

**CITY OF LOVELAND  
PLANNING COMMISSION MINUTES  
October 14, 2019**

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on September 23, 2019 at 6:30 p.m. Members present: Chairman McFall; and Commissioners Bears, Fleischer, Hovland, Peterson, Tygesen, and Devlin. Members absent: Commissioners Molloy and Hammond. City Staff present: Robert Paulsen, Current Planning; Moses Garcia, City Attorney; Lisa Rye, Planning Commission Secretary.

*These minutes are a general summary of the meeting. A complete video recording of the meeting is available for two years on the City's web site as follows: <https://loveland.viebit.com/>*

**CITIZEN REPORTS**

There were no citizen reports.

**CURRENT PLANNING UPDATES**

1. **Robert Paulsen, Current Planning Manager**, provided a preview of the agenda for the Monday, October 28, 2019 Planning Commission meeting. The first item will be a public hearing for Dakota Glen Outlot J – Rezone. A Planning Commission group photo will be taken, as well.
2. **Mr. Paulsen** announced the resignation of two Planning Commissioners. Commissioner Rob Molloy has been with the commission for 13 years and is now running for City Council. Commissioner David Hammond has been with the Commission for over a year, and is resigning effective immediately as he has taken a new job in the Denver area and unable to attend scheduled meetings of the Planning Commission.
3. **Mr. Paulsen** stated that the application deadline for the Planning Commission fall recruitment period is 4:30 p.m. November 1<sup>st</sup>. All applications would be welcome; however, applicants must be residents of Loveland to qualify. He added that the City's staff planner position, formerly held by David Eisenbraun, will soon be filled. This planner will be responsible for the City's long-range planning efforts, as well as some current planning applications.

**CITY ATTORNEY'S OFFICE UPDATES**

**Moses Garcia, City Attorney**, announced that he is attending tonight's meeting, as well as the October 28<sup>th</sup> meeting, due to Laurie Stirman's absence.

## **COMMITTEE REPORTS**

There were no committee reports.

## **APPROVAL OF THE MINUTES**

*Commissioner Bears made a motion to approve the September 23, 2019 minutes; upon a second from Commissioner Peterson, the minutes were approved unanimously.*

## **REGULAR AGENDA**

### **1. Northern Colorado Regional Airport – Master Plan Update**

**Project Description:** This is an informational item. Airport staff will provide an update on the Master Plan effort that is underway. The presentation to the Planning Commission is part of the public outreach process. The update will include a review of overall Master Plan goals, existing conditions, forecasted needs and recommendations for the Airport Influence Area. The Final Report will be presented for adoption to the Loveland City Council and the Fort Collins City Council in the first quarter of 2020. The Planning Commission is encouraged to ask questions and provide comments; no formal action is required by the Commission.

**Aaron Ehle, Planning and Development Specialist for Northern Colorado Regional Airport**, stated that they are in the process of updating their master plan, which was last completed in 2007. He added that the airport influence area is being analyzed with respect to compatible and complementary land use surrounding the airport.

**Ryan Hayes, consultant**, provided a PowerPoint presentation to the Commission. He shared that public outreach meetings have been held; the 3<sup>rd</sup> and final meeting will be in February 2020, when the Master Plan draft will be presented. The plan has been presented to the Fort Collins and Larimer County Planning Commissions, as well. The pre-planning and investigation phases of the Master Plan process have been completed, and they are currently in the solutions phase. Once recommendations have been made to the Airport Commission and they have accepted the concept plan, they will move into the final phase of implementation, which will involve a detailed financial analysis of the airports capital improvement projects. The FAA will fund approximately 90% of the project. The project schedule was reviewed and a projected completion date of February 2020 was mentioned.

**Mr. Hayes** explained to the Commission that the City of Loveland and the City of Fort Collins jointly own and operate the airport. Land use decisions around the airport are important, as this surrounding area includes unincorporated Larimer County land, City of Fort Collins land, and land within the city limits and growth management boundaries of Loveland. Following the presentation, questions from the Commissioners were addressed.

## **COMMISSIONER QUESTIONS**

- **Commissioner Fleischer** asked how many years the Master Plan vision covers. **Mr. Hayes** responded that it is a 20-year planning period, and improvements will be broken down into short, medium, and long-term projects. The FAA recommends that the plan is updated at least every 10 years and will pay for those updates. **Commissioner Fleischer** asked for clarification of the Airport Influence Area map and wondered if the area depicted in purple will be used for additional terminals. **Mr. Hayes** stated that the purple area is entirely parking, and the label within it refers to the Remote ATCT Facility located to the east.
- **Commissioner McFall** asked if the additional length of the runway is being considered by Allegiant Air due to high temperatures, and if the airport is considering bringing other aircraft in, if it's profitable. **Mr. Hayes** replied that the air is thinner in hot summer days, so more runway length is needed. He added that Allegiant has upgraded their entire fleet with much more modern and efficient aircraft, and may not require the longer runway as their older aircraft called for.
- **Commissioner Fleischer** asked what would trigger the need for a second runway. **Mr. Hayes** explained that the primary runway has a capacity of about 200,000 annual operations, and the airport is currently operating at about 50% of capacity. When the runway is at 60% capacity, the FAA recommends planning for the next runway; and at 80% capacity, funding of the additional runway would be justified.
- **Commissioner Devlin** asked if they see this airport as being used by Southwest or any other major airlines to help with the fiscal self-sufficiency. **Mr. Ehle** responded that they hope other carriers will see Allegiant's success and will want to come into the market. **Commissioner Devlin** asked if the plan for the runway takes into account the servicing of larger jets. **Mr. Hayes** stated that it does, as does the plan for the terminal. They are being conscious of leaving space for expansion should it be needed.
- **Commissioner McFall** asked what would promulgate Air Traffic Control (ATC) at the airport. **Mr. Hayes** responded that there is no longer funding available from the FAA for the physical ATC tower, which is why a remote tower is being pursued. CDOT would provide grant money for this type of tower, which Allegiant requires, and will meet their needs at a fraction of a cost of a traditional tower. **Commissioner McFall** added that people that move to an area with an already existing airport amaze him, and then they complain about the noise. **Mr. Hayes** stated that the communities around this airport have done a great job of land use planning. **Mr. Ehle** added they get about one complaint a week, and once air space jurisdiction is explained and an attempt to mitigate is made, people usually understand.

**Mr. Paulsen** asked, with the potential changes to the runway expansion and the addition of another runway, if they foresee any changes to the Airport Influence Area or to the Critical Zone. **Mr. Hayes** stated that they do not predict any changes because they are continuing to use the

larger noise contours, despite the current fleet of aircraft that would shrink that contour area, and recommended that the noise contours remain where they are.

## **2. Animal Husbandry Public Hearing - Ordinance**

**Project Description:** This is a public hearing to present proposed amendments to Title 6 (Animals) of the Loveland Municipal Code concerning allowances for the keeping of pot-bellied pigs and pygmy goats within the City limits. This topic responds to a "Rule of 4" request by the Loveland City Council.

The Current Planning Division has determined that the keeping of pot-bellied pigs and pygmy goats within an urban, residential setting is appropriate with licensing and other limited restrictions. In making this recommendation, planning staff has conducted significant research and consulted with the Larimer Humane Society and with Dr. Ragan Adams, a Veterinary Extension Specialist with Colorado State University. Planning staff has also received assistance from the Loveland City Attorney's office in preparing the proposed ordinance.

The role of the Planning Commission is to conduct a public hearing and forward a recommendation to the City Council. The Commission may recommend approval, approval with adjustments to the ordinance, or denial.

**Emily Tarantini, Current Planning**, stated that she will be presenting the proposed amendments to Title 6 – Animals, relating to animal husbandry and in particular the allowance of dwarf goats and pot-bellied pigs. She added that staff from the Larimer Humane Society and CSU Veterinary Extension specialist, Dr. Ragan Adams, are in attendance and will be available to answer any questions.

**Ms. Tarantini** provided a project timeline, which began in the fall of 2018 when City Council decided on a rule of four request to the City administration in response to citizen complaints and violations issued by the Humane Society. Planning staff was assigned to this project and subsequently met with Larimer Humane Society staff to research animal regulations and discuss issues with Title 6. To obtain direction, a Planning Commission presentation was held in March 2019, followed by a Loveland City Council study session in April, 2019. Following the Planning Commission input and City Council direction, staff continued its research including consultation with CSU Veterinary Extension Specialist, Dr. Ragan Adams. With this information, regulations specific to the keeping of dwarf goats and pot-bellied pigs were drafted. An update and summary of proposed code amendments were presented to the Planning Commission in August, 2019. The Commission indicated support for the direction being taken by staff.

**Ms. Tarantini** stated that the focus of the hearing this evening would be on pot-bellied pigs and dwarf goats. The proposed code amendments address concerns relating to allowance for and enforcement of provisions relating to the pigs and goats. Specifically, enforcement has been difficult because City Code does not specify what parameters a resident must meet to classify an animal as a "Show Animal" and there are no standards for these animals. The City Code definition of "Pet" is another concern, as it is a very open-ended definition which leaves

opportunity for any animal that is dependent on human care. Other concerns were regarding nuisances and environment. Specifically, noise and odor, and proper animal waste disposal, as well as dwarf goats that escape and cause damage to adjacent property if proper shelter and enclosure is not provided. Public health concerns were raised. Specifically, zoonotic diseases, which transfer between animals and humans, and can cause sickness and sometimes death in people. Finally, animal welfare has been a large concern, specifically the lack of education for the care of the animals, animal housing, and health.

**Ms. Tarantini** presented a chart showing the current code challenges, along with the proposed amendments to Title 6, including a definition for dwarf goats that allow only Nigerian Dwarf or African Pygmy, and definitions for “Humane Society”, “Livestock”, “Pet”, and “Show Animal”. Other proposed code amendments with respect to the licensing of pot-bellied pig and dwarf goats were presented, and include licensing requirements, application and term of license, license and ID tags, impoundment, and rabies vaccination. She added that rabies vaccines have not yet been designed; however, many veterinarians are recommending that pot-bellied pigs and dwarf goats are included. The specificity of only vaccinating cats and dogs will be revised to “any animal”. An amendment regarding limitations of livestock was also discussed.

**Ms. Tarantini** welcomed questions from the Commissioners regarding the information provided.

- **Commissioner Devlin** stated that the proposed code amendment defines different breeds of dwarf goats, and questioned why pot-bellied pigs are not defined by breed. **Ms. Tarantini** stated that from what she has seen from other municipalities, pot-bellied pigs are not defined by breed. Some municipalities define it widely as “mini-pigs” and others define it as “Vietnamese pot-bellied pig”. She stated she does not believe there is a specific breed for mini pigs. **Commissioner Devlin** followed up by asking if there are certain size limits of the pigs. **Ms. Tarantini** stated that that staff chose not to limit the weight of a pig as staff did not feel that it was fair or reasonable to regulate. **Commissioner Devlin** stated that he likes the idea of licensing for tracking purposes, and asked if the humane society will be responsible for the certification of a pig passing its inspection requirement. **Ms. Tarantini** replied that it would be left to a Colorado State licensed veterinarian. She added that she will further discuss details of the pot-bellied pig regulations.
- **Commissioner McFall** asked if animal control feels that they can now, with the proposed code amendments, effectively, efficiently, and consistently provide enforcement. **Ms. Tarantini** stated that she will allow Larimer Humane Society to answer the question, and stressed that the code amendment process was a coordinated effort with Humane Society staff. **Ms. Judy Calhoun**, CEO of Larimer Humane Society, stated that the challenge with the current ordinance is that the definition of “show animal” is very loose, and has been a big challenge for enforcement. The code amendment specifies what type of goats and pigs are allowed, and under what conditions they should be housed. **Mr. Rigo Neiro**, Director of Animal Protection and Control, added that with a veterinarian giving a certification, they can determine what the species is and would be able to prevent a boar from passing for a pig. The problem with the previous ordinance is

that if a pig became 600 pounds, it could be considered a “pet” and not livestock that is going to be consumed. He indicated that the proposed amendment clears up the grey areas of the Code.

- **Commissioner Fleischer** asked if someone could pass off other goats as a Nigerian goat or an African pygmy. **Mr. Neiro** responded that this is why they rely on veterinarians with specific expertise to identify an animal. Unfortunately, some people will purchase a baby goat because it is cute, but once it starts to present adult features, they are substantially different from pygmy and dwarf goats. This is an issue that may need to be addressed at some point. Animals can outgrow the Code.
- **Commissioner McFall** asked if there is a reason that Nigerian and African pygmy are the two breeds chosen for the amendment. **Ms. Tarantini** responded that these were the two common breeds identified by other municipalities, which seemed to work for them.

**Ms. Tarantini** continued with her presentation and discussed the proposed dwarf goat requirements, which prohibits the keeping of just one goat, and only female or neutered male dwarf goats will be permitted. The housing requirements of goats to prevent predators was discussed, as well as the requirement of shelter from one half hour before sunset and one half hour after sunrise. Permits would also be required with the proposed amendment, and the Humane Society would conduct a site inspection to verify compliance with the requirements of this section.

- **Commissioner McFall** asked the purpose of the half hour before and half hour after sunrise reasoning. **Ms. Tarantini** responded that this level of detail was recommended by the legal department to clarify enforcement.
- **Commissioner Hovland** asked for clarification on the numbers allowed in the keeping of goats, specifically Sections A and G. **Ms. Tarantini** explained that under Section A of the proposed goat requirements, off-spring are not limited until they are weaned at 12 weeks of age and at that point the limitations for two goats would go into effect. Section G states that the goats kept after 12 weeks will be required to be vaccinated. **Commissioner Hovland** asked how many chances the escape artist goat gets. **Mr. Neiro** responded that there is no actual limit to the number of times animals are running at large; but similar to dogs running loose, there would be warnings, citations issued, and incremental increases in fines for repeat offences.
- **Commissioner Devlin** asked if there would be an annual inspection of the yard to make sure it is kept-up, and wondered what the licensing or relicensing requirement would be. **Mr. Neiro** stated that at any time, if someone has a concern about the welfare or caretaking of an animal, an inspection by the Larimer Humane Society could be requested. If an inspection that shows conditions are not up to regulations, they can be addressed through the rest of the ordinances under waste removal, proper structures, and the specific requirements of the type of shelter they should have. It would need to be reported, as there would not be a regular recertification date.

**Ms. Tarantini** presented the proposed pot-bellied pig requirements. A Colorado Certificate of Veterinarian Inspection would be required, as well as documentation of spay or neuter. She added that it was decided that limiting the weight of the pig would not be an enforceable characteristic. Animal codes from seven local jurisdictions were considered in the code amendments, and many resources were used to research animal regulations. **Ms. Tarantini** presented the Commission with a supplemental memo, which included recommended conditions from the Larimer Humane Society to be included with the motion. Planning staff has recommended that these revisions be adopted with the conditions.

- **Commissioner Devlin** asked how these codes would affect HOA covenants. **Ms. Tarantini** answered that HOA covenants will trump the City's requirements, when they are more restrictive. If there were an HOA, the Humane Society would require approval by the HOA prior to issuing a permit. She added that an HOA could choose to amend their covenants.

### **CITIZEN COMMENTS**

**Commissioner McFall** opened the hearing for public comment at 7:45 p.m.

- **Terry Cook, resident**, stated that he spoke at the previous meeting and is the owner of a pot-bellied pig named "Porkchop". He was unaware of an ordinance prohibiting her when he adopted her three years ago. He commended **Ms. Tarantini** for the research she has done. He thinks the provisions are well thought out believes that if the animals become a nuisance, it can be addressed like a dog or a cat would be through the Humane Society. **Mr. Cook** added that in the time he has had Porkchop, they have not received any complaints. He has two other dogs, as well, and she thinks she is one of the dogs. She goes outside to go to the bathroom, sleeps in the living room on a dog bed. She has a specialized diet of pig pellets and fresh fruits and vegetables. He shared that he is pleased there is no weight limit proposed because people might starve their pigs to keep them under a specified weight. He spoke of his concern regarding spaying her, which is part of the proposed regulation. He understands that this is recommended as it helps with their temperament. At the size Porkchop is now, it is potentially an issue, as she may not wake up from the anesthesia. He wondered if there would be a provision made for that since he is concerned for her well-being. **Mr. Cook** added that he is a City employee and works for the Public Works department.

**Commissioner McFall** closed the public comment portion at 7:54 p.m.

**Ms. Calhoun** responded to the citizen comment by stating that one option might be to make an exception, based on a veterinarian's certification, stating that it would not be in the best interest of the animal's health to spay or neuter an adult animal. She added that there is phrasing for exemptions from rabies vaccines that veterinarians use. **Dr. Ragan Adams** added that rabies

vaccination is mandatory for cats and dogs since they are the most common animals to live in close proximity to humans. There is no specific vaccination for goats, but often times a horse or cattle vaccine is used off-label, which is likely to be better than nothing. She added that there is an increase in rabies along the Front Range, but it is not at the level as it is in the South. **Dr. Adams** added that it could be grandfathered into the ordinance that the particular unspayed or unneutered animal has been in the Loveland area before the regulation started, and has grown to a place that anesthesia is too risky.

- **Commissioner Peterson** asked if a person moves into the area with a pot-bellied pig that was never spayed or neutered, would this be an exception that could be granted, if it would be too risky to the animal.
- **Commissioner McFall** stated that he would like to seek the City's legal counsel for advice. **Mr. Garcia** stated that it would be appropriate to adopt the motion as written, but add language to the end that would have it subject to an exemption for significant detrimental health defects, certified by a veterinarian, which language would be drafted by the City for inclusion in the final report to the City Council.

*Commissioner Hovland moved to recommend that City Council approve the amendments to Title 6 relating to the allowance of dwarf goats and pot-bellied pigs within the City limits as described in the Staff Memorandum dated October 14, 2019, with the conditions approved on the record, subject to an exemption for significant detrimental health defects, certified by a veterinarian. Commissioner Tygesen seconded the motion. The motion was opened for Commission discussion.*

## **COMMISSIONER DISCUSSION**

- **Commissioner Bears** questioned if there is a pig that cannot be spayed or neutered due to health reasons, what limitations are going to be in place to keep them from breeding. **Mr. Paulsen** stated that the recommendation from **Mr. Garcia** does not address this. **Commissioner McFall** added that the Code was not specific to breeding.
- **Commissioner Devlin** stated that under the definition of "pet animal", it does not list pot-bellied pig or dwarf goat. **Mr. Paulsen** indicated that even though these animals are not defined as pets, there are provisions within the recommended code changes that make allowances for them with the limitations discussed this evening.
- **Mr. Garcia** stated that breeding was not addressed within the Code. He added that a Commissioner could propose an amendment that would add language that the breeding of such unspayed or unneutered animals would be prohibited. **Commissioner McFall** asked why this was not in the Code to begin with. **Mr. Garcia** stated that he believes it was omitted because the animals are required to be spayed or neutered before they come to the City of Loveland. He added that someone could make a motion to amend the motion on the table, by adding language that would prohibit the breeding of such animals.

*Commissioner Peterson made a motion to adopt additional language that would prohibit the breeding of any animals that had been made an exception to the spay and neuter Code; upon a second from Commissioner Bears, the motion was unanimously approved.*

*The motion to recommend that City Council approve amendments to Title 6 relating to the allowance of dwarf goats and pot-bellied pigs within the City limits as described in the Staff Memorandum dated October 14, 2019, with the conditions approved on the record, subject to an exemption for significant detrimental health defects, certified by a veterinarian was unanimously approved.*

**Mr. Paulsen** announced that the hearing before the City Council originally scheduled for Tuesday, November 5<sup>th</sup> has been delayed since this is election night. A new hearing date will be determined in the near future.

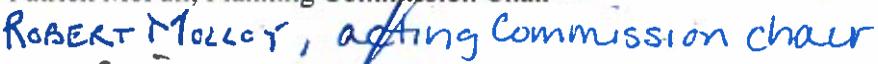
#### **ADJOURNMENT**

*Commissioner Bears made a motion to adjourn; upon a second by Commissioner Tygesen, the motion was unanimously adopted.*

**Commissioner McFall** adjourned the meeting at 8:06 p.m.

Approved by:

  
Patrick McFall, Planning Commission Chair

  
ROBERT McFall, acting Commission chair

  
Lisa Rye, Planning Commission Secretary