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Fowl Play

Have chickens driven Eldorado clucking crazy?

April 18, 2016 by [Peter St. Cyr](#)

It’s dark outside, and the scene is ripe for a fight. Two men—one tall, slender and middle-aged; the other short, gruff and 73—appear ready to duke it out. Well, at least the older man—a Texan named Jim Lightner, who sports a brown cowboy hat and a thick mustache—seems ready.

That is, until he sees that I’m recording the whole scene with a camera.

“Could you turn that camera off?” he asks.

“NO!” yells the other man, a California transplant named **Gershon Siegel**, before I can respond. “This guy’s gonna hit me and I’m gonna sue his ass.”

Siegel turns back to Lightner, daring him to fight.

“I’m gonna take that house of yours,” Siegel says. “Go ahead, hit me.”

Bystanders tell Siegel to back off, that he’s arguing with the wrong neighbor. Lightner glares at him.

“Sorry, Jimbo,” Siegel says, mockingly offering a hand. “Let’s shake hands and say goodnight. Kiss and make up?”

Lightner refuses and slowly walks away.

We’re in Eldorado, just outside of the township’s community center, where a board meeting of the **Eldorado Community Improvement Association** is underway.

Earlier, during the meeting’s public comment period, Lightner thanked the ECIA board for taking action against allowing hens as pets. He mentioned not being able to keep his six-month-old puppy outside because of coyotes. Lightner admitted he couldn’t prove that his neighbors’ backyard chickens attracted the coyotes, but said he knew coyotes frequented his property.

“If the varmints don’t go away,” he said, “I have two choices. I can try to rope those coyotes away, but I’m not good. Or I can get a .308 or a 12-gauge, and I can take care of the varmints

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myself. In doing so, I violate the covenants and I violate probably the county ordinances. I don't want to do that."

Lightner says Siegel insulted him on his way outside. Siegel says he just called him "Jimbo."

This isn't Eldorado—at least, not the Eldorado that many have come to know and love.

Located roughly 15 miles south of Santa Fe, Eldorado's 6,000 residents make it the largest unincorporated community in New Mexico. The ECIA, a homeowner's association governed by an elected board of directors, runs the township.

"It's quiet. It's neighborly," says Ed Moreno, the ECIA board president. "It's safe, and the ambiance is hard to beat. You can see practically every mountain range in north-central New Mexico."

Eldorado's road entrance—two adobe-style signs with large lettering reading "Eldorado at Santa Fe"—suggests a gated community. Shopping centers, an elementary school and a quaint fire station line the road. Many of the homes, situated on lots of at least an acre, feature suburban amenities like satellite dishes, basketball hoops and nice cars in the driveways. According to the 2010 US Census, Eldorado is 94 percent white; 12 percent of residents consider themselves Hispanic. The median household income is \$82,000—double that of Santa Fe—and the median age is 55.

It's a serene, peaceful setting that many residents don't want disturbed.

"The real reason I bought a piece of property in Eldorado was the covenants as they were written, period," a body shop owner said while testifying against pet chickens at an ECIA board meeting last fall. "I specifically moved to Eldorado because I did not want to see trailers, cars up on blocks, shacks, crap next to people's homes—it's ridiculous."

But Eldorado hasn't been quite so tranquil lately. Conflict has been brewing among the township's residents, and last month, it exploded into a lawsuit that has brought discord



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and rancor to Eldorado's once-peaceful ranks. Neighbors have leveled allegations of trespassing, physical assaults and stalking against neighbors, and the quarrel has become so divisive that even the ECIA board recently voted not to publicly discuss it anymore.

"It's really become Helldorado," Susan Billings, one of the lawsuit's defendants, tells SFR.

The subject of the quarrel? **Chickens.**

Although he's a transplant, Siegel says he's lived in Eldorado longer than anywhere else. He grew up in Ohio and lived in the San Francisco Bay Area before moving to the township 22 years ago.

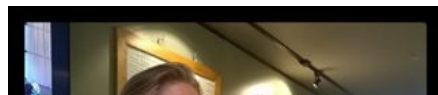
He fits the California typecast: eccentric, colorful and prone to delivering hyperbole. For 12 years, he published **the Eldorado Sun**, the township's community newspaper. People have kept chickens as long as Eldorado has been a community, he says, and the ECIA has historically granted them variances. But in recent months, the question of whether to allow chickens has boiled to a high point.

Siegel, who owns hens but isn't named in the lawsuit, refers to it as "Eldorado's Final Solution." Jan Deligans, a former ECIA board member and supporter of chickens as pets, dubs the defendants the Chicken Seven.

It all comes down to one question: Should residents be able to keep hens in their yards?

On one side are those who, for various reasons ranging from coyotes to property values, oppose hens in Eldorado. (Residents on both sides agree that roosters shouldn't be allowed.) On the other side are the chicken advocates, who either keep hens themselves or support their neighbors' right to do so. (There's no exact statistic for how many Eldorado residents keep hens, but most people interviewed for this story estimated that it's around 30-40 households.) Both sides cite the same ECIA covenant, which reads: "No animals, birds or poultry shall be kept or maintained on any lot, except recognized household pets."

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The anti-chicken contingent points to the first half of the covenant as proof that chickens, as poultry, are verboten. Their opponents claim the second half—“except recognized household pets”—is ambiguous, and point to a growing nationwide movement to raise pet hens. As evidence, they cite the fact that pet store giant Petco sells chicken supplies and the **\$100,000 chicken coops** featured in luxury store Neiman Marcus’ catalog.

But almost everyone agrees that the real debate is much bigger than chickens.

For the chicken advocates, it’s about sustainability—and, in some cases, about just being left alone. For those opposed to chicken-raising, it’s about the future of Eldorado as a quiet, upper-middle-class community that follows its own rules.

And both are willing to fight for it.

I meet Siegel for the first time at the home of Greg Colello and Rose Winston, two chicken owners named as defendants in the lawsuit. Dusk is quickly turning to night, and Winston has already put their four hens inside an insulated coop that’s warmed by a heating lamp. As we walk to the part of the backyard where the hens prowl during the day, Winston asks if I want her to take the hens out. That’s OK, I tell her, another time.

We go back to the house, and Colello points to my left foot. I’ve stepped in something. I look down to find chicken shit and hay caked into my bootsoles.





“You got the full experience,” he says, instructing me to stomp my boot in the snow and use the ledge to scrape off the poop.

Colello, a short, skinny man who sometimes mumbles when he talks, shows me his hens the next day. He’s wearing the same shirt, which is black, has two green eyes and reads “Ask Me About My Monster.” The hens—Sadie, Leona, Greta and Urchin—cackle quietly in the crisp winter air.

“I don’t know, honestly, which one is which,” he says.

Colello’s son, Elan, built the chicken coop a few weeks ago as part of an experiment in sustainable living. Colello didn’t like having the hens at first, but eventually, they grew on him.

Around the same time, Elan decided to run for the ECIA board.

“They were having trouble finding board members,” he says.

“I grew up frustrated with the disregard that ECIA had for teenagers in the community.”

Elan, now 30, recalls the association halting projects like movie theaters and skate parks; serving on the board was a chance to change that mentality.

Elan began his board term in May 2010, and supported allowing goats and hens in Eldorado as pets. Hens, he says, add to a sustainable lifestyle: They eat table scraps that would otherwise be thrown away, as well as insects, a protein source with a very low carbon footprint. They lay fresh eggs,

and their poop fertilizes the soil.

But Greg Colello concedes that owning chickens isn't all "peaches and cream." When he first got hens, his female pit bull "took out four of them right off the bat" because he and Winston didn't do a proper job with fencing. Building the coop alone cost him \$800.

Nate Downey, an Eldorado resident who writes a **monthly permaculture column** for the Santa Fe New Mexican, says raising hens is part of the answer to global climate change. Supporting local farmers is "a great idea, but that's not enough," he says. I tell Downey that one Eldorado resident cited one of his columns, which describes him chopping off a chicken's head, as "exactly what I don't want any of my neighbors in Eldorado doing in their backyard"—but he isn't concerned.

"It's a spiritual act to eat what you have grown," he says. "[It is] an infringement on our personal freedoms to have people like that ruling the roost." (Pun clearly intended.)

"If we don't realize we need to eat local meat, we won't be a species," he adds.

Many Eldorado residents, however, call the sustainability argument bogus and say the pro-chicken contingent is merely a vocal minority obsessed with getting its way.

"In my mind, the behavior's like what you would find with a small child who says, 'I'm going to keep kicking and screaming in the middle of a restaurant,'" says Eldorado resident John Whitbeck.

"I sat through a July meeting in which Gershon [Siegel] shouted 'Nazism!' and 'fascism!' and 'It's time to lawyer up!'" Mary Cassidy, a resident active with the anti-chicken group **Action Eldorado**, adds. "Typically, that's the way that it's been: emotional."

Whitbeck says many chicken advocates ignore the more practical ways to be sustainable, like riding the free bus to Santa Fe instead of driving; supporting existing local farms; or

creating a designated henhouse for the community, much like Eldorado’s designated horse stable. (The ECIA discussed the henhouse idea, according to Deligans, but never got as far as an actual proposal.)

Others say parsing the ECIA covenants to fit chickens under “recognized household pets” is ludicrous.

“You can go down to the food market and buy fried chicken, but you don’t buy fried dogs and fried cats,” says Raymond Nichols, another **Action Eldorado** member. “There is a difference.”

Fried or not, Nichols acknowledges that the debate is about more than chickens.

“We’re looking to maintain a reasonable, peaceful setting, and we’re trying to maintain property values by virtue of the covenants,” he says. He’s not worried about chickens per se, he adds, but rather the “slippery slope” that allowing pet hens may create.

“If you can twist this covenant, you can twist the next one, and that’s what I’m afraid of this group doing,” he says.

Lightner, who speaks with a soft Texas accent, says it’s an ideological issue between two groups, each advocating for a different way of life.

“The chickens are just the camel’s nose in the tent,” he says. “The goats and the pigs are coming behind them because [chicken advocates] want a self-contained community. And there are those that don’t want that in Eldorado—I happen to be one of them.”

Richard Taub, a University of Chicago sociology professor who has a second home in Santa Fe and friends in Eldorado, has his own theory to explain the situation. Though he hasn’t done formal research on Eldorado’s chicken dilemma, he says it sounds like a classic case of status anxiety.

Taub explains it like this: Eldorado is a bedroom suburb for those who want to have a large home and lot but can’t afford that style of living in downtown Santa Fe—and they’re self-

conscious about it. Thus, it's important for many Eldorado residents to maintain a sense of their standards, Taub says.

“People who really want to say, ‘We are really middle class, upper middle class’—the idea that there are chickens in our community undermines that conception of ourselves,” he says.

At least one aspect of Eldorado's status anxiety is very real: declining property values. The median home in Eldorado dropped from \$364,000 in 2008 to \$305,000 in 2012, according to statistics from the Santa Fe Association of Realtors.

“We have been really dealing with a lousy housing market,” Taub says. “Anything that makes that more fragile is very scary to a lot of people.”

But realtor Fred Raznick says he's never seen evidence of pet chickens impacting property values. In other words, it's the economy, not chickens.

Even so, to Claudia Daigle—one of Eldorado's most outspoken anti-chicken crusaders—there's a more insidious agenda at work.

Daigle, who's been at the forefront of anti-hen groups like Protecting Our Covenants and Action Eldorado, runs a chicken-centered blog called [Eldorado Gadfly](#). “This is not about allowing neighbors to have a couple of chickens,” [she posted last June](#). “This is about turning Eldorado into a farming and ranching community made up of ‘mini-farms,’ a new term and a new idea that big ag is pushing. Mini-Farm Subdivisions.”

Daigle notes that Moreno has worked as a facilitator and mediator [with the Keystone Center](#)—a Colorado-based nonprofit that works to solve policy issues, including agricultural sustainability, between institutions. Calling his sustainability-related work a conflict of interest, she demanded (unsuccessfully) that he recuse himself from all chicken-related votes.

Last spring, Elan Colello filed a restraining order against Daigle for allegedly stalking him; that case was dismissed

after Daigle denied the charges and accused Colello of trying to silence her (she missed a chicken forum because of the restraining order).

That fall, after Daigle started petitions to recall both Moreno and Deligans from the board, matters escalated. In a now-infamous incident, a woman allegedly assaulted Daigle while she was collecting recall signatures in the parking lot of Eldorado's Agora Shopping Center. But perhaps Daigle's most memorable involvement in the chicken issue was [her blog post last May](#) that urged residents to send photos of their neighbors' hens to her or to ECIA compliance director Mark Young.

"It is not about being mean," [she wrote](#), "it is simply about protecting our community and our quality of life and enforcing our covenants."

Devi Borton, a short brunette, later testified at a board meeting that a photo of her chickens was posted online and sent to the ECIA.

"The coop is not visible from the road," she said, visibly upset. "This person came walking onto our property; there was no car. This was someone my neighbor did not recognize—and we have children. Our neighbors have children. I'm very disturbed by that."

Throughout the chicken debate, Moreno—who, incidentally, has a background in mediation—has often found himself caught in the middle. Early last year, he held public forums to find common ground, but that only inflamed and emboldened both sides.

"I haven't been bothered by chickens per se," Nichols says. "But this sustainability group—plus our ECIA president—chose to make a big deal out of it, so those of us who want to protect the covenants felt it was time to dig our heels in."

Eventually, the chicken issue got so contentious that the board decided to put the question directly to voters.

They borrowed an official ballot box from Santa Fe County, and on Oct. 1, 2012, both pro- and anti-chicken observers monitored the tally. On the ballot were two questions, each of which would amend the covenants. One allowed for Eldorado residents to keep a limited number of hens, while the other specifically banned them. For an amendment to pass, a majority of the 2,777 eligible lot owners needed to vote for one of them.



Conflict over whether to allow chickens in Eldorado has pitted anti-hen crusader Claudia Daigle (left) against pro-chicken champion Gershon

Despite attracting **the biggest turnout for a local election in Eldorado's history**, it still wasn't enough to change the covenant. In the end, 999 homeowners voted for banning chickens, while 805 voted to allow them.

Anti-chicken activists saw it as an affirmation. But pro-chickeners took the vote to mean that the covenants were still ambiguous. Moreno actually agrees with them on this.

“‘Recognized,’ ‘household’ and ‘pet’ are all ambiguous,” he says. “We could be talking about this forever and never solve it, because it’s not a language question. It’s a values question.”

Rather than ending the debate, then, the vote prompted Deligans and another board member to propose guidelines for chicken owners, further polarizing the two sides.

At an October 2012 ECIA board meeting, **Richard Goldstein**, a retired lawyer from Florida with an emphatic demeanor and piercing eyes, went to the podium and addressed Moreno directly.

“Ed, I am disappointed in your lack of leadership,” Goldstein, who was wearing a Special Forces shirt that commemorated his service in the Vietnam War, began. He followed with a jab at Deligans, accusing her of having a conflict of interest and not knowing anything about fiduciary duties. Moreno interrupted, telling Goldstein to refrain from making personal remarks.

“No, sir,” Goldstein stubbornly retorted. “No, sir.”

He went on to address the guidelines proposal.

“I want you to know in no uncertain terms that you will be in court if you do that,” Goldstein told the board members. “And you will be in court not as an ECIA member, but individually. Because I’ll bring that lawsuit.”

For him, the issue seemed personal.

“I don’t care about dogs and cats,” he said. “I’m allergic to cats and we don’t have dogs. But we don’t want chickens in this community. And if you have any doubt—”

Just then, Siegel interrupted Goldstein from the audience: “YOU don’t want —”

Moreno pounded his gavel: “Gershon. That’s the last thing we need.”

Goldstein continued: “And if you have any doubt that I have the staying power to do that? Your gross income to this community is \$900,000 a year. That’s not as much as I made in the last decade each and every year that I practiced trial law. Ed, I’d like you to get back on the bus and drive us into sanity. You have that choice tonight. Make a resolution that there’ll be no guidelines on chickens.”

Goldstein ended with a threat: “Just ride the bus, or be run over by it.”

The crowd erupted into applause.

Goldstein says he wanted the board to understand the consequences of going forward with guidelines for hen owners.

“I believe when you make a decision, you get to enjoy the benefits or the consequences of it,” he says. “I wanted to make sure that they understood I was serious—and I was.”

Goldstein says he just wants Eldorado’s board to follow the proper procedures. In other words, if chicken advocates still have issue with the covenants after the vote, let a judge decide. If the judge decides to allow chickens, so be it.

“In a civilized society, when we have arguments, we don’t go on Main Street at high noon and draw weapons at each other,” he says. “We go to a neutral party that has no stake in the fight and let him or her make a decision.”

In November, the board passed a resolution prohibiting any chicken guidelines and barring itself from publicly discussing the chicken issue.

Effectively, the ECIA had interpreted the covenants to mean that no chickens are allowed.

“We have to adhere to our fiduciary responsibility,” Moreno says. “That means you don’t make rash decisions. It means you take a fairly conservative course so as to not get yourself in a lot of trouble.”

Then, last month, the ECIA filed a lawsuit against seven hen owners, accusing them of threatening “the health, safety and welfare of the other residents.” If they continue owning chickens, the suit alleges, they’ll cause the ECIA “irreparable injury.”

“It was the most prudent thing, which was for [the ECIA board] to step out of Richard Goldstein’s fire and allow the court system to handle what they didn’t have the courage to handle,” Siegel says. “They were spineless. They thought they were dodging the bullets when the guy was firing blanks.”

Goldstein, however, says the lawsuits weren’t a threat. They were a promise.

Today, the Chicken Seven are preparing for their defense. Last month, Deligans helped **establish a nonprofit called Hensforth** to help fundraise their legal fees.

ECIA lawyer John Hays says he’s not sure how much the lawsuit, which will be paid for with homeowner fees, will cost the community. He adds that it could take up to 18 months to get to trial.

The ECIA can point to some precedent on the anti-chicken side. In 2002, a Pennsylvania appeals court ruled in favor of banning chickens based on a similar “no poultry” except “household pets” covenant.

For some observers, though, homeowner associations are the real culprit. For the past six years, **state Rep. Mimi Stewart**, D-Bernalillo, has carried bills to regulate homeowner associations. She says issues like these are “a basic rights issue of wanting to have your own home and property and do whatever you want in it.”

“It’s dealing with the worst of people, if you ask me,” Stewart tells SFR. “People in control of other people that [shouldn’t] necessarily...be in control of other people.”

Stewart says she’ll likely introduce the bill again this year.

While the chicken issue may have brought unwanted publicity, at least some aspects of life in Eldorado remain largely unaffected: Home sales there rose from 99 in 2010 to 126 in 2012.

“Eldorado is a very healthy community,” Raznick, who last year helped sell roughly three dozen properties there, tells SFR.

But both sides claim the chicken issue highlights a community at its worst.

“I’ve lived in Atlanta, Raleigh, Corpus Christi, Austin, Amarillo—I’ve never seen anything like this, over anything,” Lightner says.

Siegel, ironically enough, agrees.

“I’ve never seen hysteria around something so stupid,” he says.

On a cold January night, I’m attending an Eldorado town hall meeting hosted by [state Rep. Stephen Easley](#), D-Santa Fe, and [state Sen. Peter Wirth](#), D-Santa Fe.

Throughout the evening, the lawmakers engage with a tightly packed crowd about the big topics of the day: gun control, education reform and tax reform.

When climate change comes up, though, Siegel interjects to draw a parallel.

“Can you address the climate change tipping point we’re at now, the drama that’s being played—we got climate deniers, climate change deniers—and the drama that’s going on in Eldorado over chickens versus anti-chicken—“

Commotion rises before he can finish. Many shout “No!” and

roll their eyes. One resident jokes about his question being stolen.

“Let me just give that an emphatic no,” Easley says.

Later in the evening, I approach Easley to ask him whether he has a stance on chickens. Having lived in Eldorado long enough to know it’s a minefield, he replies:

“Let me just say on the record: No comment.”

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