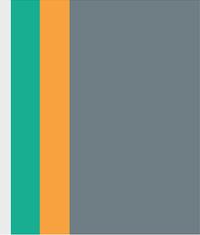


BA Rodents Ranch LLC
32215 Big Springs Rd
Yoder, CO 80864
719-440-7906
katmh@earthlink.net



June 4, 2019

Letter of Intent to El Paso County Board of Adjustment
Request for Dimensional Variance for 32215 Big Springs Rd., Yoder, CO

Owner of Property: David Martin
9330 W 90th Dr.
Broomfield, CO 80021-4416

Applicant: BA Rodents Ranch LLC
32215 Big Springs Rd.
Yoder, CO 80864
719-440-7906
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Property is located at: Tract of Land in N2 Sec 33-13-61, Assessor's Schedule No. 1300000346

35 acres, zoned A35

The property has a driveway and a metal agricultural building, and is completely fenced with an access gate.

This Application is to request approval of a dimensional variance to allow a property line setback of 144 feet where 200 feet is required for a livestock feed yard.

Background

On January 11, 2019, BA Rodents Ranch LLC filed an application requesting a special use permit to operate a rodent farm on the above described property, under the classification "Livestock Feed Yard."¹ The El Paso County Land Use Code ("LUC") provides that livestock feed yards shall be setback a minimum of 200 feet from all property lines.

The Applicant is using the existing metal building on the property to house its rodent farm operation. The building was constructed by the previous property owners, and is technically a legal structure for agricultural use. However, the east facing side of the building is 144 feet from the east property line and, therefore, is 56 feet short of meeting the setback requirement for a livestock feed yard.²

Approval Criteria for Dimensional Variance

Section 5.5.2.B.2.a, Variance to Physical Requirements of the LUC (2018), states that the Board of Adjustment may grant variances from the strict application of any physical requirement of the Code based upon equitable considerations, finding that the burdens of strict compliance with the zoning requirements significantly exceed the benefits of such compliance for the specific piece of property and:

- The variance request includes an alternative plan, standards or conditions that substantially and satisfactorily mitigate the anticipated impacts or serve as a reasonably equivalent substitute for current zoning requirements.

Justification for Dimensional Variance

This particular business is not the usual "livestock feed yard." The Applicant's rodents will be completely contained in cages within the metal building. They will not be visible to anyone from outside the building.

The fact that the entire rodent farm operation is contained within the confines of the building mitigates any anticipated impacts. There will be no odors, no dust, no sound, no extra fencing, no exposed waste, no waste going into the ground and very little traffic going in and out of the property or the building.

¹ On October 31, 2019, the Executive Director issued an Administrative Determination that a rodent farm fits within the classification "Livestock Feed Yard" as defined in the LUC. The former owner of the rodent farm started using the existing building on the property for rodents without first obtaining approval from El Paso County. Upon purchasing the business, the Applicant filed for a special use approval to legalize the use.

² The north, west, and south sides of the building all exceed the 200 foot setback requirement.

The above considerations make our rodent farm operation unique and strict compliance with the 200 foot setback requirement unnecessary.

The following description illustrates how the existing metal building will fully contain the intended use:

We at BA Rodents Ranch LLC intend to breed and raise rodents in the metal barn located at 32215 Big Springs Rd. Yoder, CO 80864. The rodents raised by us will be sold wholesale to a distributor who will then deliver them to retail pet stores in Colorado. We will not be open to the public nor will we sell directly to the public. We will be licensed by the Colorado Department of Agriculture under the Pet Animal Care Facilities Act ("PACFA") to operate this business and are in the process of doing that at this time.

PACFA regulations provide a licensing and inspection program dedicated to protecting the health and well-being of pet animals in facilities throughout Colorado. Our facility will be inspected at least once a year by a certified PACFA inspector.

We will breed and raise domestic rodents to supply to reptile and pet stores along Colorado's Front Range. The rodents will be raised in professionally manufactured rodent racks that are the standard for the industry and used around the world by zoos, research centers, colleges and top breeders. Each rack will contain from 4 to 28 escape-proof tubs where the rodents will be kept. Each tub will be supplied with commercial rodent food and water and will be cleaned twice a week.

The rodent racks will be kept inside the barn, which will be climate controlled and equipped with an 11kw backup generator to supply electricity for periods of extended electrical outages. The interior of the building will be designed to keep a rat or mouse inside in the unlikely event one escapes from a rack. For example, 15" metal flashing will be installed along the bottom of the wall perimeter, and will extend 4' up the walls. This will prevent any tunneling through the walls and will prevent any rodents from scaling up the wall to the attic. Additionally, electric traps will be set throughout the interior of the building. The barn will be tightly sealed and if a rodent were to escape it would not be able to get outside the barn.

Unlike most livestock feed yards, waste will be contained and hauled to the landfill on a weekly basis. It will be securely bagged indoors. Until it is removed, we will store it in an area next to the barn that is enclosed and out of site. There is no chance for it to be blown around by wind or for it to contaminate the ground or water. Waste will be contained at all times and will not enter drainage pathways or groundwater. Drainage from the proposed use will not adversely affect the adjacent properties.

There is a temporary porta potty onsite, which will be replaced with an indoor restroom when the special use is approved by the County. The property owner acquired a septic permit for this purpose on February 13, 2019, a copy of which is provided with this application.

Access to the property is from a well maintained public road (Big Springs Road). The business is a wholesale business, and will not be open to the public and will make no sales to the public. No signage or other advertising will be installed on the premises. The business will have 3.5 employees, and has sufficient parking for 4 employees, all of which is ADA accessible. Employee vehicles will enter the property daily, usually from 8:00 am to 5:00 pm, 5 days a week, with one vehicle per day on Saturday and Sunday for about 30 minutes to an hour each of those days. The only trucks or commercial vehicles that will enter the property will be a pickup size truck pulling a flatbed trailer, a small delivery van, and occasionally service vans. The pickup with trailer will be there approximately 2 times a week. Service vans will enter the property only when there is an issue needing repair or service. A small delivery van will be there 2 times a week.

To help alleviate the concerns of our neighbors, we agree to restrict the special use approval at 32215 Big Springs Road to a rodent farm only with no other type of livestock feed yard allowed, and a further condition that if BA Rodents Ranch closes or moves, the special use permit will terminate.

The existing metal building is constructed on a concrete foundation, and is currently the only structure on the property. Moving the building 56 feet to meet the 200 foot setback requirement would be cost prohibitive for this small business as it would, at a minimum, require engineering, soils tests, building permits, the building to be dismantled, the concrete foundation to be removed and re-poured in the new location, re-construction at the new location, and relocation of the existing well, water lines, propane tank, and propane lines.

Because the rodent farm operation will be fully contained in the building as described herein, requiring the applicant to move the building 56 feet to be in compliance with the 200 foot setback requirement would provide no greater or additional benefit to adjoining landowners than permitting the operation to proceed where the building stands now at 160' from the east property line.

The Applicant respectfully requests that the BOA grant its request for variance of the setback requirement because the alternative standards and conditions of operation described herein substantially and satisfactorily mitigate any anticipated impacts of a traditional livestock feed yard, and the burdens of strict compliance with the zoning requirements significantly exceed the benefits of such compliance for this specific piece of property.

Sincerely,

Kathrine M. Mische

Kathrine M. Mische, Manager
BA Rodents Ranch, LLC