

Deanna Brekke and Dodd Johnson  
4590 Arrowhead Drive  
Colorado Springs, CO 80908  
512-506-0807  
512-698-2397

## **REVISED LETTER OF INTENT**

**Date:** January 9, 2018 (revised from original dated October 23, 2017)

**Owner/Applicant:** Deanna Brekke and Dodd Johnson

**Site Information:** LEGAL DESCRIPTION:  
TRACT IN S2S2NE4 SEC 23-12-66 AS FOLS, BEG AT SE COR OF  
SD NE4, TH W 1254 FT ON S LN THEREOF FOR POB, TH  
E 349 FT ON SD LN, N AT R/A 660 FT TO INTSEC N LN OF  
S2S2NE4, W 349 FT ON SD LN, TH S 660 FT TO POB, EX  
S 30.0 FT TO COUNTY FOR RD  
El Paso County, Colorado

4590 Arrowhead Drive, Colorado Springs, CO 80908  
Tax Schedule No. 6223000123  
5.09 acres  
Zoned RR-5

**Request:** Approval of a kennel on the property described above (the "Property") as a special use under Section 5.3.2 of the El Paso County Land Development Code (the "Code"). Table 5-1 of the Code identifies a kennel as a permitted principal use in the RR-5 zone as long as special use approval is obtained. We request special use approval for the Property, which is zoned residential rural, in order for us to continue the use of our Property for dog day care (with limited overnight boarding) and an obedience / agility training facility for not more than ten (10) client dogs at a time. Our facility, known as the Double D Ranch, is licensed by the State of Colorado. A copy of our Pet Animal Care Facilities Act (PACFA) license issued by the State of Colorado Department of Agriculture is attached.

Presently, we have five dogs of our own. One of our dogs is old and is not expected to live much longer. Because the maximum number of personal dogs on any property in the county is four, until our old dog passes away, our client dogs will be limited to a total of nine dogs at a time so that our total number of dogs on the property will never exceed fourteen (10 dogs under the kennel use plus four personal dogs).

**Justification:** When we bought the Property in 2012, the former owner had owned and operated a dog boarding and breeding kennel on the property since 2004. Known as "Perennial Kennels", the owner offered dog breeding, boarding and grooming for 8-10 dogs at a time. We thought the former owner had all required permits to operate a boarding kennel on the Property. Neither the seller, the seller's agent or our real estate agent told us that county approval was necessary but had not been obtained or that a kennel was not an approved use on the Property. It was made clear to the agents and seller that we were looking to operate a dog training and day care/boarding business. While as the buyers we are ultimately

responsible for making sure the property is suitable for our intended uses, as out of state buyers from Texas we relied on our licensed agent to help us select a property that met our needs.

There is a significant need in northern El Paso County for a dog day care and training facility using positive reinforcement training techniques for obedience and agility and when working with our day care and boarded dogs. Our Property allows us to provide close supervision (thus, the small number of dogs under our care), lots of outdoor activities and exercise, and loving care in a homelike, illness-free environment. Our main focus is to offer training in Obedience, Agility, Leash Walking, Rally, Beginning Nose Work and Stay and Train (where the dogs stay with us and I train them while the owners are gone and then do classes with the owners when they return) as this is a service lacking in the Black Forest and areas in northern El Paso County. We only use positive reinforcement with treats, toys and praise. Only slip leashes (no choke chains, collars, prong collars or harnesses) are used for training. Deanna personally shows monthly at AKC and NADAC shows and holds 56 titles with her current dogs and also has agility clients competing in events. In Texas, we were involved in AKC and NADAC Agility and Obedience competitions and training for over 15 years and were volunteers with a Golden Retriever rescue.

A typical day at the Property is:

7-8 Drop Off for day care dogs/Feeding for Boarding Dogs

8-11 Play/Training

11-1 Nap

1-3 Play/Training

4-5 Wind Down

5-6 Home for day care dogs/Feeding for Boarding Dogs

If boarding overnight - 9 pm potty walk and bed

We operate a very exclusive dog ranch. We do not print our address on our website or other materials. We only allow visits by appointment and after careful screening over the telephone. We have no more than 10 client dogs on the Property at a time (boarding/daycare or training in whatever combination that entails). All dogs must be over 40 pounds. We do not take the following breeds for insurance and our own personal reasons (e.g., some breeds have a propensity to slip out of fenced areas or to jump fences, or are aggressive or not social with other animals, etc.) : Pitbulls, Pit mixes, Staffordshire Terriers, Bull Terriers, German Shepherds, Rottweilers, Sharp Peis, Akitas, Huskies, Malamutes, all Sight Hounds, Bull Mastiffs, Cane Corsos, Mountain Dogs and Chows (or mixes of these breeds). All dogs on our Property must be spayed or neutered and be over 7 months old. All dogs must have current vaccinations.

Overnight dogs stay in a room in our house and in a heated attached garage. Both of these areas are part of our home. We do not use any of the outbuildings on the Property for boarding. The only times the dogs are not directly supervised by humans is when they are secured in their kennels for the night. Our bedroom is directly over this part of the house so if a dog had a problem in the night we could check on it.

Dog waste is removed on the Property two to three times a day and our goal has always been to have anyone walk onto our Property and never know a dog was here. The areas of the Property where dogs are allowed is fully and securely fenced with a 4-foot high field fencing on wooden posts and in some areas, with post and rail fencing along with field fence. Three-quarters of the Property is double-fenced, with an interior electric fence around the horse pastures and the big agility field. We regularly walk the fence lines as part of our chores for dog safety. Our Property is mitigated from fire and pests annually and all trees and branches chopped down for fire mitigation are taken to the offsite slash program in the Black Forest.

Our Property has two fields – one big and one small – that are used for Agility training. The big field is used about 5% of the time and only when a dog is undergoing training and is under our direct supervision. The big field is not used for day care or boarded dogs. Training on our Property occurs 95% of the time in the smaller field, which is in the middle of our Property. The fence surrounding the small field is covered in foliage in the Spring and Fall, which screens the field from the view of neighbors. In the winter and during inclement weather, training is primarily done in our heated attached garage.

We have a strictly enforced no barking policy. All owners must sign an agreement that if their dog becomes a nuisance barker, we have permission to use a humane bark collar and/or the dog must be picked up immediately. We also keep a “barking log” for all dogs on our Property, including our own, to assess whether any dog is a nuisance barker. Due to the rural-residential character of the neighborhood, our other neighbors have dogs outside that bark, so any complaints of continuous barking during the day or night cannot be solely attributed to the dogs under our care, which are always supervised by a human while outside. None of the boarded dogs ever sleep outside.

All dogs are kenneled in the garage or the dog room when the entry gate is open for the one hour periods in the morning and evening when clients drop off and pick up their dogs. When clients come to our property to drop off or pick up their dogs, the dogs are leashed at all times. We keep a client drop off / pick up log for all client dogs. On the rare occasion a client comes to the property during non-pick up/drop off hours, they are instructed to pull into the secondary driveway to the west of the gated driveway and to walk through a double-gated area (like an off leash dog park entry) with their leashed dog to our house.

**Criteria for Approval:** Our request meets all criteria required for special use approval of a kennel, as follows:

### **5.3.2 (C) In approving a special use, the following criteria may be considered:**

1. **The special use is generally consistent with the applicable Master Plan.** The use of the Property as a kennel is allowed as a special use under the El Paso County Land Development Code for properties zoned RR-5. The Black Forest Preservation Plan (the “Plan”) is the Small Area plan under the County Master Plan for land use in the Black Forest area, including the Property. The Property’s use as a kennel is consistent with the Plan as follows:

A. **Policy No. 1.6** provides in relevant part: “Allow ‘low impact uses’ as defined in this Chapter in areas designated for rural residential uses ... through the Special Use Review process. Variances for low impact uses should be used sparingly and in all cases approvals should not result in a deviation from the predominantly rural-residential character of these areas.”

“Low impact use” is defined in the Plan as a use which, due to its low intensity, limited scale and predominantly rural character could be incorporated into an area otherwise designated for rural residential uses without significantly altering the character of the area. A low impact use includes certain services of a limited scope and intensity.

The use of the Property for a day care, limited overnight boarding, and a training facility for no more than ten client dogs (nine client dogs until our fifth dog passes away) meets the criteria for a low impact use under the Plan. The character of the neighborhood as rural-residential is not changed by the use of the Property as a dog care and training facility, as most of the business is conducted inside, or in outside enclosed shielded areas while under human supervision. Facilities offering dog day care, boarding and training services are limited in northern El Paso County, including the Black Forest. Our business allows local residents the opportunity to provide their dogs with exercise, training and enrichment rather than be placed in a crate all day while the owners are at work.

B. **Goal 3.A.** states: “Promote a residential environment which perpetuates the rural-residential character of the Black Forest Planning Area.”

The use of the Property for the dog care and training facility will not affect the rural-residential character of the Black Forest and in particular, the neighborhood in which the Property is a part. The principal use of the Property will remain as our private residence.

2. **The special use will generally be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the area.** The Property’s principal use is as our residence, and it will continue to be upon approval of the special use. While we earn a living operating a dog care and training facility for up to ten dogs at a time, the exterior of our home, horse barn and shop have not been modified for our business. The horse barn and shop are not used for the business. There is no signage or advertising on the Property and we do not intend to install signage. We are very particular about the dogs we accept for our program. Our residential property does not look like a commercial operation and blends in well with adjacent residential properties.

As shown in the site plan prepared by the County DSD staff, the bulk of the business activities are in the area of the house, which is generally in the middle to southeast quadrant of the property. Three quarters of the boundary of the Property is treed and provides good screening from neighboring properties. A north-south ridge is directly to the west of the house and provides additional screening for the lot to the west. To the east of the house is an open grassy area. The Property is fenced along the east with a single four-foot high field fence. If requested by our neighbor to the east (the Morleys) we will double fence along the currently open area to prevent direct contact between their dogs and our dogs.

The kennel is secondary to our use of the Property as a rural residence. There is no visual or other essential change in the residential character of the Property. The Property has been used as a dog care and training facility by us since 2012 and by the prior owner since 2004, for a combined total of 13 years. Until we were notified of the need to apply for special use approval for a kennel, we have never been notified of any complaints about our facility. Most of our neighbors have lived in the neighborhood since

before we bought the Property in 2012 and were aware of the use of the Property as a kennel for 8 years by the former owner.

There are no detrimental visual impacts arising from the business, which is primarily conducted indoors, or outdoors with human supervision. Any dogs that are exercised outside are supervised to ensure there is no incessant barking or other behavior that might impact neighbors.

3. **The impact of the special use does not overburden or exceed the capacity of public facilities and services.** Our business and clients do not overburden or exceed the capacity of the county roads used to access our Property. See the response to number 4 below.

4. **The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access.**

The business rarely has clients or visitors and if so, it is generally one or two visitors at a time. We were not aware of any neighbor complaints about our clients parking on the side of the road to drop off and pick up their dogs until receiving the neighbors' responses to our special use request from the County. As a result of their complaint, we immediately instructed our clients to drive through our entry gate and drop off their pets at our house. As a result, the neighbors' concern about obstruction of traffic arising from our clients' parking along Arrowhead Drive in front of our Property has been alleviated.

Traffic for our business is no more than 1-6 cars a day, depending on the number of dogs at our facility that day. ALL dogs come into our property on leash and leave on leash. There are no exceptions.

Here is a snapshot of the two weeks of total traffic flow to our Property at the end of September, 2017, in a one- hour period (7-8 AM) for drop-offs, and pick-ups (5-6 PM) in a one hour time frame:

M – 2 cars  
Tu – 3 cars  
W – 4 cars  
Th – 4 cars  
F – 2 cars  
Sa – 1 car  
Su – 0 cars  
M – 2 cars  
Tu – 3 cars  
W – 4 cars  
Th -3 cars  
F – 2 cars  
Sa – 0 cars  
Su – 0 cars

Arrowhead Drive is used by Pine Creek High School students and others as a shortcut, which provides a significantly higher amount of traffic than our clients dropping off and picking up their dogs.

Following the Planning Commission hearing and listening to our neighbors' concerns about parking along Arrowhead Drive, we believe our revised procedure for client parking will alleviate their concerns. In addition to the secondary driveway to the west of our main gated driveway that clients can turn into and park off the public road, we may be willing to consider moving our gate further north along the driveway and closer to the house so that if the gate is closed, a client can still pull into the driveway before parking. Please see the Ranch Rules attached to this letter of intent that reiterate the no parking on the public street requirement that was instituted once we learned about the neighbors' concerns.

**5. The special use will comply with all applicable local, state and federal laws and regulations regarding air, water, light or noise pollution.**

The business does not create odors, noise, smoke or other noxious activities inside or outside of the Property. We pick up dog waste on the Property 2-3 times per day and dispose of it in the garbage, which is picked up weekly. There are no hazardous, explosive or highly flammable substances used or waste products produced by the business. We have never received any complaints from government authorities (or directly from our neighbors) about barking dogs, excessive noise, nuisances or excessive lighting. We understand that a neighbor complained to the County about the business not being in compliance with the County Land Development Code, which triggered this application for special use. In the five years we have operated our business, no neighbor has ever contacted us directly about a complaint about our business, including issues related to noise, odors, traffic or lighting.

**6. The special use will not otherwise be detrimental to the public health, safety and welfare of the present or future residents of El Paso County.**

The business does not create odors, noise, smoke or other noxious activities inside or outside of the Property. There are no hazardous, explosive or highly flammable substances used or waste products produced by the business.

**7. The special use conforms to all other applicable County rules, regulations or ordinances.**

The facility is conducted in compliance with all applicable laws, codes and regulations. We have a PACFA license issued by the State of Colorado. The PACFA Program is a licensing and inspection program dedicated to protecting the health and well-being of animals in pet care facilities throughout Colorado. It requires a visit to the Property and passing an inspection of the facility by the State before the license is issued. The license must be renewed annually. Complaints related to a facility are promptly investigated by the State agency and penalties can be imposed on the licensee. Our facility has never received a complaint through the State.

**Conclusion:** Only since pursuing this special use request have we learned of neighbor complaints about our property, our business and us. Two neighbors complained that Dodd Johnson yells and curses at the dogs. A neighbor complained about a "fence fight" between our dogs and two dogs that were visiting his property in 2014, which was quickly resolved and it never happened again. Another neighbor complained about the lack of peace and serenity in his yard due to barking dogs, even though other neighbors have dogs who are not under constant supervision and do bark during the day and at night. Other neighbors are concerned that if this special use application is approved, they will have no ability to report violations

to the County and we will have no incentive to comply with the conditions of our special use. Their concerns are unjustified and we understand that if we are in violation of our special use approval, the County can take steps to revoke our special use.

We would be happy to answer any questions or provide more information.

Deanna Brekke and Dodd Johnson

## **Ranch Rules 2018**

**If you cannot follow the below rules your dog will not be able to be a Ranch dog.**

### **Drop Off and Pick Up Times**

**Gates will be unlocked during the below hours only and will be locked at all other times!**

**IF BOARDING OVERNIGHT WITH US AM DROP OFFS ONLY!!!!**

**7-8 am and 5-6 pm**

**There will be NO OTHER DROP OFF OR PICK UP TIMES as it is too disruptive to the pack, the Ranch schedule and our personal time. NO EARLY PICK UPS! If you can't pick-up by 6 your dog will need to spend the night and you can pick up the next day during morning hours. Should an emergency arise please contact Deanna.**

### **Drop-Off and Pick-Up Procedures**

**The main gate will be open from 7-8 am and 5-6 pm. PLEASE pull all the way down to the house. We will meet you outside and take your dog into the dog room until ALL drop-offs/pick ups are complete. Your dog MUST be on leash for drop-off/pick-up.**

**IF the gate is closed for some reason you must pull into the driveway. If someone is in the main driveway please go up to our second driveway (there is room for 2 cars side-by-side) and then bring your dogs in through the double gated dog area.**

**AT NO TIME SHOULD YOU PARK ON THE STREET FOR SAFETY REASONS.**

### **Prices**

**Daycare - \$20 Cash Puppies under 8 months \$25**

**Boarding - \$40 for a 24 hour period; Puppies under 8 months \$45**

**If you drop off Monday at 9 am and pick up Tuesday at 5 pm that will be a boarding plus daycare charge so \$60**

**Raw Food Diets will be charged \$5 per day for storage and extra sanitation.**

**Excessive food prep will also be charged \$5 per day for storage and time.**

### **Gate**

**YOU MUST STAY IN THE GATED DOG ENTRANCE UNLESS ACCOMPANIED BY ONE OF US OR ARE A VISITOR ACCOMPANIED BY DEANNA!**

**Please NEVER drive through/open the main gate. Please use the double gated dog entrance on the right side**

**If you don't see us call or text us we may be down at the barn.**

### **Cancellations**

**If you have a daycare spot reserved and **do not cancel within 72 hours** you will be charged for the days reserved...we only take a small number of dogs and we now have a waiting list. **Full payment due during Holidays/Summer bookings when you reserve your space...no refunds if cancelled.****

### **What to Bring**

**FOOD MUST BE IN EITHER INDIVIDUAL BAGGIES OR APPROPRIATE TUPPERWARE STORAGE CONTAINERS THAT ARE LABELED WITH YOUR DOGS NAME. LARGE BAGS OF FOOD WILL NO LONGER BE ACCEPTED.**



**SHORT HAIREB BREEDS MUST HAVE A COAT IN THE WINTER (BOXERS, GSP, WEIMERANERS, VISLAS, GREAT DANES, MIXED BREEDS ETC.) IF YOU DO NOT BRING ONE WE WILL PURCHASE ONE FOR YOU AND YOU WILL BE CHARGED FOR THE BLANKET PLUS OUR TIME.**

You can purchase great dog coats at Dover Saddlery that are made from horse blanket material and are very durable at <http://www.doversaddlery.com/dog-blankets>

**DOG BEDS MUST BE LABELED!** Please keep your leashes and bowls – we have plenty.

Deanna 512-XXX-XXXX (phone/text)  
[ddranchco@yahoo.com](mailto:ddranchco@yahoo.com)



**COLORADO**  
Department of Agriculture  
Inspection & Consumer Services Division

This facility is licensed by the

**Pet Animal Care Facilities Act (PACFA)**

Please contact our office with comments or questions

303-869-9146 or [CDA\\_PACFA@state.co.us](mailto:CDA_PACFA@state.co.us)

To learn more about PACFA, to request information, or report a concern  
please visit our website at [www.colorado.gov/aginspection/pacfa](http://www.colorado.gov/aginspection/pacfa).



Picture of our driveway off Arrowhead. We are about 225' from the top of our driveway to the start of the house.



Front view of our property with Arrowhead being at the top of the photos





Picture of the small agility and obedience field



Picture of the large agility/obedience field





Picture of the heated attached garage and kennels (our master bedroom is directly above the garage)



View of dog room to the East from the doorway  
(this is off the attached garage)



Side view of our house (dog room on the bottom floor and our master right above)



View to the barn and large agility field





The small agility field is very private (foliage spring-fall) and is in the center of the Property behind the house (no-one can see into this field)



Gannon to the East taken from the middle of our driveway off Arrowhead. The corner of their house is approximately 215' from the center of our driveway



Morleys to the East taken from entry of our driveway off Arrowhead. You can't see their house but the beginning corner of their house is about 220' from the center of our driveway.