

AGENDA ITEM SUMMARY

City Council



STAFF

Jill Baty, City Planner

SUBJECT

First Reading of Ordinance No. 099, 2026, Approving the Addition of Permitted Uses Associated with the Rigden Farms Sixth Filing Major Amendment and Final Development Plan FDP260002.

EXECUTIVE SUMMARY

The purpose of this item is to present an Addition of Permitted Uses (APU) and combined Major Amendment and Final Development Plan (FDP) which proposes to have pigs graze part of a tract owned by the Rigden Farm Homeowners Association (HOA). The applicant (AloTerra Restoration Services) 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 two to five-year period. A Modification of Standard was requested to permit an electric fence associated with the pigs.

The Council's decision on the proposed APU is a quasi-judicial decision governed by the standards in the Land Use Code. If considered on the consent agenda, a public hearing is deemed to have been open and closed, with the only evidence considered being that set forth in the agenda item summary and the attachments thereto, including the staff report and public comment. If the APU is pulled from the consent calendar, Council will conduct a public hearing pursuant to the Council Rules of Procedure. If Council votes down the Ordinance, a second motion formally stating denial of the application for the addition of a permitted use would be appropriate.

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.

Staff has heard significant public comment on this proposal. While much of the feedback has been supportive of the pigs, some neighbors have grievances, citing previous problems with odor and noise, and a general lack of trust of the applicant team's abilities and intentions. In order to address these concerns, staff worked closely with the applicant to ensure robust noise and odor mitigation strategies in the Site and Management Plan. Staff and the applicant also worked to ensure the Site and Management Plan included animal husbandry procedures in alignment with recommendations from the Larimer Public Health Department and NOCO Humane.

On June 18, 2026, the Planning and Zoning Commission voted 5-1 to approve the Site and Management Plan (FDP260002) and 5-1 to approve the Modification of Standard for the electric fence. The Commission also voted 5-1 to recommend Council approval of the Addition of Permitted Use for the Farm Animals.

If this item is pulled from the Consent Calendar for individual discussion, under Section 2.d. of the Council Rules of Procedure, the hearing procedure for Addition of Permitted Uses applications would be as follows:

- (1) Announcement of item;
- (2) Consideration of any procedural issues;
- (3) Explanation of the application by City staff;
- (4) Presentation by the applicant and/or by the affected property owner (if not the applicant);
- (5) Public testimony regarding the application;
- (6) Rebuttal testimony by the applicant/property owner;
- (7) Councilmember questions of City staff, the applicant/property owner and other comments; and
- (8) Motion, discussion and vote by City Council.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

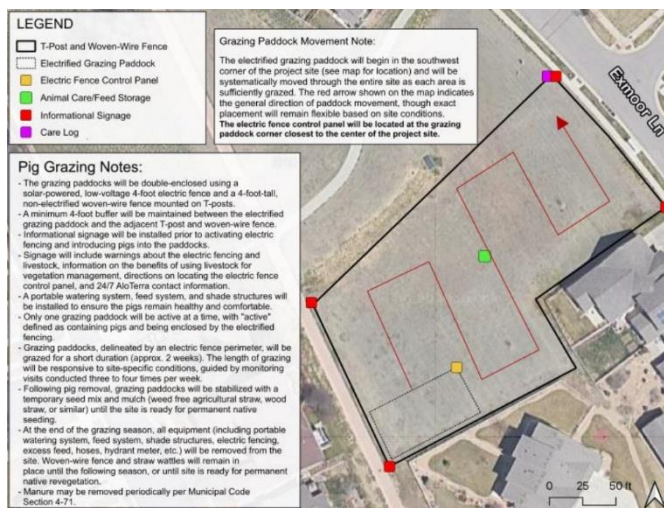
BACKGROUND / DISCUSSION

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 applicant proposes temporary seasonal use of pigs, classified by the LUC as Farm Animals, for the purposes of eating and removing an established weed seedbank (the natural reservoir of viable, ungerminated seeds resting within the soil or leaf litter) on an existing platted tract of HOA property.

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. Within the large, fenced enclosure, the pigs would be kept in a mobile paddock enclosed with a mesh of electric fencing, and moved every few weeks. Once cleared of seeds, AloTerra would cover the treated area with straw and cover crop seeds.

The applicant expects that the site would be cleared of weeds and ready for permanent seeding with shortgrass prairie natives 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.



Site & Management Plan

This plan outlines the management details for the grazing project. 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 assurance for neighbors and our waterways. Please see the attached Staff Report (Sections: Site

Background, Farm Animal Land Use, Regulating Animals) and the Site and Management Plan for more detail on proposed nuisance mitigation measures.

The Site and Management Plan was approved (5-1) by the Planning and Zoning Commission on June 18, 2026.

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 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 submitted a request for a Modification of Standard to permit electric fencing associated with these pigs and this request was approved (5-1) by the Planning and Zoning Commission on June 18, 2026.

Compliance with APU Criteria

In order to grant an APU, the proposal must meet a set of criteria outlined in Section 6.9.1(C)(1) of the Land Use Code (LUC). The proposal must also 1) not be detrimental to the public good, 2) be in compliance with LUC Section 5.15.1, Building and Project Compatibility, and 3) not be specifically listed as a “prohibited use” in the zone district in which the proposed site is located.

The following is a summary of staff’s analysis of compliance of the proposal with each of the APU criteria. Please reference the Staff Report for the full analysis.

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 seedbank for six months a year, for up to five years. The plan includes a robust nuisance mitigation plan that addresses concerns of odor and noise. The plan has been developed together with staff experts on runoff and water pollution to best ensure water entering the Poudre River is 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. 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.

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 having been bothered by odor, noise and other aspects of the pigs the past two seasons, the Site and Mitigation plan would address these concerns moving forward. Furthermore, the pigs would be seasonal and temporary at this site, with an ultimate benefit to the site and neighborhood.

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.

- No traffic impacts are anticipated.
 - Potential pig impacts (dust, erosion, *E. coli*, odor, noise) are subject to robust mitigation and prevention measures in the Site and Management Plan.
 - The pigs do not present a safety risk to the neighborhood given the proposed double fencing and the particular breed of pigs listed in the Site and Management Plan.
 - The environmental impacts of using pigs to remove the weed seedbank from this site may be less than the impacts of the alternative weed treatments: years of spraying herbicides, or removal and replacement of the topsoil.
 - Some neighbors will be bothered by the aesthetics of having pigs on this property, but this is a seasonal and temporary impact.
- 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. 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 seasonal and 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. Concerns expressed by neighbors were used to develop additional, more robust mitigation measures in the Site and Management Plan.

- 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.

The majority of Land Use Code Section 5.15.1(I) Outdoor Storage Areas/Mechanical Equipment does not apply to this project. However, Section 5.15.1(I)(5) (regarding temporary outdoor storage) does apply and this proposal conforms, with temporary equipment and fencing being removed from the site every winter (November-May).

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.

CITY FINANCIAL IMPACTS

This property has received citations for weeds and noxious weeds most years since it was dedicated as a park in 2005. Administering these citations has a financial impact on the City and removing the weed seedbank would significantly reduce the likelihood that enforcement is needed in the foreseeable future.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Planning and Zoning Commission voted 5-1 to recommend that Council approve the Addition of Permitted Use, in accordance with the associated Final Development Plan (FDP260002).

PUBLIC OUTREACH

Per the requirements of the Addition of Permitted Use, the City facilitated two Neighborhood Meetings between the applicant and the Rigden Farm neighborhood. One was held prior to the application being submitted and the second was held after the applicant had submitted the application and received feedback from City reviewers.

The first Neighborhood Meeting was attended by approximately 40 neighbors in person and an additional 30 online. The second Neighborhood Meeting was attended by around 11 neighbors in person and an additional 9 online.

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. As mentioned above, concerns from the community have included noise and odor. Feedback also included concerns about the welfare of the pigs, waste and runoff, and flies. Please find more detail on public comments in the Staff Report (Public Feedback section) and the Neighborhood Meeting summaries (attached).

ATTACHMENTS / LINKS

1. Planning and Zoning Commission Staff Report, June 18, 2026
2. Applicant Site Management Plan
3. Larimer County Health Department – Email in Support
4. Public Comment
5. Neighborhood Meeting Notes
6. Site Photos
7. Planning & Zoning Commission Minutes, June 18, 2026 (draft)
8. Applicant Presentation
9. Staff Presentation
10. Ordinance No. 099, 2026