgmt program prescribed by animal control commission, which will investigate all citizen complaints.			The max penalty for a 1st or 2nd conviction within two years, based on date of violation of this section, is a fine of \$500.00.			No person shall operate a facility without a permit. The applicant provides insurance docs within 10 days of the issuance of the permit.		Outlined in the Municipal Code regarding citation procedures
Waste Disposal Protocol, Disease Prevention	Manure or liquid waste shall not be allowed to accumulate so as to cause a nuisance as regulated by Wheat Ridge Code of Laws, chapter 15	Coops & enclosures must be kept sanitary and be cleaned on a regular basis to avoid pests and odors.		An enclosure is unclean when it contains more than one day's elimination of each animal enclosed therein.	Fecal waste placed in closed flytight containers, every 3 to 7 days. Code Enforce. Officer may order more frequent removal.	Maintained in a sanitary condition that does not allow flies to breed or cause an odor offensive to an adjacent residence or business; and			Waste is regulated in nuisance sections of the Municipal Code, dogs, cats, and goats must be vaccinated for rabies
Neighborhood Notification		Multifamily, commercial, and mobile home zone districts: letter of approval from neighborhood association.					To exceed occupancy requires a permit: includes neighbor notification & pre-inspection approval.		When more than 1 acre and want more than 12 chickens, notify abutting property owners