

STAFF REPORT

Addition of Permitted Uses



Project No.: FDP260002

Project Address: West of Porter Place & Exmoor Lane - Tract Y, Rigden Farms Sixth Filing
Parcel Number: 8729163025

Project Zoning: Low-Density Mixed-Use Neighborhood (LMN)

Project Applicant: Cristof Meyer
AloTerra Restoration Services, Inc.
PO Box 212
Fort Collins, CO 80522

Property Owner: Rigden Farm HOA
2902 Rigden Parkway
Fort Collins, CO 80525

City Staff: Jill Baty, City Planner

PROJECT SUMMARY

PROJECT SUBJECT TO REVIEW UNDER LAND USE CODE IN EFFECT FEBRUARY 25, 2026

This Addition of Permitted Uses (APU) and combined Major Amendment and Final Development Plan (FDP) proposes to have livestock graze part of a tract owned by the Rigden Farm Homeowners Association (HOA). The applicant proposes to use up to 15 pigs to eat the extensive seedbank of the troublesome weed, *Kochia scoparia* (kochia) in 0.8 acres of this 3.96-acre park space during the growing seasons for a 2 to 5 year period.

The park space is located at the intersection of Porter Place and Exmoor Lane. The property is approximately 0.13 miles west of Zeigler Road and approximately 0.25 miles north of William Neal Parkway. The site is located in the Low-Density Mixed-Use Neighborhood (LMN) zone district.

The proposed land use, Farm Animals, is not a permitted use in the LMN district, so this proposal is subject to an Addition of Permitted Uses and Major Amendment with a Type 2 (Planning and Zoning Commission) hearing for a recommendation to City Council for a decision.

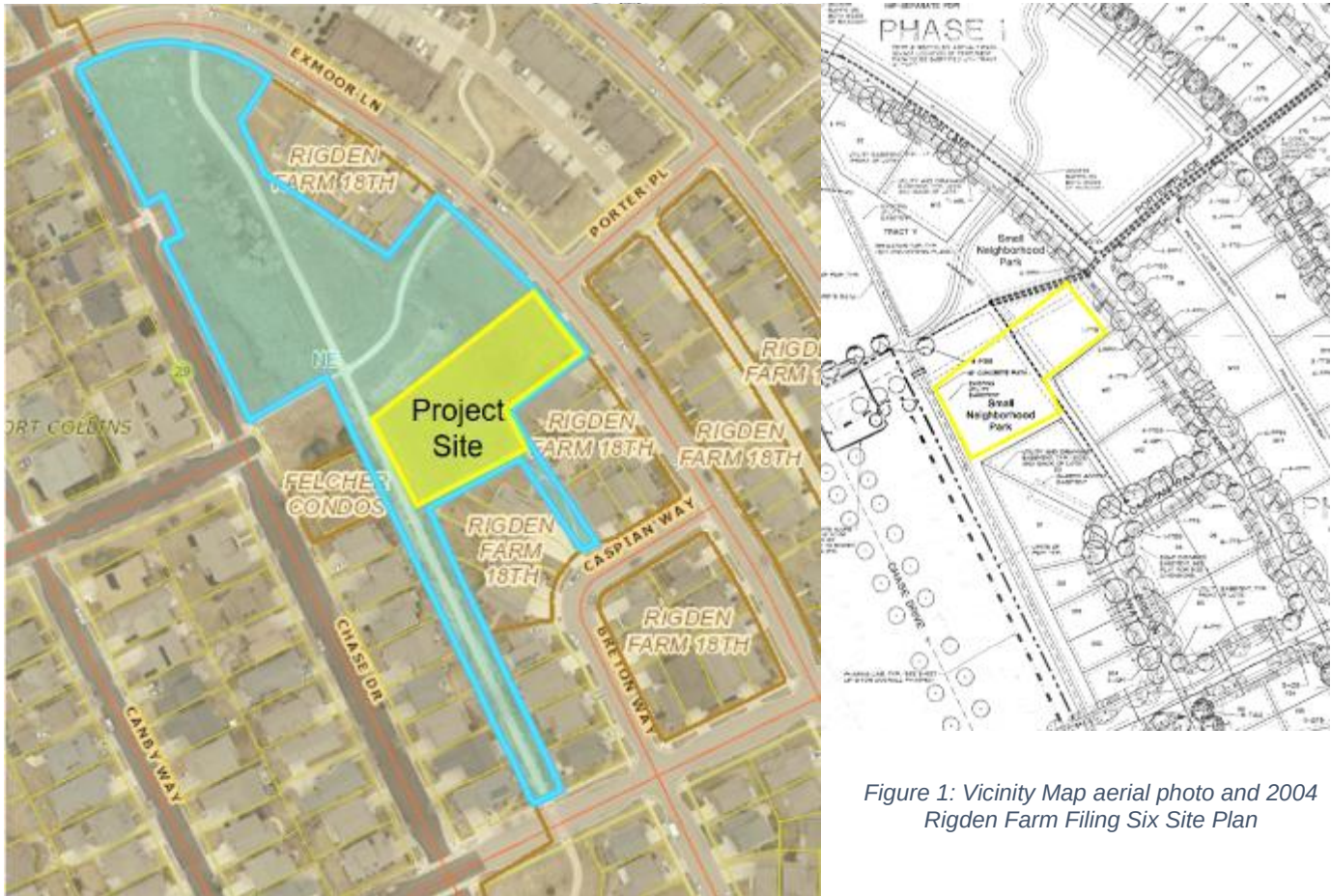


Figure 1: Vicinity Map aerial photo and 2004 Rigden Farm Filing Six Site Plan

STAFF RECOMMENDATION

Staff recommends Approval of Final Development Plan (FDP260002) with the Modification.

Staff recommends that the Commission adopt a Recommendation for Approval to City Council for the Addition of Permitted Uses for Farm Animals at Rigden Farm in accordance with the Final Development Plan.

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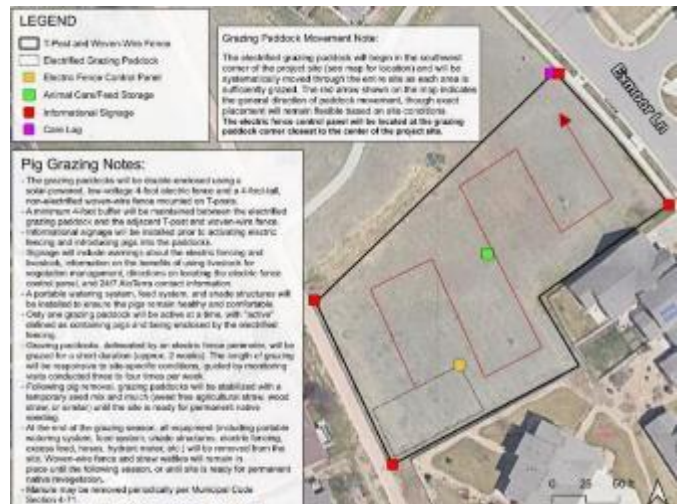
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1. PROJECT DESCRIPTION

With no permanent change to the subject property proposed, this project is different from most that the Land Use Code (LUC) contemplates. The proposed temporary seasonal use of pigs, classified by the LUC as Farm Animals, for the purposes of eating a weed seedbank on an existing platted tract of HOA property introduces the need to amend the current Final Development Plan by considering the application of an Addition of Permitted Use of Farm Animals into the LMN zone district, and that would be regulated by the accompanying Site & Management Plan which was submitted by the applicant, AloTerra Restorations Services, Inc. This plan constitutes the main body of the project.

The applicant proposes to use no more than 15 English Large Black Hogs on-site to graze kochia seeds and plants during the growing season, approximately May 1 through November 1. The area housing the pigs will be enclosed with woven wire and T-post fencing that includes signage giving information about the project, the fencing and contact information for AloTerra's Director of Operations.

Within that larger enclosure, the pigs would be kept in a mobile paddock enclosed with a mesh of electric fencing. The smaller paddock would then be moved every few weeks once the ground is fully denuded of seed and vegetation. Once cleared, AloTerra would cover the treated area with straw and cover crop seeds. At the end of each growing season, the entire area would be drag-harrowed to incorporate straw, dead vegetation, and manure into the top layers of soil, working to create a layer of organic matter that protects the soil and creates favorable conditions for future seeding.



The property will be prepared to receive native seed once the cover of non-native weeds is 12.5% (1/8th) or less. The applicant expects that this could happen after 1 or 2 full growing seasons of using the pigs but is asking for permission to use the pigs for up to 5 growing seasons to account for any unforeseen circumstances that may arise. Once this target of ≤12.5% non-native weeds is achieved, the applicant will seed the property with native shortgrass prairie plants and proceed with the restoration project.

Site & Management Plan

This plan, attached, outlines the details on when and how many pigs would be permitted on the property, under what conditions they would be moved, how the applicant would determine that the pigs had been effective and would no longer be used, and what would follow the pigs in terms of species to be planted. The plan also addresses the odor, noise, welfare, pollution and safety aspects that have been highlighted in public comments. The applicant worked with City staff to understand the ways in which our codes and regulations address these concerns for other animals and in other settings and ensure that the management plan offers similar protections and levels of assurances for neighbors and our waterways.

Nuisance

To prevent offensive odors, the applicant proposes to cover a grazed paddock with straw and seed as soon as the pigs are moved to the next paddock. The straw helps reduce air flow around the manure and retain moisture in the soil to support the cover crops germinating. The straw and cover crops help the manure decompose more quickly and stabilize the surface of the soil.

The pigs will be setback a minimum of 15 feet from all property lines unless they have written consent from all 6 landowners directly adjacent to the area, mimicking regulations on dwarf and pygmy goats and backyard chickens in the Municipal Code (FCMC). No more than 15 pigs will be permitted on the property. The Site and Management Plan also explicitly states that animal waste will be periodically removed. Here, removal may include burying the waste on the property in an area that is distant from adjacent homes. This saves trip generation and allows for some of the soil-building benefits of the pigs to remain on-site.

To prevent offensive noise, pigs will be moved frequently to prevent boredom. Only one boar will be present with the herd to prevent noise associated with competing males.

Animal Welfare

The plan indicates that the pigs will be provided shelter, food, water and other care in alignment with recommendations from the NOCO Humane Society and the Larimer County Public Health Department. The pigs will be tended to by AloTerra staff every two days and contact information will be mounted on the exterior fences.

Pollution

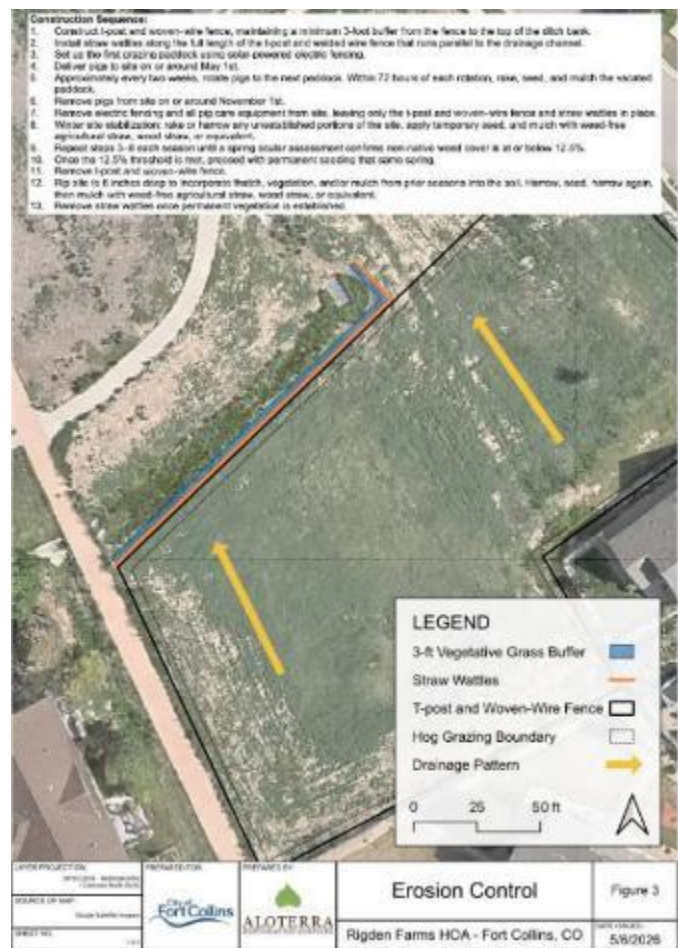
To meet the requirements of the City of Fort Collins' Municipal Separate Storm Sewer (MS4) permit, the applicant worked closely with City staff to design stormwater management that takes advantage of the improved soil permeability the pigs create, while also preventing nitrogen and *E. coli* from entering the nearby stormwater facility that drains to the Poudre River. Straw wattles will be secured to the perimeter of the woven wire fenced area to this end. A vegetated buffer will be maintained between the treatment area and the on-site stormwater facility.

Public Safety

A common concern expressed by neighbors has been the safety of having multiple 400-600-pound pigs living in the neighborhood. The applicant proposes to use only English Large Black Hogs, a breed of pig that is particularly docile due to both their temperament and the fact that their vision is physically impaired by drooping ears that partially cover their eyes. The pigs are trained to be accustomed to interacting with people, including children, and respond to their own names. The applicant will surround the entire treatment area with the woven wire fencing and the pigs' smaller grazing paddock will be surrounded by an electric fence, making escape into the neighborhood unlikely. Informational signage will be hung on the wire fencing at multiple points and will include contact information for the pigs' management team.

Request for Modification of Standard

Electric fencing is not permitted in the Low-Density Mixed-Use Neighborhood zone district. The Land Use Code recognizes that some projects may advance the goals of City Plan but, due to unique or unforeseen circumstances, cannot meet every specific standard as written. To address this, the code includes a "Modification of Standards" process and criteria that allows a decisionmaker to consider plans



that do not fully comply with every applicable standard. The applicant has submitted a request for a Modification of Standard to permit electric fencing associated with these pigs.

2. KEY CONSIDERATIONS

Following a Conceptual Design Review meeting in November of 2025, this project was submitted for an Addition of Permitted Uses (APU) and Final Development Plan review on February 25, 2026. It has proceeded through two neighborhood meetings and two iterative rounds of staff review incorporating feedback from multiple City departments and stakeholders. The primary focus areas of review are described in greater detail below.

- Land Use. Farm Animals are the only category of animal regulated by the Land Use Code. They are permitted in three semi-rural zone districts (Urban Estates, Rural Lands, Foothills Residential). In this instance, pigs are proposed to be used on a temporary basis in a district where Farm Animals are not permitted. Up to 15 pigs would be used for weed management (eating a persistent seed bank) during the growing season for 2 to 5 years. The applicants have attempted to use the pigs to graze the seed bank in 2024 and 2025 and have strong evidence that the method is working. Both seasons the project was reported to the City by neighbors who were unhappy with the pigs and both seasons the City had to shut down the project because Farm Animals are not a permitted use in the LMN district.
- Neighborhood Impacts. Staff have heard from the public regarding the pigs since 2024, and most recently at the two neighborhood meetings associated with this application. Generally, public opinion seems to be supportive of the innovative method for removing the seedbank, but some neighbors have general aesthetic concerns. Some immediate neighbors report no issues with the pigs, some report noise and odor concerns, and most immediate neighbors have not contacted City staff. Some public comment questioned the safety of having large animals in a neighborhood.

The current APU application includes a robust Site and Management Plan. The applicants have worked closely with City staff to ensure mitigation measures for noise and odor complaints, including triggers for next-level mitigations. Proposed mitigation measures largely mimic other animal regulations found in the municipal code.

The applicants have submitted a request for a Modification of Standard in connection with the electric fence, as electric fences are generally banned in the city with the exception of use with livestock management in the three districts in which Farm Animals are permitted. Electric fencing is one of the safety measures proposed by the management plan.

- Water Quality. The applicant has also worked closely with staff on a robust stormwater plan that will ensure runoff from the site and meets the City's requirements for discharging into the Poudre River.
- Alternative Weed Mitigation. If the pigs are not permitted, alternative treatment for the weeds and seedbank on the site is still required, per a 2019 Minor Amendment approving native habitat restoration on HOA properties. Alternative treatments would include either 1) years of germinating the seedbank and spraying the weeds with herbicide, or more likely/effective, 2) removing all the topsoil from the site, importing new topsoil and managing the subsequent 5-year restoration plan. The applicants feel the environmental impacts, including carbon costs, of these alternative treatments would be far larger than using the pigs to graze the seedbank.

Staff believes the plan to add pigs to this property, given the updated and detailed management plan, are aligned with the APU criteria. Considerations and findings are explained under Project Analysis section later in this document.

3. PUBLIC FEEDBACK

This Addition of Permitted Use request has the unique position of having operated on this parcel in the past, prior to having official approvals from the City. In the summers of 2024 and 2025, the residents of the Rigden Farm neighborhood were exposed to pigs living on this parcel. Through public comment over this time, and especially since the first Neighborhood Meeting associated with the APU in December of 2025, City staff have heard significant public feedback from the neighborhood.

The first Neighborhood Meeting was held prior to the applicant submitting the application. It was held in a hybrid format and was attended by approximately 40 neighbors in person and an additional 30 online. The first Neighborhood Meeting was recorded and made publicly available; the YouTube video reports 16 views. The second Neighborhood Meeting was held following the first round of comments being delivered to the applicants. It was attended by around 11 neighbors in person and an additional 9 online. The YouTube video of the second neighborhood meeting reports 9 views. For both Neighborhood Meetings, letters were mailed to all properties within 800 feet of any HOA-owned property, resulting in an exceptionally large mailing area with 1,615 letters being sent.

This proposal has generated a good deal of public interest as it is quite unusual, and as the applicant team includes the neighborhood HOA. Feedback has been generally, though not entirely positive, and has included a large number of questions.

Questions from the community have included:

- Why pigs? Why not goats?
- How will this work? Will this be effective at removing the weeds?
- Why not just remove the contaminated soil with more conventional methods?
- How long will the pigs be here? What is the timeline? Will the program expand?
- How similar is this to a typical hog operation?
- Is this humane?
- Are the pigs dangerous? Who is legally responsible for the pigs?
- Will this affect property values?
- How much do the pigs smell and to whom and when?

Concerns from the community have included:

- Noise of the pigs near homes
- Smell of the pigs near homes
- Effectiveness of using the pigs near homes
- Waste and runoff; potential for flies
- That the neighborhood will be turned into a “test experiment”
- That this is the only viable alternative to years of spraying herbicides

Appreciation or excitement from the community has included:

- Proposing an innovative, eco-friendly method of weed control
- The HOA taking a long-term view of the problem and solution
- Water conservation
- Neighbors and children enjoying visiting the pigs
- General support for the proposal

There has also been quite a bit of public conversation around matters that fall under the HOA's jurisdiction and do not directly relate to the City's regulating Farm Animals in the LMN district:

- Costs and transparency
- History of water use by the HOA
- History of weed management by the HOA
- The aesthetics of native grasses vs traditional lawns

A summary of the neighborhood meetings is provided in Exhibit F. More site photos are provided in Exhibit H.

Figure 2: HOA park site shown in April 2026. Former pig-grazing paddock outlined in gray.

Light green plants outside the paddock area are kochia. No kochia plants are visible inside the paddock area.

Staff were able to identify this former paddock area at a site visit without prior knowledge of where the pigs had been located because the difference in the percent cover of kochia was so striking.



Figure 3: A close-up view of the 2025 paddock fenceline. Abundant kochia is seen outside the historic fenceline. Inside the historic paddock, kochia is present, but in strikingly lower abundance. Staff were able to identify the location of the former fenceline without prior knowledge of where the pigs had been located.

4. SITE BACKGROUND

This site was dedicated as a “Small Neighborhood Park” as part of Tract Y with the Rigden Farm Sixth Filing in 2004. Landscape plans indicate the space was to be planted with a fescue blend and irrigated with an automatic sprinkler system. Commercial sprinklers were installed at the site in 2007 and were updated in 2014. The City has records of weeds and noxious weeds on the parcel for almost every year since 2005.



Figure 4: Areas in green contain HOA-owned open spaces that are to be converted to native prairie per a 2019 Minor Amendment.

The HOA and applicant brought a number of pigs to the site in the summers of 2024 and 2025. Both times, concerned neighbors brought the grazing to the attention of the City and the operation was shut down due to Farm Animals not being permitted in the Low-Density Mixed-Use Neighborhood (LMN) zone district.

Figure 5: Satellite imagery of two grazing paddocks in the summer of 2025. The effects of this grazing on the seedbank were visible in the spring of 2026.

For over ten years, the site has been dominated by the problematic weed, *Kochia scoparia*, or “kochia.” This tumbleweed-like plant is a particularly resilient weed and has developed some amount of resistance to herbicides due to its prevalence in agricultural fields. An individual plant can produce tens of thousands of seeds, and over the years, this site has developed a deep seedbank that covers the soil surface to a depth of several inches.

The Rigden Farm HOA has hoped to reintroduce native grassland habitat to this and other HOA parcels. In 2019 the HOA properties were approved through a Minor Amendment (MA190066) to convert turfgrass spaces to native prairie grasses and wildflowers. This tract was one of the spaces that was intended to be sprayed with multiple rounds of Plateau herbicide and planted with blue grama, buffalograss, little bluestem and five types of prairie wildflowers. Following the approval of the Minor Amendment, the HOA struggled to achieve success due to persistent weed problems. They hired the applicant, who specializes in native grassland restoration, to this end.



5. COMPREHENSIVE PLAN & POLICY ALIGNMENT

This Addition of Permitted Uses proposes an innovative land management technique to remove the troublesome weed, *Kochia scoparia*, from an HOA-owned park space so that native shortgrass prairie can be reintroduced. The most time, cost and energy-efficient way to remove the weed population (seedbank and live plants) may be through the use of pigs. Several City policies align with the end goal of restored prairie and a smaller number are more directly tied to the means of achieving this restoration through Farm Animals.

Policies that support reintroducing natural systems and habitats, as well as the means of removing weeds using Farm Animals include several in *City Plan*, *Nature in the City*, *Our Climate Future*, and the Land Use Code purpose statement:

City Plan, the City of Fort Collins' comprehensive plan, provides principles, goals, and policies to be used as a tool to guide future management of the city as a system. Key principles, policies and strategies supporting innovative land management and soil restoration include:

Strategy ENV-1i. Manage natural areas and suitable open lands for biological diversity. Restore degraded lands and manage habitat to support native vegetation and wildlife.

Policy ENV 1.3. Nature in the City. Conserve, protect and enhance natural resources and high-value biological resources throughout the GMA by: a) Identifying opportunities to integrate or reintroduce natural systems as part of the built environment to improve habitat in urbanized areas and expand residents' access to nature, and b) Support the use of a broad range of native landscaping that enhances plant and animal diversity.

Strategy SC-4c. Integrate access to nature considerations into the development review process for both greenfield and infill/redevelopment.

Policy SC4.6. Promote sustainable soil- and pest-management practices such as Integrated Pest Management, Natural Resources Conservation Service (NRCS) soil-health principles and organic farming practices.

Nature in the City presents a vision of a connected network of natural areas in Fort Collins where people, plants, and wildlife can all flourish. One of the goals of the plan is to steward landscapes that benefit people and wildlife. *Nature in the City* recognizes problematic policies around spraying herbicides for weed control on City-owned properties, but does not go so far as to comment on how private property should be managed. Staff finds that managing an HOA-owned park space in a way that avoids herbicides is aligned with this strategy:

CP1: Align City mowing and weed control policies to support local species while balancing public safety and aesthetics [resulting in] City mowing and spraying policies [that] are aligned to provide for aesthetics and public safety while allowing habitat to remain. Residents are more aware of the benefits of less frequent mowing patterns, and City Code amendments surrounding these issues should allow taller vegetation for habitat where appropriate, and more time to establish more diverse landscapes.

C1: Increase connectivity for plant and wildlife species [resulting in] a system of connected natural spaces that wildlife can access with minimal fragmentation.

C2: Increase connectivity for residents [resulting in an] accessible network of connected natural spaces for all City residents within a 10-minute walk.

LU1: Revise Land Use Code open space standards [resulting in] Land Use Code open space requirements that provide flexible options for functional natural spaces during a project's development or redevelopment.

LU5: Coordinate and incentivize natural space improvements at the neighborhood scale [resulting in] neighborhood-scale projects that are implemented and/or incentivized, especially in priority areas where connectivity barriers for residents or wildlife exist.

Our Climate Future is a framework and set of implementation strategies to simultaneously address climate, waste and energy goals while improving our community equity and resilience outcomes. *Our Climate Future* recognizes the problems “waste” soil cause, and calls for City projects to address these problems, but does not go so far as to comment on how privately-owned waste soil should be managed. Staff finds that preventing soil waste from an HOA-owned property is aligned with this strategy:

Big Move 10 Zero Waste Economy: Continue to explore ways to further reuse and recycle soil from City projects.

Big Move HNS3: Protect and expand natural habitats as growth occurs.

The **Purpose Statement of the Land Use Code** (LUC 1.2.2) calls for the improvement and protection of the public health, safety and welfare by furthering one or more of a number of considerations. Staff believes several are supportive of allowing Farm Animals as a land management tool as proposed here:

(D) Encouraging innovation and responsive design solutions in land development and redevelopment.

(E) Fostering the safe and efficient use of the land.

(J) Minimizing adverse impacts of development on natural systems and the environment.

In concert, these considerations, policies and strategies point to a recognition that Fort Collins desires to be at the cutting edge of smart policies that are supportive of the natural systems within city limits. If an innovative land management tool is proposed that will divert waste (weed-contaminated topsoil) from the landfill, minimize the use of harmful herbicides, contribute to soil health and landscape diversity, staff finds that there is cross-disciplinary support for making sure these tools are considered.

6. APPLICABLE CODE AND PROCESS

A. Low-Density Mixed-Use Neighborhood District

The property on which the applicants are proposing to graze the pigs is located in the Low-Density Mixed-Use Neighborhood (LMN) zone district. Farm Animals are not a permitted use in this zone district.

The purpose of the LMN district is to be a setting for a variety of housing types, providing diverse opportunities for single unit and accessory dwellings to attached units and small and medium-sized multi-unit structures. The district also encourages complementary commercial and institutional land uses and amenities that serve the everyday needs of a residential neighborhood. Parks and neighborhood centers are integrated into developments, providing an attractive and walkable focal point for services, open space and recreation.

B. Farm Animal Land Use

In order to remove the entire inches-deep kochia seedbank on this property, the applicant proposes to use pigs that are specially trained to eat the kochia seeds for up to 5 seasons. There is not currently a permit or license process for a situation like this. The Land Use Code would see this use of pigs as “Farm Animals,” which is defined in the Land Use Code as:

Farm Animals shall mean animals commonly raised or kept in an agricultural, rather than an urban environment, including, but not limited to, chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys and mules; provided, however, that farm animals shall not include chicken hens, ducks or pygmy or dwarf goats kept pursuant to Section 4-121 of the City Code.

Farm Animals are permitted in several residential zone districts:

- Rural Lands (RUL), subject to a Basic Development Review by the Director of Planning and Development Services,
- Urban Estates (UE), subject to a Type 1 Review by an Administrative Hearing Officer, and
- Residential Foothills (RF), subject to a Type 1 Review by an Administrative Hearing Officer.

C. Addition of Permitted Use

While Farm Animals is not a permitted use in the Low-Density Mixed-Use Neighborhood zone district, the Land Use Code provides a way for the approval of a particular land use on a specific parcel within a zone district that otherwise would not permit such a use. Under this process, known as the Addition of Permitted Uses process (LUC 6.9.1), the proposal is subject to a heightened level of review, with close attention being paid to compatibility and impact mitigation. This process allows for consideration of unforeseen uses and unique circumstances on specific parcels with evaluation based on the context of the surrounding area. For residential neighborhoods, the process requires that land use flexibility be balanced with the existing residential character. Projects are expected to continue to meet the objectives of any applicable sub-area plan and City Plan. This process is designed to encourage dialogue and collaboration among applicants, affected property owners, neighbors, and City staff.

The Land Use Code allows for two different types of APUs. The first is to introduce a land use that had never been contemplated into the code and to determine in which zone districts it should be permitted. The second is to permit a use not typically permitted in the district to a particular parcel, due to the particular characteristics of that use on that parcel. The Livestock Grazing at Rigden Farm proposal is the second type of APU. The land use, Farm Animals, already exists in the code; it is not permitted in the LMN district and the applicants are requesting permission on this particular parcel due to unique circumstances.

City Council is the decisionmaker on this APU application to add Farm Animals to this site in the LMN zone district. The Planning and Zoning Commission makes a recommendation to City Council, related to Farm Animals being added to this parcel. City Council will consider the recommendation of the Planning and Zoning Commission. Per LUC 6.9.1(C)(2) & (3)(a), the decisionmaker, using only these criteria, “may add a proposed use if [they] specifically find that such use:

- (1) conforms to all of the eight (8) criteria listed in LUC 6.9.1(C)(1),
- (2) would not be detrimental to the public good;
- (3) would be in compliance with Section 5.15.1, Building and Project Compatibility; and
- (4) is not specifically listed as a “prohibited use” in the zone district in which the proposed site is located.

City Council may impose conditions and requirements on the APU including, but not limited to, conditions related to the location, size and design on such use as are necessary or desirable to (1) accomplish the purposes and intent of the Land Use Code, (2) ensure consistency with City Plan and its adopted components and (3) prevent or minimize adverse effects and impacts upon the public and neighbors, and to ensure compatibility of uses (LUC 6.9.1(E)). For this APU request, staff has worked closely with the applicant to develop a Site and Management Plan that addresses these three goals.

Planning and Zoning Commission is the decisionmaker on the primary Final Development Plan application, which includes the Site and Management Plan. If the use is approved by City Council, the applicant must follow the Site and Management Plan. If the use is denied by City Council, any approval of Site and Management Plan granted by the Planning and Zoning Commission will be automatically terminated and made null, per LUC 6.9.1(C)(3)(d).

City Council’s decision on the APU is not appealable. If the APU is approved, any future changes that are proposed to the location, size, design or manner that would change the predominant character of, or increase the negative impact upon, the surrounding area, would require the approval of a new APU.

D. Regulating Animals, Animal Welfare, & Nuisance Concerns

Considerations and regulations around animals, neighbors, and the environment presented in this section should be used to evaluate the ability of the applicant's Site and Management Plan to add Farm Animals in a way that maximizes compatibility with the existing neighborhood and minimizes nuisance, health and environmental impacts of the proposed use.

The field of urban planning has a long history and roots associated with regulating animals in urban spaces. The aim of these regulations has generally been to protect public and environmental health and harkens to the days when livestock roamed the streets in cities and towns. In recent decades, there has been a trend of loosening regulations relating to farm animals in cities, including backyard chickens which have become a trendy and common poster child for the local food movement. Fort Collins has been part of this trend and added permissions for residents to keep backyard chickens, goats, and bees in the early 2010s.

In Fort Collins, permitted animals fall into one of three categories: Farm Animals, animals kept for small-scale production, and household pets. The regulations associated with these animals are largely housed in the Municipal Code, with some regulations on Farm Animals in the Land Use Code as well. The commonalities for all the regulations are that they aim to protect the welfare of the animals and prevent the possibility of nuisance or danger for neighbors. Nuisance prevention is generally achieved through restrictions on the number of animals, the sex of the animals permitted, minimum land area required per animal, and setbacks from adjacent property lines. Not all of these methods are used for each species. Nuisance odor and noise are explicitly called out in Municipal Code. Animal welfare is generally addressed through explicit regulations that prohibit the improper treatment of animals. In addition, Municipal Code calls out a list of wild or exotic animals that are not permitted anywhere in the city.

"Farm Animals" are the only type of animal explicitly identified as being a land use. The following table outlines applicable restrictions on different animals in the Land Use Code and in the Municipal Code:

Animal	Land Use Code	Municipal Code
<i>Farm Animals</i> , including but not limited to chickens, pigs , sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys and mules, provided, however, that farm animals shall not include chicken hens, ducks or pygmy or dwarf goats kept pursuant to Section 4.121 of City Code. (LUC Article 7, Definitions)	- Restricted to certain zone districts with large minimum lot sizes. - Approved through the Development Review Process	None in particular, but see below.
Horses or ponies	As above	Permitted, minimum of ½ acre of pasture for each animal
Chickens and ducks, pursuant to Section 4-121 of the Municipal Code	None	- Minimum pasture area, lot size, setbacks - No males permitted - Animal health and welfare requirements
Dwarf Nigerian and African Pygmy goats, pursuant to Section 4-121	None	- Minimum pasture area, setbacks - No males permitted - Animal health and welfare requirements
Honey bees	None	- Density limits, lot size, setbacks - Animal health and welfare requirements - Human health and welfare protections
Household pets	None	- Animal health and welfare requirements

		- Quantity restricted – must be able to maintain in a healthy, safe, nuisance-free condition
Animals in general	None	- Human health and welfare protections - Animal disturbance of peace and quiet prohibited. - Public nuisance prohibited - Animal health and welfare requirements
Wild or exotic animals	None	- Prohibited city-wide without special permits from the State of Colorado

Given the lack of regulations available that directly speak to a proposal like this one, staff recommends drawing heavily on these Municipal Code regulations to evaluate the compatibility and nuisance potential of the proposed Farm Animal use on this property.

Overall, the neighborhood perception of the pigs in the neighborhood is positive but mixed. Staff has heard concerns from the neighborhood with respect to noise, odor, and animal welfare. It seems that most residents of Rigden Farm have not been bothered by noise or odor. Based on comments received and summarized previously in this report, City staff have worked hard to get a complete understanding of the impacts the pigs have already had on the neighborhood.

In order for this APU proposal to be acceptable, the proposed project must address the public's nuisance and welfare concerns in alignment with Municipal Code.

Municipal Code Section	Topic
Sec. 4-94. – Animal disturbance of peace and quiet prohibited.	Noise nuisance
Sec. 4-95. – Public nuisance prohibited.	Odor nuisance, property damage, health hazards
Sec. 4-71. – Removal of animal waste required.	Odor nuisance, health hazards, animal welfare
Sec. 4-70. – Improper care or treatment prohibited.	Animal welfare
Sec. 4-76. – Removal of dead animals required.	Odor nuisance, health hazards, animal welfare

Other Cities' Policies on using Animals for Land Management

Using livestock to manage vegetation is a very common tool in the management of open spaces, particularly for managing biomass of invasive plants or managing fuel loads to prevent high-impact fires. It is less common within city limits, and rare in a typical neighborhood/urban setting. Various cities use livestock to graze public open spaces, including Colorado cities Louisville and Boulder, which use goats and cattle, respectively. Santa Barbara and Healdsburg, CA, use goats, as does Reno, NV. These cities graze to reduce fuels rather than weed management.

Two cities use goats to manage weedy biomass in urbanized settings. The City of Nashville, TN, uses goats (a city contract with a private company, Chew Crew) to manage kudzu and other invasive plants on overgrown public and private properties. Goats are particularly adept at removing biomass in areas with steep topography that are difficult to access with mowers or weed whackers. Rocklin, CA (pop. 72,000), located in the fire-prone foothills of the Sierra Nevada, grazes goats and sheep throughout the city instead of manual, mechanical, or chemical methods to manage vegetative fuels. The animals are used on public and private land, including many HOA and school properties. Rocklin requires private property owners to obtain a grazing permit from the fire department. Animals are required to be free from parasites and be vaccinated; electric fencing is required. The City or landowner has the right to have a contractor remove any animal which creates a noise nuisance or habitually escapes confinement. Animals are not permitted to graze in any environmentally sensitive areas. Herders are required to camp

in a trailer near the herd with a working cell phone, and signs with 24-hour contact information are required. There are no provisions for odor or runoff mentioned in the permitting process materials.

Staff is not aware of any other municipalities attempting to use livestock to manage seedbanks in general, nor of any using pigs for ecosystem management.

E. Regulating Water Quality

Along with concerns about direct safety and nuisance, City regulations may impact the keeping of animals in the context of our Municipal Separate Storm Sewer (MS4) permit. The MS4 permit is issued to the City of Fort Collins by the State of Colorado and permits the City to discharge stormwater into the Poudre River and other waters of the state. As an MS4 permit holder, the City of Fort Collins is responsible for ensuring pollutants and contaminated water do not flow into public rights-of-way, watercourses or storm drainage facilities. Pollutants and contaminated water include pollutants that could impair human health or the environment including disease agents (such as *E. coli*), nutrients like nitrogen, and physical contaminants like excess sediments.

While the MS4 regulations do not directly speak to Farm Animals, Farm Animals do have the potential to add *E. coli* and nitrogen to soils through manure, and pigs in particular may disturb the soil to an extent that the potential for additional sediment runoff during large storm events should be considered.

7. PROJECT ANALYSIS & FINDINGS

A. Addition of Permitted Land Use

As noted in the Applicable Code & Process section above there are several criteria the decisionmaker on this APU must consider. Per LUC 6.9.1(C)(2) & (3)(a), the decisionmaker, using only these criteria, may add a proposed use if [they] specifically find that such use:

- (1) conforms to all of the eight (8) criteria listed in LUC 6.9.1(C)(1),
- (2) would not be detrimental to the public good;
- (3) would be in compliance with Section 5.15.1, Building and Project Compatibility; and
- (4) is not specifically listed as a “prohibited use” in the zone district in which the proposed site

Criteria for Evaluating an Addition of Permitted Uses

Here, we present staff’s evaluation of the project with respect to the eight criteria.

- a. *Such use is appropriate in the zone district to which it is added.*

Based on the Site and Management Plan, and given the context and circumstances of this parcel, staff finds that Farm Animals is an appropriate use on this parcel. Animals will not be permanently added to the parcel, being used for grazing a weed seed bank for six months a year, for up to five years. The plan includes a robust nuisance mitigation plan that deals with odor and noise. The plan has been developed together with staff experts on runoff and water pollution to best ensure the waters entering the Poudre River are clean.

- b. *Such use conforms to the basic characteristics of the zone district and the other permitted uses in the zone district to which it is added.*

The Farm Animals will be used temporarily to remove weeds from an HOA-owned park. The LMN zone district is intended for housing, complementary commercial and institutional land uses and amenities, parks and neighborhood centers. It should provide attractive and walkable focal points for open space and recreation. This APU would not change the fact that this space will ultimately continue to function as an open space park for the neighborhood. It is aligned with the basic characteristics of the LMN zone district.

In addition, staff have heard from many neighbors that they enjoy coming to visit the pigs and that they are a neighborhood attraction. Community-building spaces are aligned with the purpose of the LMN neighborhood.

- c. *The location, size and design of such use is compatible with and has minimal negative impact on the use of nearby properties.*

The size and design of the Farm Animal use are not substantially different from the existing park space and are temporary, so the size and design have no negative impact on nearby properties. The location of the Farm Animals is directly adjacent to one home and within 50 feet of at least six homes. While some of these immediate neighbors report not having been bothered by the odor, noise, or any other aspect of the pigs during the past two seasons, at least one household reports that the noise and odor have kept them from bringing guests to their patio. It seems that staff has not heard any feedback from residents of most of these homes during this review process.

Staff have worked closely with the applicant to understand the public comments we have received and to develop what we believe to be a mitigation plan that addresses any undue noise or odor the pigs would generate. Noise will be improved by only allowing one male boar to accompany the herd (previously, multiple boars were brought to the site and were in noisy competition). Odor will be improved by mulching a paddock with straw and seeding with cover crops immediately following the pigs moving to the next paddock. Feces will be periodically removed through on-site burial. Setbacks that mirror what is required for other livestock permitted in the LMN district (chickens, goats) are in the mitigation plan. The number of pigs that will be permitted is clearly outlined in the plans as well. Our Zoning Inspectors will have specific items against which they can measure the site if complaints arise in the future.

Staff finds that the mitigation measures outlined in the Site and Management Plan, the temporary nature of the pigs in the space, and the ultimate benefit to the environment and community position this Farm Animal use to produce only minimal negative impact on the use of nearby properties, even given the location in close proximity to homes.

- d. *Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences or any more traffic hazards, traffic generation or attraction, adverse environmental impacts, adverse impacts on public or quasi-public facilities, utilities or services, adverse effect on public health, safety, morals or aesthetics, or other adverse impacts of development, than the amount normally resulting from the other permitted uses listed in the zone district to which it is added.*

As stated for the above criteria around “minimal negative impact,” staff believes that the mitigation measures outlined in the Site and Management Plan and the temporary nature of the pigs will not create any more offensive noise, dust, odor, traffic or other impacts than the amount normally resulting from other permitted uses in the LMN zone district.

The applicant has provided information on the number of vehicle trips this use would produce and staff has found that it would not differ from other permitted uses in the zone district or neighborhood.

Pigs are being requested at higher-impact densities than would be typical for other animals permitted with no development review (horses, goats, chickens), but the impacts of the pigs at this density (dust, erosion, *E. coli*, odor, noise) are subject to robust mitigation and prevention measures in the mitigation plan. Any adverse effects on public health and environmental impacts on our water ways are addressed through the stormwater mitigation strategies. Odor and noise,

as discussed above, will be mitigated by mulching and cover cropping and periodically burying manure on-site, and by only allowing one male.

Staff does not find that the proposed use presents a safety issue. Given the reported docile nature of the breed of pigs, their training to be around children and adults, the double fencing, and contact information for AloTerra posted nearby, staff does not believe there is a reasonable risk of the pigs escaping their enclosures and bothering the neighborhood.

Staff finds that the environmental impacts of using Farm Animals to remove the weed seedbank from this site are less than the impacts of the other weed-removal options. Continuing to allow weeds to grow is environmentally unacceptable and not permitted per the approved site plan. Germinating all the seeds and spraying those plants with herbicides would take a number of years, is potentially harmful to the adjacent neighbors and the Poudre River, and may not be very effective because kochia has developed some resistance to common herbicides. Removing the topsoil from the site and replacing it with new “clean” topsoil comes with its own variety of environmental concerns, including transporting weed seeds and the carbon costs of removing, transporting and replacing thousands of tons of soil in the park. Staff believes that using pigs to eat the seedbank in this HOA park addresses the weed problem in the least environmentally-harmful way.

Staff does believe there are neighbors who will be bothered by the aesthetics of having pigs on this property. There are also neighbors who will be bothered by the aesthetics of a prairie restoration rather than Kentucky bluegrass turf. However, given the temporary nature of the pigs on the site, staff believes these aesthetic concerns do not outweigh the potential benefit of using the pigs. The aesthetics of the prairie restoration are outside the scope of this project, and are supported by many city and state policies, including state requirements to no longer plant “non-functional turfgrass” given our steppe-like climate.

e. Such use will not change the predominant character of the surrounding area.

Staff recognizes that during the seasons when the weed seeds are being removed, this park space will have a different character than it has in the past and will in the future. However, the character of the park would change during weed removal, regardless of the method of weed removal. If the park was to be sprayed with herbicides, or if the topsoil were to be removed and replaced, and the park reseeded, this space would not function as a useable park during approximately the same number of seasons. Understanding the timeline and the alternative management options, staff does not believe the temporary use of Farm Animals on this property will change the predominant character of the surrounding area on the scale that this criterion envisions.

f. Such use is compatible with the other listed permitted uses in the zone district to which it is added.

Due to the proposed mitigation plan’s robust mitigation of noise, odor and pollution concerns, and due to the temporary nature of the pigs on-site, staff finds this use of Farm Animals to be compatible with the other listed permitted uses in the LMN zone district at this location.

g. Such use, if located within or adjacent to an existing residential neighborhood, shall be subject to two (2) neighborhood meetings...The first neighborhood meeting must take place prior to the submittal of an application. The second neighborhood meeting must take place after the submittal of an application and after the application has completed the first round of staff review.

The applicant has met with residents at two neighborhood meetings as required by this code.

- h. Such use is not a medical marijuana business as defined in Section 15-452 of the City Code or a retail marijuana establishment as defined in Section 15-603 of the City Code.*

The applicant is not proposing such establishment or business with this proposal.

Compliance with LUC Section 5.15.1, Building and Project Compatibility

The purpose of LUC Section 5.15.1 is to ensure the physical and operational compatibility of proposed buildings and uses with the context of the surrounding area. Most of the standards in this code section speak to architectural compatibility, including roof lines, proportions in building mass, relationships to the street, window and door patterns, building materials and balancing privacy with creating opportunities for neighbor interactions. Staff finds that Sections 5.15.1(C), (D), (E), (F), (G), and (H) do not apply.

Land Use Code Section 5.15.1(I) Outdoor Storage Areas/Mechanical Equipment does apply to this project.

5.15.1(I)(1)	No outdoor storage areas within 20 feet of any public street, public sidewalk or internal pedestrian way.	Storage of food and equipment for the pigs will be in the center of the enclosure, more than 100 feet from all sidewalks and pedestrian ways.
5.15.1(I)(2)	Service functions shall be incorporated into the overall design theme of the building.	NA – no building is proposed.
5.15.1(I)(3)	Equipment attached to the building shall be painted to match surrounding surfaces.	NA – no building is proposed.
5.15.1(I)(4)	Outside areas used on a long-term or regular basis for inventory storage or sale, over-stock, seasonal goods, bulk items and the like shall be stored within an area that is permanently screened with walls or fences. Materials, colors and design of screening walls or fences should match the predominant materials in the area.	NA- see 5.15.1(I)(5) below
5.15.1(I)(5)	Outside areas that are used on a temporary basis for the sale of seasonal inventory only shall be defined by nonpermanent walls or fences. Such an enclosure shall not inhibit fire access to the building. Any such enclosure must be removed upon the conclusion of the sale period.	Outdoor areas used for feed and equipment storage will only be used seasonally. The entire area will be enclosed by a non-permanent woven wire fence. The pigs themselves will be contained with a portable electric fence. All feed and equipment storage and electric fencing materials will be removed at the end of each grazing season. The woven-wire/T-post fencing will remain for the duration of the grazing project, but will be removed once the grazing has concluded.
5.15.1(I)(6)	Rooftop mechanical equipment shall be screened from public view	NA – no roofs are proposed.
5.15.1(I)(7)	Restrictions and screening of satellite dishes	NA – no satellite dishes are proposed.

Detriment to the Public Good

Staff finds that this proposal for an Addition of Permitted Use is not detrimental to the public good for the following reasons:

1. The plan prevents widespread spraying of herbicides adjacent to homes.
2. It prevents thousands of pounds of weed seed-infested topsoil from being removed, brought to a public landfill, and replaced.
3. The plan prevents sediment, nutrients and potential disease vectors from entering the Poudre River waterway.
4. Robust mitigation measures will prevent undue odor and noise from impacting adjacent neighbors.
5. The plan will promote native prairie reintroduction to an urbanized neighborhood and provide an opportunity for building neighborhood identity and neighbor relations through the attraction of the pigs.
6. The pigs will be removed every winter and will only be permitted at the site for up to five years. This allows seasonal relief from any nuisance to adjacent neighbors.
7. The space will resume its intended function as a park space once the restoration has been finalized.

Prohibited Uses

No uses are prohibited in the LMN zone district.

B. Analysis of the Site and Management Plan

A. Natural Features

There are no natural features on the site, per the City's *Natural Habitats and Features Inventory Map*.

B. Development Infrastructure

There are numerous code standards for streets and utility infrastructure, but in this case the site is part of an existing block that is well-served by a framework of streets and utility infrastructure. No new streets or utilities are proposed or required.

Applicable LUC Standards

5.4.3 – Engineering Design Standards

Development plans must comply with applicable design standards and requirements for the following services as certified by the appropriate agency, or variances must be granted by such agency:

water supply • sanitary sewer • electricity • storm drainage • streets/sidewalks • walkways & bikeways • fire protection • public transit • natural gas • cable • broadband/fiber optic • flood hazard areas • ditch companies

Staff Analysis and Findings

- Staff evaluated where the applicant proposed to take access to the parcel for moving the pigs and for caring for the pigs.
- Staff evaluated how the applicant proposes to mitigate potential stormwater quality impacts to the existing stormwater feature adjacent to the project.
- The plan meets all of these engineering design standards and requirements.

5.4.8 – Emergency Access

Development plans must provide adequate access for emergency vehicles and personnel to comply with the Uniform Fire Code.

Staff Analysis and Findings

- Poudre Fire Authority evaluated the communication plan for shutting off the electric fencing, should they need access to the site during an emergency.
- The plan meets all requirements.

C. Neighborhood Design and Building Size and Placement

Code standards call for a street and block pattern in neighborhoods, with limited size blocks and buildings facing onto the sidewalks in a traditional town pattern. In this case, the neighborhood street/block pattern is already established. No new streets are needed or proposed.

D. Access, Circulation and Parking

Code standards set basic requirements for the layout and design of parking lots and walkway systems in a development plan. In this case, the layout of the site is already established. No new circulation design or parking is needed or proposed.

E. Architectural Design

Standards for building character require, in summary, avoiding large impersonal or blank facades, with particular attention to pedestrian frontages. No new buildings are needed or proposed.

F. Landscaping

The code requires preparation of a landscape and irrigation plan that demonstrates a comprehensive approach to landscaping. Staff finds that the proposed plan meets the pertinent standards.

Applicable Standards

5.10.1(C) General Standard

This General Standard states purposes that must be met in a plan. These include reinforcing outdoor spaces and circulation patterns, enhancing the pedestrian environment with visual interest year-round, complementing building architecture, using water efficiently with low water plant materials, and ensuring long-term tree and plant health through best practices for maintenance and irrigation.

Staff Analysis and Findings

- The plan modifies 0.88 acres of an approved Minor Amendment to convert turf grass to native prairie grasses and wildflowers.
- The Minor Amendment had proposed seeding the site with blue grama, buffalograss and little bluestem grasses along with 5 native wildflower species.
- The current plan proposes a more diverse mix of 19 native prairie species, including 9 grasses and ten wildflower species.

4.3.5(C) Fences and Walls

This standard largely regulates the aesthetics of fences and walls. Chain link fencing is not permitted for screening purposes. Heights are restricted, including in visual clearance triangles.

Staff Analysis and Findings

- The plan complies with the Fences and Walls standards with the exception of 4.3.5(C)(3), for which the applicants have requested a Modification of Standard to permit electrical fencing.

G. Lighting

Code standards set limits for exterior lighting using technical parameters to ensure adequate exterior lighting for the safety, security, enjoyment and function of the proposed land use. No changes to the exterior lighting on this site are proposed or required.

H. Trash and Recycling Enclosure

Code Division 5.11 requires a dumpster enclosure, compatible with the context, for collecting, separating, storing, loading and pick up of trash, compostable and recyclable materials.

All trash and recycling produced on-site (largely associated with animal feed) will be promptly removed and disposed of elsewhere. Compostable materials (manure) will be composted on-site with the techniques outlined in the Site and Management Plan.

Modification of Standard

The Land Use Code is adopted with the recognition that there will be cases where circumstances may warrant a design solution that does not comply with a standard as written. Thus, the code includes a provision for 'Modification of Standards' with certain criteria.

LUC 6.8.2(H) Land Use Code Modification Criteria:

"The decision maker may grant a modification of standards only if it finds that the granting of the modification would not be detrimental to the public good, and that:

- (1) the plan as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested; or
- (2) the granting of a modification from the strict application of any standard would, without impairing the intent and purpose of this Land Use Code, substantially alleviate an existing, defined and described problem of city-wide concern or would result in a substantial benefit to the city by reason of the fact that the proposed project would substantially address an important community need specifically and expressly defined and described in the city's Comprehensive Plan or in an adopted policy, ordinance or resolution of the City Council, and the strict application of such a standard would render the project practically infeasible; or
- (3) by reason of exceptional physical conditions or other extraordinary and exceptional situations, unique to such property, including, but not limited to, physical conditions such as exceptional narrowness, shallowness or topography, or physical conditions which hinder the owner's ability to install a solar energy system, the strict application of the standard sought to be modified would result in unusual and exceptional practical difficulties, or exceptional or undue hardship upon the owner of such property, provided that such difficulties or hardship are not caused by the act or omission of the applicant; or
- (4) the plan as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be modified except in a nominal, inconsequential way when considered from the perspective of the entire development plan, and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2.

Any finding made under subparagraph (1), (2), (3) or (4) above shall be supported by specific findings showing how the plan, as submitted, meets the requirements and criteria of said subparagraph (1), (2), (3) or (4).

Since it relates to public safety, the applicant has requested a Modification of Land Use Code Standard 4.3.5(C)(3), Fences and Walls, Materials. Inside of the treatment enclosure, which would be fenced with woven wire fencing around the entire perimeter, the applicant is requesting permission to use a second layer of fencing that would be electrified to contain the pigs within the mobile paddock.

LUC 4.3.5(C)(3) Materials: Chain-link fencing with or without slats shall not be used as a fencing material for screening purposes. Except as permitted below, no barbed wire or other sharp-pointed fence and no electrically charged fence shall be installed or used in any zone districts.

(a) In the Urban Estates (UE), Rural Land (RUL) and Foothills Residential (RF) Districts, barbed wire and portable electrically charged fencing may be used for the purpose of livestock and pasture management. Electrically charged fencing must only be used within permanent fencing. Electrically charged fencing that is located along any public right-of-way shall contain signage that identifies it as being electrically charged. Such signage shall occur every three hundred (300) feet and be a minimum of thirty-six (36) square inches in area. All electrically charged fencing shall be limited to low impedance commercially available electric fence energizers using an interrupted flow of current at intervals of about one (1) second on and two (2) seconds off and shall be limited to two thousand six hundred (2,600) volts at a five-hundred-ohm load at seventeen (17) milliamperes current. All electric fences and appliances, equipment and materials used shall be listed or labeled by a qualified testing agency and shall be installed in accordance with manufacturers' specifications and in compliance with the National Electrical Code, 1981 Edition NFPA 701981.

Summary of Applicant's Justification

The applicant has submitted a request for a modification (attached) to Land Use Code Standard 4.3.5(C)(3), Fence Materials, citing two of the evaluation criteria:

6.8.2(H)(2) "defined problem of city-wide concern or an important, defined community need"

The applicant argues that the pigs grazing provides aesthetic and recreation value for the HOA and nearby residents, improving the land use, and that the pigs are reducing weed populations that could spread to other areas within the city. They say electric fencing is necessary to ensure that the pigs stay within their paddocks and without the electric fencing, the project would be practically infeasible.

6.8.2(H)(4) "nominal and inconsequential."

The applicant argues that the low levels of electricity flowing through the fence, the temporary nature of the electric fence, and the exterior woven-wire fencing ensure the impact of the electric fence is nominal and inconsequential.

Staff Analysis of the Modification of Standard Request

Farm Animals are not typically permitted in the LMN zone district, and so electric fences are not typically viewed as an appropriate feature in these settings. However, staff recognizes that the use of electric fences is critical to the management goals of intensive grazing within a mobile paddock and are important for the safety and perceived safety of the neighborhood and the pigs themselves. Electric fences are permitted in the zone districts (UE, RUL, RF) which permit Farm Animals, and given the recommendation to approve the use of Farm Animals for this site and this weed management purpose, the use of the double fencing with the internal electric fence makes sense in this instance.

Staff finds that the modification request would not be detrimental to the public good within the context of this Addition of Permitted Uses application, and that it satisfies three criteria for granting a Modification of Standards:

6.8.2(H) The basic stated standard that "the modification would not be detrimental to the public good"

The electric fencing would comply with all the standards for electric fences set forth in 4.3.5(C)(3)(a). The electric fencing would be inside of a semi-permanent woven wire fence. The electric fence would contain the pigs, providing an extra layer of assurances that the pigs could

not escape the enclosure, that the pigs would be concentrated enough to substantially eat the kochia seedbank, and that the pigs would have an extra layer of protection against predators. The electric fence would be removed at the end of each grazing season to avoid aesthetic concerns.

6.8.2(H)(1) “the plan as submitted will promote the general purpose of the standard ... equally well or better than would a plan which complies...”

Where permitted, electric fencing is only to be used for the purpose of livestock and pasture management. Because the electric fencing exceptions are explicitly for livestock management and are only permitted in zone districts in which Farm Animals are a permitted use, staff finds that using electric fencing with an APU for Farm Animals does not impair the intent and purpose of this code section. The applicant proposes to use the fencing in line with all the standards set forth in 4.3.5(C)(3)(a), including posting signage and specifications for the power (intervals of current, voltage and amperage of current). Given these plans, and the location of the electrified mobile paddock within the woven wire-fenced area, staff does not find the electric fencing poses a safety risk to the public, and is not detrimental to the public good.

6.8.2(H)(4) “nominal and inconsequential.”

Given the perspective of the entire proposal for the Addition of Permitted Uses, the use of the electric fencing around the small mobile paddock inside the woven wire-fenced enclosure is nominal and inconsequential and will continue to advance the purposes contained in Section 1.2.2, the Purpose Statement of the Land Use Code.

Review Process & Procedures

[6.3.1-6.3.8 Procedural Steps](#)

These subsections outline the required steps for processing development applications. Pertinent steps have been:

Conceptual Review: October 30, 2025

First Neighborhood Meeting: December 15, 2025

Development plan submittal: February 25, 2026

Second Neighborhood Meeting: April 9, 2026

Notice (Posted, Written, and Published)

Sign posted December 2, 2025, sign #851

Written hearing notice: June 3, 2026

Published hearing notice: June 3, 2026

Findings OF Fact

In evaluating the proposed plan, staff makes the following findings of fact:

1. The Modification of a Standard in Section 4.3.5(C), which otherwise prohibits electric fencing, would not be detrimental to the public good and is consistent with the criteria in LUC 6.8.2(H)(1) and 6.8.2(H)(4) as detailed in the staff analysis of the request in this report.
2. The plan complies with the relevant standards in Article 2 – LMN Zone District.
3. The plan complies with the relevant standards in Article 3 – Building Types.
4. The plan complies with the relevant standards in Article 4 – Use Standards, other than the:
 - Farm Animals land use, as explained in the request for Addition of Permitted Uses,
 - Electric fencing, as explained in the request for Modification of Standard.
5. The plan complies with the relevant standards in Article 5 – General Development and Site Design.
6. The plan complies with the relevant standards in Article 6 – Administration and Procedures.

8. STAFF RECOMMENDATION

Staff recommends Approval of the Final Development Plan (FDP260002) comprised of the Site and Management Plan, and the Modification of Standard to permit electric fencing associated with the proposed Farm Animals at this site.

Staff recommends that the Commission adopt a Recommendation of Approval to City Council for the Addition of Permitted Uses for Farm Animal in the LMN Zone District, in accordance with the associated Final Development Plan (FDP260002).

9. EXHIBITS

Exhibit A	Site and Management Plan
Exhibit B	Proposed Temporary Seed Mix
Exhibit C	Proposed Permanent Seed Mix
Exhibit D	Modification of Standards Request
Exhibit E	Correspondence with County Health Department
Exhibit F	Neighborhood Meeting Notes
Exhibit G	Public Comments
Exhibit H	Staff Presentation
Exhibit I	Site Photographs