

**MINUTES OF THE REGULAR MEETING OF THE
ARAPAHOE COUNTY PLANNING COMMISSION
TUESDAY, MARCH 5, 2019**

ATTENDANCE	<p>A regular meeting of the Arapahoe County Planning Commission was called and held in accordance with the statutes of the State of Colorado and the Arapahoe County Land Development Code. The following Planning Commission members were in attendance:</p> <p>Jane Rieck, Chair; Richard Sall, Diane Chaffin, Kathryn Latsis, Jamie Wollman, and Randall Miller.</p> <p>Also present were: Robert Hill, Senior Asst. County Attorney; Kelsea Dombrovski, Planner I; Jason Reynolds, Current Planning Program Manager; Caitlyn Cahill, Zoning and Animal Control Manager; Lisa Mason, CSU Extension; Jonathan Braebeck, CSU Extension; Sheila Lynch, Tri-County Health Department; and members of the public.</p>
CALL TO ORDER	<p>Chair Rieck called the meeting to order at 6:30 p.m. and noted a quorum of the Board was present.</p>
DISCLOSURE MATTERS	<p>There were no Planning Commission member conflicts with the matters before them.</p>
REGULAR ITEMS:	
ITEM 1	<p>Case No LDC18-005, Bees / Land Development Code (LDC) Amendment; Kelsea Dombrovski, Planner, and Caitlyn Cahill, Zoning Administrator and Animal Control Supervisor; Public Works and Development (PWD)</p> <p>Ms. Dombrovski stated the hearing had been properly notice and the Planning Commission (PC) had jurisdiction to proceed. She presented a PowerPoint, a copy of which was retained for the record. She provided a summary of the proposed land code revisions, including criteria, permitting process, and citizen interest. She said there were some concerns about stings and predators as a result of backyard bees.</p> <p>There were discussions regarding the need for further clarification on setbacks.</p> <p>Ms. Rieck opened the hearing for public comment.</p>

Fourteen people put their name on the sign-in sheet and all stated they were in favor of the proposed land development code amendment. Five citizens addressed the PC; however, the rest did not wish to speak.

Bill Graham, 9260 E Jewell Cir, was in favor of backyard bees because he felt bees were stressed and having lots of small colonies could help.

Lindsay Cutler, 9056 E Evans Ct., said she was a landscape designer and she receives many requests for urban farming. She would love to be able to offer back yard bees to her clients. She said bees were good for animal husbandry, it was ethical, and provided teaching opportunities for our children.

Guy Pizzo, 9358 E Evans Pl., echoed Mr. Grahams concerns about colony collapse. He said bees help gardeners and they pollinate the plants growing food to put on the table. He also felt this would provide good education opportunities.

Roger Chandler, 21415 E Mansfield Dr., said bees would provide a great learning experience for everyone involved. He felt it was a good opportunity for responsible homeowners. He said bees helped produce food.

Randi Lewis, 2214 S Dallas Ct., expressed the importance of having pollinators. He recommended the flyway definition be somewhat flexible. He said neighbors behind him had bees and the trees/shrubs were adequate for keeping bees out of their yard. He hoped the code would allow individual Homeowner's Associations (HOAs) to set a different setback, if a neighbor didn't object.

There were no further public comments. The public hearing was closed.

There were discussions concerning commercial sales on the property, flyway materials, land code definitions, and best practices.

It was moved by Ms. Latsis and duly seconded by Ms. Wollman, in the case of LDC18-005, Arapahoe County Backyard Bee-Keeping / Land Development Code Amendment, that the Planning Commission reviewed the staff report, including all exhibits and attachments, listened to the applicant's presentation and any public comment as presented at the hearing, and moved to recommend approval of the application

	<p>based on the findings in the staff report, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Staff will make corrections and revisions to the proposed language as directed by the County Attorney prior to incorporating the approved amendment into the Land Development Code for publication. 2. Staff will clarify hedge versus shrubs in the proposed code. 3. Staff will clarify setback from the front plane of the residence. <p>The vote was:</p> <p>Ms. Rieck, Yes; Ms. Chaffin, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Latsis; Yes; Ms. Wollman, Yes.</p>
<p>ITEM 2</p>	<p>Case No LDC18-006, Chickens / Land Development Code (LDC) Amendment; Kelsea Dombrovski, Planner, and Caitlyn Cahill, Zoning Administrator and Animal Control Supervisor; Public Works and Development (PWD)</p> <p>Ms. Dombrovski stated the hearing had been properly noticed and the Planning Commission (PC) had jurisdiction to proceed. She presented a PowerPoint, a copy of which was retained for the record. She provided a summary of the proposed land code revisions, including criteria, permitting process, what neighboring jurisdictions allowed, and citizen interest. Ms. Dombrovski reported concerns had been expressed regarding noise, smell, predators, pests, and property devaluation.</p> <p>Ms. Rieck said it was important to make sure people understood that HOAs could be more restrictive than the County on these proposed regulations.</p> <p>Ms. Latsis recommended staff consider specifying coops had to be located in the rear 50% of the lot,</p> <p>Ms. Rieck opened the hearing for public comments.</p> <p>Twenty-one people signed sign in on the case sign-in sheets. Six citizens expressed their opposition of allowing backyard chickens and fourteen citizens expressed their support.</p> <p>Jean Jaffee, 9398 E Evans Place, supported having chickens if there could be a separation. She said chickens only squawked if they were</p>

not being taken care of property. She played an audio of chickens clucking from her back patio. She wondered how problems could be reported if quality of life was being negatively impacted.

Al Jaffee, 9398 E Evans Place, reported having addressed the commissioners in the past. He said the president couldn't really speak for them because they didn't have an enforceable HOA. He felt permits should be a necessity with a high fee as incentive to take care of the property. He also wanted a minimum lot size and commented that a 10 foot setback would not adequately address noise pollution. He hoped further studies would be conducted before a recommendation was made.

Nita Regan, 2191 S Dallas Street – Huntington Estates, said she had been on the volunteer HOA board since 2011. She said there was an error in the letter Mary Hillsman, President, had sent out. She reported 80% were in favor; however, those stated percentages were misleading. Ms. Regan reported having compiled the responses and sending them to Mary Hillsman. She stated the percentages added up to over 100%. 26.1% were opposed; 61% were in favor; 69.6% supported if you included their support with the stipulations. She reported there were 200 households in the neighborhood and only 11% of neighbors responded and those in favor represent only 7% of the neighborhood. She stated her opposition to backyard chickens. She said there were 250,000 households in Arapahoe County and Arapahoe County had only received 150 respondents to the survey. She said you can't change regulations based on such a small percentage of respondents.

Gary Abrams, 9359 E Evans Place, said they had 200 homes in very small area. He stated if everyone had four chickens, that would total 400 chickens in just a few blocks. He said it was never wrong to err on the side of caution.

Dana Ireland, 9359 E Evans Place, said she didn't have problems with neighbors until chickens came in. We were woken up at 5:30 in the morning and all throughout day. She explained those with chickens worked and were away from their homes all day, but she worked from home and had to listen to the chickens. She said it was a real problem that went on endlessly. She asked the County to take a look at lot size.

Robert Goldman, 2131 S Alton Way, reported having addressed the Board of County Commissioners (BOCC) in favor of backyard chickens. She had several friends/family in Denver who had

chickens on much smaller lots and there was no issue with noise there.

Julie Safford, 2551 S Jersey Street, reported having grown up with chickens at her home in Texas. She had lived in HOAs that didn't allow chickens. She said, for those that had general neighborhood concerns, they should use their HOA to control regulations further. She said the chicken noise that was played was unusual. She said, chickens typically made a sound when laying an egg. She reported having a neighbor who had a dog that barked all the time at squirrels. also one with kids who were much noisier than the dog. Ms. Safford said, as regards coyotes, small dogs and cats would attract those as well. She said chickens were just like any other pet; you have to clean up after them. She asked if geese would be permitted under the proposed code (no). She was in support of backyard chickens.

Bill Graham, 9260 E Jewell Circle, said he had moved in 49 years ago. He reported having a lot of chickens when his kids were young. He believed they're good to have. He said they foster parented them for two months and then they left for another property. He said most of the time they did not make racket at our place. He said they helped with Japanese beetles and compost. He was firmly in favor of chickens and stated there had been a long history of having chickens in the neighborhood.

Westley Pollard, 11 Glenridge Drive, didn't realize they couldn't have chickens until it was brought to his attention by the HOA. He reported living Columbine Heights just west of Platte Canyon. He said they lived on over a half acre. He said, since having chickens, they hadn't had issues with bugs and spiders. They use the chickens to teach their kids responsibility. He said it was easy to clean up their feces and he like having the ability to get eggs and know what went into them. He said clucking was an egg song and if it went on for more than a minute, there was a problem. He agreed that coyote could be possible concerns; however, cats and dogs also attracted coyote. He felt the proposed regulations were very conservative. He explained chickens had to be protected in their pen after dusk. He said the parameters in the proposed regulations would cut down on the risks. He said if you took care of the chickens, you would not see problems.

Jamie Gruber, 9055 E Jewell Circle, stated he was in favor of backyard chickens. He reported having an acre or so of unused land and would like to have chickens for eggs and for pets

Lindsay Cutler, 9056 E Evans Court, said she believed backyard chickens would bring communities closer together. She said it was upsetting to hear lies about how chickens were being taken care of.

Guy Pizzo, 9358 E Evans Place, agreed chickens made noise but so did dogs and children. He said some people complained a lot about a little thing. He reported his chickens were being used to teach children at a Denver school. He said Denver allowed eight chickens; He said larger families needed more than four chickens; He wished the option of having more than four chickens would be considered.

Karen Gruber, 9055 E Jewell Circle, said the absence of a yes or no should not penalize those of us who were interested in chickens. She hoped to bring chickens to her new home and felt it would bring great value to her daughter and themselves. She said, overall, the community had been very supportive of backyard chickens.

Kathleen Chandler, 21415 E Mansfield Drive, reported having bought her property because it had an area for chickens. She said her neighbor turned her in. She stated their HOA didn't allow for chickens, nor did Arapahoe County. She had to send their chickens to Bennett. She said there was a great community built around chickens. She said her family wanted locally-sourced food. She reported being in an HOA that didn't allow chickens; however, she was in discussions about changing those rules.

Roger Chandler, 21415 E Mansfield Dr., was in favor of having backyard chickens. He said it cost \$4-5 a dozen for organic eggs, but you could get those from your own backyard. He said it was nice to share with neighbors and build community. He said having chickens was fun, especially when they were well taken care of.

Lisa Speer, 3080 S Holly Place – Holly Hills, said she had lived in her home for more than 25 years. She said when they purchased the home it was a covenant-controlled neighborhood; however, there was an expiration date on those covenants. She reported the covenants prohibited any businesses in neighborhood and farming. She said they had bees brought in and they had done great things for the fruit trees. In non-adult years, lived in southern new jersey. She preferred not to have chickens in Holly Hills. She said Arapahoe County was not rural. She said people with larger lots might be able to keep chickens, but a 10' setback wasn't sufficient.

Randy Lewis, 2214 S Dallas Court, said he was in favor of backyard chickens. He suggested the regulations require predator-resistant coops and rat-proof feeders. He was in favor of more than four

chickens. He recommended up to six or seven chickens be allowed. He disagreed with many of his neighbors. He said his coop was 10 feet from his back patio and had never been a problem. He found neighbors to be responsible. He said chickens celebrated laying eggs for maybe 30 seconds and agitated clucking only happened once in a great while. He reported being retired and said it was very rare if they did hear chickens. He stated his experience had been very different and very pleasant.

Jill Asrael, 5954 S Iola Way, in favor; friend of ours in Denver offered chicken coops, chickens, ducks – ducks didn't work out – we were able to rehome them. Neighbors complained about ducks and we rehomed the chickens. Having the chickens was great experience sharing eggs with neighbors; got my kids off the screen.

Leslie Summey, 2170 S Alton Way – Huntington Estates, said she had lots of chickens as a child in Colorado Springs. She stated chickens were no louder than my or my next door neighbor's dogs. She said even if folks are allowed to have bees and chickens, not everybody would have them. She was in favor of having some chickens. She would like to have eggs that she knew where they came from.

There were no further public comments. The public hearing was closed.

Mr. Braebeck reported he had worked for CSU Extension for 20 years, 6 years with Arapahoe County as a 4H agent. He said they supported the local food industry; however, his role at today's hearing was to provide information and encourage chickens to be handled responsibly. He said in 4H there was a poultry project and if the land code was amended to allow for backyard chickens, it would offer opportunities for more 4H poultry projects. Mr. Braebeck said CSU Extension tried to educate people on the proper care and maintenance of chickens. He said they did consider noise concerns as well. He reported noise from a residential street was about 55 db, 60 db for human conversation, hens at their loudest registered 70 db, a vacuum cleaner was about 80 db, and more car traffic was about 85 db.

There were discussions concerning regulating noise, lot sizes, and lack of enforcement.

Ms. Latsis moved to approve the application with modifications to increase the rear setbacks to 15' instead of 10'. Ms. Wollman seconded. The motion failed on a tie vote.

	<p>It was then moved by Ms. Latsis and duly seconded by Mr. Miller, in the case of LDC18-006, Arapahoe County Backyard Chicken-Keeping / Land Development Code Amendment, that the Planning Commission reviewed the staff report, including all exhibits and attachments, listened to the applicant’s presentation and any public comment as presented at the hearing, and moved to recommend approval of the application based on the findings in the staff report, subject to the following condition:</p> <p>1. Staff will make corrections and revisions to the proposed language as directed by the County Attorney prior to incorporating the approved amendment into the Land Development Code for publication.</p> <p>The vote was:</p> <p>Ms. Rieck, No; Ms. Chaffin, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Latsis; Yes; Ms. Wollman, No.</p>
ADJOURNMENT	<p>There being no further business to come before the Planning Commission, the meeting was adjourned.</p>