

Project: Urban Agriculture Stakeholder Discussion

July 24, 2012

4:00-6:00 p.m. at 215 N Mason, Community Room
Meeting Notes

Attendees:

Rich Fisher	Ginny Sawyer
Jack Daniels	Beth Sowder
Mel Hilgenberg	Kristin Kirkpatrick
William Bevil	Deryn Davidson
Garry Steen	Lindsay Ex
Michael Abbott	
Hill Grimmett	
Mike Salza	
Chris Washa	
Kathy Cerkoney	
Bill Porter	

Notes:

Each attendee introduced themselves and their interest in the topic.

Lindsay Ex presented on a classification of the different urban agriculture practices and how City Plan and numerous efforts throughout the City support local food production.

Hill Grimmett with Be Local Northern Colorado presented to the group about the economic, social and environmental benefits of local food production.

Kristin Kirkpatrick with CanDo presented on the relationship between local food production and health. All of these presentations are available online.

A summary of the questions asked and responses provided is as follows:

Question: How many community gardens are there in Fort Collins?

Response: We know there are a lot of gardens, but we don't have the data on exactly how many gardens. There are numerous entities working on compiling these data.

Question: Is there a database of all of these efforts?

Response: Home Grown is trying to catalogue these efforts. We've heard from others about a need for a database.

Question: What changes a use from principal to accessory?

Response: The answer to this question isn't necessarily black and white. Here's an example: if I have a private garden at my house, then my house is clearly the principal use because if you took the house away, I wouldn't likely be gardening there. However, if I allowed a

community garden to develop on a portion of my three-acre lot, if the house were removed, then the community garden would likely still stay.

Question: Why does the question regarding principal versus accessory use need to be answered?
Response: It determines the review process required. For example, having a market garden or a community garden as a principal use on a lot right now would only be allowed in four of the twenty-five zone districts. If you wanted to go through what's called an "Addition of a Permitted Use" process to have a community garden in a zone where it wasn't permitted as a principal use, then that proposal would need to be reviewed by the Planning and Zoning Board. Staff is currently examining and soliciting feedback as to whether or not these types of uses should be allowed in more zones and not require Planning and Zoning Board review.

Question: What animals are allowed here?
Response: The City Code allows up to six chicken hens on a lot. The keeping of insects, such as bees, is regulated in the City Code and two hives are allowed per lot. The Land Use Code also allows farm animals to be raised in certain zone districts, such as the Urban Estate, Residential Foothills, Low Density Residential, River Conservation, and the Rural Lands zone districts.

Question: What are the rules for chicken coops, greenhouses, etc?
Response: Structures less than 120 square feet and under 8 feet tall do not require a building permit. If larger than that, codes require plans submitted that conform to the prescriptive standards outlined in the Building Code or for a Colorado-licensed structural engineer to stamp the plans and submit them for review.

Discussion: There was a general discussion on the health and safety aspects of food production. Staff highlighted and Hill Grimmitt explained the Cottage Food Act that allows for certain types of food production, e.g., jams and jellies, to not have the same licensing requirements from the Health Department as other types of food production. For more information, see this FAQ on the Food Cottage Act:
www.cdphe.state.co.us/cp/CottageFoodFactSheetGuidance_rev%20041312.pdf.

Question: Do we need the same building permit requirements for hoop houses as we do for greenhouses?
Response: Staff can talk with the Building Department about this issue. Other communities have changed their regulations for hoop houses, so this is something that can be explored.

Comment: The water issue is huge. We need to make sure we use water productively, e.g., on gardens. We need more education about using land for gardens and not necessarily for grass. Public lands could be used for this.

Comment: A small percentage of the overall water usage in our area actually goes for lawns.

Comment: However, we should encourage/require more responsible use of water.

- Question:** What about the use of greywater? Is water harvesting allowed?
- Response:** Staff is working to get a better understanding of this issue, as it has come up numerous times in our discussions. What we can say is that the use of greywater is regulated at numerous levels. As a starting point, please see this fact sheet from the Cooperative Extension Service at CSU: <http://www.ext.colostate.edu/pubs/natres/06702.html/>.
- Question:** What about how much it costs for folks to install water taps?
- Response:** It is our understanding that the cost to permit a water tap is approximately \$14,000 for a ¾" pipe. Some have suggested that the City should look into reducing these fees for agricultural producers, as it is a defined community need.
- Comment:** The cost should be cheaper for agricultural producers. I don't think we could start a community garden if we had to come up with \$14,000 for the water tap permit.
- Comment:** I don't think we should subsidize water tap fees for any specific user group; it would just raise the rates for everyone else in the City.
- Question:** What about giving a reduced metering rate for agricultural users? I would be happy to pay more to water my lawn than for someone to raise vegetables.
- Response:** This is something that can be discussed.
- Comment:** I'll just reiterate that I don't think we should be subsidizing water rates for anyone in our community. If fees are separated/different per user group, then we can't check to see if the fees are acceptable.
- Question:** What about the HOA rules associated with gardening? Can they limit where I garden on my property? Can they prohibit me from having chickens?
- Response:** Right now, City Codes do not prohibit you from gardening in your front yard. 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 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, 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.
- Comment:** I like that HOAs should have the option to determine their own covenants (numerous participants agreed).
- Comment:** I think the City could help to educate HOAs though and help to dispel some of the myths around these types of land uses especially when HOA members are considering gardens.

- Question:** Is gardening considered to be a conservation effort?
Response: We're not sure there are data available to answer that question.
- Question:** Are bees really a big issue?
Response: Bill Porter (Larimer County Humane Society) hasn't seen a problem with them. One of the attendees raises bees and suggested that the concerns can be overstated.
- Question:** What about chickens? Have they been a problem?
Response: Bill Porter responded that chickens really haven't been a problem in Fort Collins. Zero citations have been issued since 2008. The biggest issues are education surrounding the fact that you cannot have a rooster and the setbacks associated with coops.
- Question:** What about peacocks or turkeys?
Response: Right now, we haven't seen any communities that have suggested turkeys or peacocks. We didn't hear, during our discussion with the group of farmers in June, that this was a desired practice. Bill Porter commented that they are very noisy animals and numerous participants agreed. Peacocks or turkeys are not being proposed at this time to allow.
- Question:** Where can you find the zoning map for what's allowed where?
Response: <http://www.fcgov.com/zoning>.
- Question:** What about goats or pygmy goats? What are their potential problems?
Response: One participant commented that they can be smelly and noisy. Another participant suggested that goats should be allowed because we shouldn't tell people what they can do on their property; let's let neighbors work out these types of issues between themselves. HOAs will likely regulate this issue as well. Another participant made a note about property values as it relates to farm animals.
- Comment:** HOAs will regulate a lot of this. But, I do wonder if HOA covenants need to be updated to reflect these new land uses as well.
- Question:** Staff asked the group what they felt about market gardens and residential farm stands and being allowed in more places?
Response: In general, folks favored allowing these efforts in more zone districts and letting the market determine where they were feasible. Someone noted that the stands shouldn't be left up when not in use. Another noted that it would be great if everyone would walk and bike to the stands instead of driving. Another commented that the more stands the better as it allowed better access to local fresh food and healthier lifestyles could results.
- Question:** What about street vendors? Do we need to define these types of uses?
Response: The City just went through an extensive effort for mobile vendors and a lot of these uses would likely be classified as mobile vendors, e.g., the farm stands. We can work on providing better clarification surrounding these issues.

Comment: We need to make sure the regulations around business licenses and mobile vendors are clear and easy for folks to use.

Comment: Farmers markets should be allowed in all zones, however the market supports it.

Question: What about using public lands for gardens?

Response: The group discussed the use of park land, Natural Areas land, land owned by the Land Bank, etc. as potential options. This discussion is likely outside the scope of the Land Use Code changes this effort is discussing, but staff knows this discussion is occurring with numerous departments.

Comment: Other communities have had fruit trees that are sponsored by certain community members and they have to pick them. If they aren't maintained, then they are cut down. The incentive programs the City has are great, including the xeriscaping and other rebates and the mulch provided. Having incentives around this topic would be great too.

For more information, please see our website at fcgov.com/urbanagriculture.