

Ron Rucker
770 26 Road
Grand Junction, CO 81506
April 20, 1995

Dave Thornton
250 North 5 Street
Grand Junction, CO 81501

Dave Thornton:

I, Ron Rucker, and my family are chinchilla breeders. We raise and sell chinchilla livestock. We produce pelts and fur products. We also provide chinchilla organs and parts for medical research.

The chinchilla operation will conform to industry standards.

The existing chinchilla building is 32' X 56'. However, it was agreed that it is expandable to 32' X 85' under the grandfather agreement.

On April 14, 1995, in Dan Wilson's office, I met with Dan Wilson, City Attorney, Larry Timm and Dave Thornton, Planning Department. As a result of this meeting, we agreed to amend the zoning assigned to my property so that chinchilla breeding is conforming under the set zoning standards.

This is to be achieved in a timely manner.

Sincerely,



Ron Rucker, President
Double RK Chinchilla, Inc.

CC: Dan Wilson, City Attorney
Larry Timm, Planning Dept.

Approved by CC May 1st
Approved 6-0
Voted May 1 17th first reading
2nd reading

STAFF REVIEW

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FILE: TAC #96-1.3
DATE: March 22, 1996
STAFF: Mike Pelletier
REQUEST: Text amendment - Section 5-10-3 Make chinchilla ranches an allowed use in the RSF-R zone.
APPLICANT: City of Grand Junction

EXECUTIVE SUMMARY:

Ron Rucker is requesting that chinchilla ranches have an "allowed use" designation in the Zoning & Development Code. Currently, chinchilla ranches require a conditional use permit in the RSF-R zone. The purpose of his request is to avoid potential conflicts with animal rights groups which public hearings (required by a conditional use permit) might encourage. A well-run chinchilla ranch is totally enclosed within a building and has no smell, noise, or dust impacts on surrounding properties.

STAFF ANALYSIS:

Background

Ron Rucker lives at 770 26 Road, owns a chinchilla ranch, and was annexed into the City May 7, 1995 with the Ponomo Park Annexation. In the County, his operation was a conforming use. Currently, his use is considered a non-conforming use in the City because he has greater than 15 animals and does not have a conditional use permit (required by Code), as formalized in a letter from Dave Thornton, Senior Planner to Mr. Rucker. The letter also states that his operation must conform to industry standards and that the existing chinchilla building may be expanded to 32' x 85' without obtaining a conditional use permit (CUP). The building's current size is 32' x 56'. The expansion clause was granted to Mr. Rucker because he had received approval from the County for the 32' x 85' building prior to annexation. Currently, if Mr. Rucker wishes to expand his chinchilla building beyond the 32' x 85' limit, he must obtain a CUP.

At the time of annexation, a maximum of 15 small animals per species, per acre was allowed by the City on parcels greater than one half acre. Mr. Rucker's chinchilla ranch has hundreds of animals at any given time, which is far more than the Code allows. However, on April 19, 1995 City Council approved a text amendment that allows a person located in RSF-R zones to exceed the Code's limit on the number of animals by obtaining a conditional use permit. This amendment was passed to help provide more flexibility for rural areas within the City.

The reason for requiring a conditional use permit for agricultural animals

stems from the potential smell, noise, dust, and other negative impacts on adjacent parcels. Currently, one large animal is allowed per one half acre in the RSF-R zone and must be fenced so that 100' separates the animal(s) from homes on adjoining properties. Small agricultural animals must be fenced so that 20' separates the animal(s) from homes on adjoining properties. Six small agricultural animals per species are allowed on parcels of one half acre or less and 15 small agricultural animals per species on parcels greater than one half acre in the RSF-R zone.

Mr. Rucker has asked Staff to prepare an alternative to the conditional use approval process for his operation so that a public hearing is not necessary. This request stems from his desire to keep a low profile operation in order to avoid troubles with animal rights groups. He has a sincere concern that his operation and family are potential targets for harassment or vandalism. By removing the need for a public hearing and subsequent announcement published in the local paper, Mr Rucker feels that he can lessen this threat. While removing public hearings for chinchilla ranches will decrease his exposure, his ranch is listed with the Chinchilla Industry Council and therefore open to discovery by anyone researching the industry.

Chinchilla Ranch Impacts

Chinchillas cannot survive long periods of warm weather and are therefore kept inside a temperature controlled building. A site visit on January 29, 1996 revealed that Mr. Rucker's operation produces no smell, dust, or noise outside the building housing the chinchillas. While the chinchillas take dust baths, it appears to create less dust outside the building than driving a car in the driveway. Less noise is created by the chinchillas than by the radio in the building. With regards to smell, no odor outside the building was detected despite an ammonia smell inside the building that is created by chinchilla urine.

The chinchilla manure is spread on Mr. Rucker's land, as is the practice with other animal manure. The chinchilla carcasses are kept frozen until shipped elsewhere. Despite the large number of animals, the operation appears to have less smell, dust, or noise than would other animals in concentrations currently allowed in the RSF-R zone. Also, Mr. Rucker stated that only a sanitary, well-run operation will be profitable; otherwise, disease and stress will reduce the output quality. Thus, unclean operations will eventually shutdown due to economics.

Two phone calls were made to Mr. Rucker's closest neighbors and contact was made with one. Mrs Stricklan, who lives directly to the north, says she is very familiar with the chinchilla ranch and has absolutely no problem with the location. Of the potential uses, she feels that it's one of the better uses of the land. The other neighbor, Mr Chris Cameron, did not return the call. Mr. Rucker said that he has had no complaints from his neighbors.

It appears that a well-run chinchilla ranch will have no significant impact on adjacent



property owners. Even poorly run ranches will likely have no impacts outside the building. If a problem occurs, neighbors can ask the City to use Article II, Section 6-11 (c) of the Municipal Code to force cleanup. This section contains language that requires "cleanliness of premises" to avoid "offensive smell" from escaping.

Appropriate Regulation

The options are to make chinchilla ranching an allowed use, a special use, or remain a conditional use. A conditional use permit requires notification of surrounding property owners, publication in the newspaper, a public hearing, and approval by Planning Commission. This option would be the status quo.

Under a special use permit process a public hearing is not required but the immediate neighbors would be notified. However, if a neighbor objects to the application or Staff denies the application, then it may be brought before the Planning Commission in a public hearing. Under this scenario it would, in effect, be similar to a conditional use permit.

If it is decided that notification of the surrounding property owners and a public hearing is not necessary, than making it an allowed use in the RSF-R zone is appropriate. The site plan review process will then provide for staff review of the project to ensure setbacks are met.

If the special use or allowed use option is chosen then a requirement that 8 cubic feet of enclosed building space per chinchilla should be added to the Code. This figure comes from the Chinchilla Industry Council. This will help assure that the ranch is operated in a sanitary manner.

The RSF-R zone is the most compatible zone for chinchilla ranches since it is the most rural zone and requires a 50' side and rear yard setback for principal and accessory structures. This creates a buffer if the operation should, for whatever reason, begin to smell outside the building. Also, if a text amendment is passed on this issue, it should only apply to chinchillas. Other small agricultural animals have significantly different impacts and have not been considered in this report.

Performance standards for noise, smell, and dust were considered for chinchilla ranches. After researching the implementation of this approach it was concluded that performance standards are not practical. Discussions about the feasibility of performance standards with Perry Buda, Mesa County Environmental Health Department, revealed that measuring noise, dust levels, and smells objectively is expensive and the reliability of the measurements do not hold up well in court. Also, determining what is an "unacceptable level" is very subjective. These are the same reasons why sources of noise, smell, and dust are not currently regulated with performance standards in Grand Junction.

RECOMMENDATIONS:

Staff recommends that chinchilla ranching be an allowed use in the RSF-R zone. This is because there are no significant impacts beyond the property lines associated with this use. Since chinchilla ranching must operate within a building, even a poorly run operation will probably not have any negative impacts. In addition, a CUP or a SUP would not stop an operation from being run poorly and therefore are of no benefit. However, to help ensure a sanitary operation, Staff recommends that a minimum of 8 cubic feet of enclosed building space per chinchilla be required.

Thus, Staff recommends passing an ordinance that makes chinchilla ranches in the RSF-R zone an "allowed use" with the condition that the density does not exceed 8 cubic feet per chinchilla. The language should be added as a new paragraph (D) in Section 5-10-3 as below.

- D. The keeping, breeding, and raising of chinchillas in any number is an "allowed use" in the RSF-R zone if each chinchilla has at least 8 cubic feet of building space which is fully enclosed by solid materials. When enclosed building space is less than 8 cubic feet per chinchilla, a Conditional Use Permit is required in accordance with Section 5-10-3-C. For 15 or less chinchillas, Sections 5-10-3B.1 and 5-10-3B.2 shall apply and required enclosed building space for each chinchilla is not required.

- Staff recommends chinchilla ranching be an allowed use in the RSF-R zone
- No noise, smell, or dust are created outside building
- 50' setback provides safety margin
- Recommend 8 cubic feet per chinchilla for sanitary reasons
- Text amendment would be added to animal code section as a new paragraph as shown in Staff report
- This amendment will remove unnecessary regulation.

RE: Industry Standards, Chinchilla Ranches

DATE: April 20, 1995

Housing and care of chinchillas shall meet standard guidelines for the operation of chinchilla ranches prepared by the following organizations and administered under the auspices of the Chinchilla Industry Council:

Empress Chinchilla Breeders Cooperative
P.O. Box 318
Sixes, Oregon 97476

National Chinchilla Breeders of Canada
R R #10
Brampton, Ontario L6V3N2 Canada

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT
MAY 9 RECD

770 26 Road
Grand Junction, CO 81506
May 8, 1995

Dave Thornton
250 North 5 Street
Grand Junction, CO 81501

Dave Thornton:

I, Ron Rucker, and family raise pigs for our own family food consumption. Currently we have 3 pigs. We could have up to 6 pigs at any one time.

Sincerely,



Ron Rucker

@: Mike Pelletier



City of Grand Junction, Colorado
250 North Fifth Street
81501-2668
FAX: (303) 244-1599

June 7, 1995

Mr. Ron Rucker
770 26 Road
Grand Junction, CO 81506

Dear Ron:

The purpose of this letter is to confirm that we have discussed the possibility of an amendment to the City Zoning and Development Code which addresses chinchilla farms in the RSF-R zoning district.

Currently, Section 5-10, Animal Regulations, limits the number of small agricultural animals to a maximum of fifteen (15) adult animals per acre. As we have discussed, the operation you had in place as of the date of the City's annexation, May 7, 1995, will be considered a legal, non-conforming use. Any expansion of activity beyond that level of operation would require compliance with the City zoning code. A separate letter will be sent to you on that matter.

As you may know, the City has recently amended the Zoning and Development Code to provide that in the RSF-R zone, one may have more than the maximum stated number of animals by obtaining a conditional use permit (CUP). The conditional use permit process involves a public hearing, and the approved conditional use permit would state the maximum number of animals permitted, by type, and could also list conditions that would have to be met in order to continue the operation granted by the CUP. Anyone operating within the parameters of a conditional use permit would be considered a legal, conforming use.

You have said that some day you may wish to expand the chinchilla operation beyond that which is now considered legal non-conforming, and you request that the City amend the zoning code in such a way as to make that possible. The above noted code amendment enables you to do that.

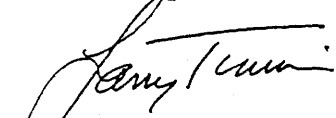
However, I understand that you desire the City to further amend the Zoning and Development Code so as to preclude the need for a public hearing in order to expand your chinchilla ranch as is required by the conditional use permit process noted above. You have suggested that the City adopt a performance standard for chinchilla ranches, and that the Code allow chinchilla ranches without the need for a public hearing as long as the performance standards are

met. From our discussion on April 14, 1995, it appears that the major concerns that would have to be addressed by performance standards for chinchilla ranches include noise, odor, and possibly dust. I understand that if it took the City staff a period of 12 months to prepare such a proposed amendment to the Code, this timetable is acceptable to you.

The City staff has agreed to develop and propose such an amendment within the next 12 months. Please note that any Code amendment proposed by City staff must be presented to the City Planning Commission in a public hearing, at which the Planning Commission will make a recommendation to the City Council. The City Council will also hold a public hearing, and final discretion concerning adoption of any Code amendment rests with the City Council.

Your continued assistance in the collection of industry data to help City staff in the development of performance standards for chinchilla ranches would be appreciated. Thank you.

Sincerely,



Larry R. Timm
Director of Community Development

CC: Mark Achen
Dan Wilson
Kathy Portner

RUCKER



June 7, 1995

Mr. Ron Rucker
770 26 Road
Grand Junction, CO 81506

Grand Junction Community Development Department
Planning • Zoning • Code Enforcement
250 North Fifth Street
Grand Junction, Colorado 81501-2668
(970) 244-1430 FAX (970) 244-1599

Dear Ron,

The purpose of this letter is to confirm the use of your property at the time of the Pomona Park Annexation which occurred on May 7, 1995. As we had discussed, the operation you had in place (see below) as approved in Mesa County will be considered a legal, nonconforming use. Any expansion of activity beyond the level and scope of this operation would require compliance with the City's zoning and development code.

As agreed, the chinchilla ranch operation shall conform to industry standards and the existing chinchilla building, current size of 32 feet by 56 feet, may be expanded to 32 feet by 85 feet under this nonconforming use agreement.

In addition to the Chinchilla ranch, we received a letter from you stating that you had three pigs. Pigs are a use by right under County zoning. Within the City limits, pigs require a Conditional Use Permit in all zone districts. The three pigs you currently have are grandfathered at the time of annexation. Any number of additional pigs greater than three at anytime shall require a Conditional Use Permit as per the Zoning and Development Code.

If you have any questions, please contact me at your earliest convenience. I can be reached at 244-1450.

Respectfully,

A handwritten signature in black ink, appearing to read "Dave Thornton", is written over a large, stylized oval shape.

Dave Thornton, AICP
Senior Planner

cc: Jan Koehn, Code Enforcement Supervisor
File #ANX-95-17

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