

Argument Against Allowing Backyard Chickens in Deer Valley Estates

This rebuttal is in regards to the proposal to allow backyard chickens in Deer Valley Estates. ***I, and many fellow neighbors, hope you will vote to oppose the proposal.***

- Chickens will bring increased predators and vermin.
- Chickens will decrease the esthetic value of the neighborhood.
- Chickens were prohibited all along, brought here without permission and kept after becoming aware they are prohibited.
- Pro-Chicken advocates originally promised multiple protections if allowed to have chickens. Yet the final ballot wording leaves out those protections.
- Managing chicken permits and issues arising will bring additional workload for volunteer Boards and Committees

Some residents may take offense to my perspective of certain circumstances and positions. That is not my intention, but sadly is probably inevitable considering how this issue has divided many of us.

That being said, the comments, thoughts and words in this rebuttal should be considered mine alone. Others have spoken to me and contributed information and concerns. I proposed to them that we summarize some of the reasons to oppose the issue. This rebuttal contains most of their reasons. But I take responsibility for putting this rebuttal forward for consideration.

We (the Deer Valley Estates POA) are certainly stronger as a cooperative group of owners. One that can help maintain our subdivision to its high standards and desirability. I hope this issue is one that it can get over quickly, however it is decided.

The original (after-the-fact) proposal to allow residents to have chickens included “solutions” to mitigate the negative aspects of backyard chickens. Yet in their ballot proposal final language, the only “solution” is to restrict the number and sex of chickens allowed to each lot. There are no assurances, protections or solutions for why they were already prohibited and why we continue to oppose them.

As I understand it, we are in this situation because a resident began their own backyard chicken flock. They did not check the CCR’s, as it specifically prohibits “other livestock or domestic fowl”.

Before I spent many hundreds of thousands of dollars to move into DVE, I read those documents (CCR’s and Bylaws). I expected that it would be very important to understand the neighborhood rules and regulations so I respected what had been accomplished here. I visited the neighborhood many times before buying. The beautiful look, feel and maintenance of DVE

was head and shoulders above any other POA I had visited, from Ridgway to Mancos to Pagosa Springs. Much of the success of that look & feel was attributed to owners following, and proactive management by, the POA Board of the agreed upon CCR's and Bylaws.

It is my understanding that the CCR's and Bylaws are distributed to new purchasers in the POA at their real estate closings. I'm pretty sure I recall receiving them when we purchased here in mid 2014.

Many of those opposed to permitting backyard chickens, moved into DVE for some of those same impressions. The rules and regulations in place at the times we variously moved here created the environment that caused us to fall in love with DVE. We don't want that look & feel to be changed. In fact, when we bought here in 2014, chickens were already prohibited. The CCR's have had an extensive rewrite since then, with input solicited from all property owners. And chickens were again included as being prohibited.

So, when a resident who started their backyard flock became notified that chickens were prohibited, did they remove them? No, they kept them, in continuing violation of the existing CCR's and as I understand it, asked for an exemption. When that was denied, did they remove them then? No, I understand that is when they made the ballot proposal initiative. They have still kept the chickens, in continuing violation and without removing them in good faith, until a properly presented ballot and election can take place.

It is just common sense that the presence of chickens is going to attract predators. The original proposal mentions raccoons, coyotes and foxes. It doesn't mention other predators present in our area that prey on chickens (or their chicks & eggs), including bears, mountain lions, snakes, skunks, owls and hawks. All are present in and around DVE. That doesn't include the unsecured dogs and cats that are our pets, that are supposed to be kept secured to their own property. Nor the feral cats allowed to roam free. Dogs and cats may also be predators of chickens.

Soon, you can add wolves to that mix. The wolves reintroduced into the far north area of Colorado have had at least one member tracked to the area of US 160 just east of DVE, and to the mountains just a couple miles north of DVE. More wolves are being reintroduced in the north. As they spread out and distribute themselves, it is very likely they will eventually be in our area.

So, how secure or substantial would a backyard chicken coop have to be to withstand predation attempts by a bear, mountain lion or wolf? A fellow DVE resident had a bear family break into an outside storage building on their lot. It was believed to have been attracted by the smell of a small stash of dog food...**THAT HAD BEEN HIDDEN THERE BY MICE.** The outbuilding was not being used for food storage.

The unfortunate followup of that story was that a trap had to be set for the mother and cubs that had been frequenting our lots and was responsible for breaking into the out building. Only one

of the cubs could be captured. It was therefore removed from its family, before it was able to survive on its own, and cared for until it could be released.

Trapping and relocating larger, more dangerous wildlife that continue to visit residential neighborhoods or attempt to break into homes is a sad reality. This local instance resulted in part of the animal family being separated before it was naturally appropriate for them. What if the mother of the immature cubs (or other predator) was the one captured and relocated. Then the immature offspring will be prematurely left on their own to attempt to survive.

Some owners may say to themselves, "well I'm not going to have backyard chickens, so what do I care if a neighbor does, I'm not affected." Well, that predator is going to pass through our yards to get to the chickens. The predators are going to become less fearful, less nervous around, and more desensitized to our buildings, fences, our human scent, and our outdoor pets as they more frequently visit our neighborhood attracted by the smell, sight or sound of prey.

Lets remember, no matter what any rule is for keeping a chicken coop or pen clean, in the best case scenario, we humans MAY not detect a smell. BUT, animals' sense of smell, hearing or sight is often thousands of times superior to humans. The final proposal limits the number of chickens each lot can have. It does not limit the number of lots that can have chickens. You may be an owner that has multiple chicken owners located immediately around you. It should be completely expected that you will have more of these predators drawn through your property on a more frequent basis.

Proponents point out that predators are already present, or attracted by those who provide food or water for prey animals. While that is true, those animals are not confined to a restricted pen or coop. The birds, turkeys and deer (assuming those are the animals being fed) are free to flee if they become fearful a predator is near, just like in a natural habitat. The backyard chickens are confined or restricted, so they can't flee. They are a fixed location target ideal for predators who will learn where they can obtain food.

Proponents talk about the sustainable food value of chickens. Are they talking about just the eggs, or are they going to be butchering chickens on their property? If they are butchering, I would imagine the byproducts of that process would be an additional attraction for predators.

Finally on the increased predator activity argument. That increased frequency of predators passing through our properties is very likely to result in increased dog barking as they become aware of that activity. Especially at night when I would think most predators are hunting. Dog barking has been one of the biggest, most frustrating and most divisive nuisances in our neighborhood. Do we really need anything that is going to result in an increase in that behavior?

Increased rodent activity is often cited as a concern on backyard chicken discussion websites. Some websites dismiss it (*IF proper sanitation rules are followed*). Others say it is a legitimate issue. I wonder, how could it not become an issue?!?!? Does anyone here with a bird feeder,

not see an increase in chipmunks and mice picking up the dropped seed? With a backyard chicken flock, won't there be feed, and bedding on the ground to attract rodents?

If the ballot proposal passes, I suspect that there will need to be a considerable rewrite of certain CCR's, perhaps Bylaws and Architectural Review codes. It can't be as simple as changing the wording to allow up to 12 chicken hens, and magically it is acceptable and handled properly. It is reasonable to expect that there will have to be regulations for things such as coop & pen locations on the property (distance and sight lines of neighbors), sanitation standards, fencing & security requirements, provisions for enforcement and violation consequences, to name just a few considerations that may have to be addressed.

Besides the additional personal time of our volunteer Board and Committees, all that work will require some legal expense for lawyer time and work. Perhaps it is fair that those following through and keeping chickens bear the cost of that legal expense, and any expense in handling enforcement of violations. Rather than the rest of us who oppose the change to allow chickens. We already have rules and standards for many things that we already have difficulty getting compliance with. Speeding, proper dumpster use, fire mitigation, etc. Why should we expect that maintaining backyard chickens to agreed upon standards, would get any better compliance than those.

Their original proposal documents outlined common criticism of backyard chicken ownership. Then they proceeded to provide suggested solutions for those concerns and criticisms. The solutions were largely regulations. Again, we have rules, regulations and guidelines for many activities that are often ignored and draw the ire of our residents (see speeding, trash disposal, loose animals, fire mitigation noted above). Why are we increasing the burden on our Board and committees to monitor and enforce a new deeply divided subject area. Enforcement/compliance can be very difficult to obtain, whether voluntary or forced.

It is already difficult to attract volunteers to fill Board and committee positions. There has been extensive discussion and polling of the membership on how to handle the lack of interest in those positions. I fear that policing this issue combined with all the other neighborhood concerns will eventually lead to the need to pay outside managers and/or contractors to handle the business of administering a POA.

Another consideration of maintaining chickens on a property, is the fire risk of heating a detached out building. I assume there would have to be some heating system to protect the chickens in the winter time. Is that going to pose a fire risk with live animals milling about in a confined structure, especially if something spooks them to cause a physical disturbance, or a predator breaks in causing a physical disturbance.

In a non-standard, detached coop that is not actively monitored for fire (detectors tied to the house), or built to minimize fire risk, could that fire develop and spread beyond the coop itself to the forest and our homes?

Proponents for allowing chickens into DVE point out that some nearby communities allow backyard chickens. SO WHAT! DVE has specifically and publicly prohibited them for at least as far back as I can check the past CCR's. If you want backyard chickens, anyone is free to relocate to those areas that allow them. That is not the type of community we were looking for when we purchased here. Those communities are large enough, and have the budget to have paid staff to handle licensing and enforcement of backyard chicken regulations... DVE doesn't!

Some opposed to, and in favor of backyard chickens have spoken about the hazards of diseases chickens carry. It was correctly pointed out that all animals can carry and spread disease. But we are not keeping all animals as pets and providing inside living, cleaning & grooming them, daily feeding & watering, maintaining, and personal handling. We are not walking through a pen or coop of wild animals such as raccoons, foxes, turkeys, etc. like the owner of backyard chickens would be doing.

While we take care of all those same ownership activities for other animals such as the dogs, cats and horses, I bet those domesticated animals receive regular periodic veterinary visits, including vaccinations and treatment for illnesses. Are the backyard chickens going to be receiving regular veterinary care and vaccinations for prevention of disease? Is that something that should be required if chickens become permitted?

Previously distributed documents supporting the allowance of backyard chickens suggest self sufficiency, beneficial fertilizer, teaching children about animals and responsibility, and report many other reported benefits of maintaining backyard chickens. So, is changing the CCR's to allow now chickens, the opening to soon have requests for goats, sheep, cows? They all provide those same benefits. Internet stories about backyard chickens with claims alleging how beneficial, problem free, low maintenance, environmentally friendly they are, are just as common as horror stories and "what were we thinking!" stories. For every "pro-chicken" success story you read, there is often a "con-chicken" horror story.

Everyone would no doubt have their own experience. The problem is that all of us neighbors are along for the ride, whether we like it or not! These are all 3+ acres lots. Not 10+ acre lots where it is difficult to see, hear or smell your neighbors activities.

Finally, while there may be no accepted published data or conclusive studies that I have found, showing that the presence of backyard chickens adversely affects property values. I think it is reasonable to argue that at a minimum, it reduces the overall number of potential buyers for a property after seeing backyard chickens in nearby yards.

The proponents of allowing chickens point out that change occurs by bringing ideas forward. Yes, the POA has rules and a process for properly and procedurally considering change. From time to time, change is needed. Change is always possible. But change is not always good or necessary. Just because an idea is brought forward does not make it a good one.

This change will force unwanted consequences and hazards on myself and many others. Consequences we had hoped sought to avoid because we consciously knew the conditions, rules and regulations existing in Deer Valley Estates when we purchased our properties.

Those who contributed may or may not agree with each issue that I explain here. All residents are free to express their opinions, and hopefully they will via their ballots.

I and many others, hope you will vote NO on the proposal to allow backyard chickens.

Respectfully,

Libits

Fergusons

Ellen Maxton

Linda Pampinella

Scott Neill

Berrymans

And many others in support with names withheld...