

Randall E. Kidd and Bonnie J. Kidd
14650 Rosholt Loop
Colorado Springs, CO 80921
(719) 761-0979

LETTER OF INTENT

Date: November 27, 2019

Owner/Applicant: Randall E. Kidd and Bonnie J. Kidd

Site Information: Legal Description: Lot 3, ROSHOLT RETREAT, County of El Paso,
State of Colorado
14650 Rosholt Loop Colorado Springs, CO 80921 T
Tax Schedule No. 6133005007
5.36 acres
Zoned RR-5

Request: Approval of a private small scale dog breeding 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 to use our Property to breed and raise healthy, intelligent, and beautiful AKC registered Golden Retrievers. We are further requesting a setback reduction of the dog barn from the rear property line, which is less than 200 feet from the barn.

Justification: We purchased the Property in 1992 when it was still vacant land. When we looked to build our home and our barn, we paid particular attention to their location being away from other homes in the neighborhood. When the dog barn was initially built, it was with the intent of placing it as far away from neighbors as possible. Two of the neighbors, to the east and south, lived on 20 plus acres and their homes were far from our property lines. Due to the trees and terrain our dog barn was not visible to any of our neighbors. The large acreage property to the south of us was subdivided in approximately 2006, and a private road was constructed adjacent to our southern property line. Two homes were built in proximity to our southerly property line, which has now caused our pre-existing dog barn to be in a location that can be viewed by the newer neighbors to the south.

The setback of the dog barn is approximately 280 feet from the property line to the north; 144 feet to the south; 155 feet to the east; and 170 feet to the west. The Code provides a minimum property line setback in the RR5 zone of 200 feet. Our barn was constructed in 1993, well before

Expand on what you are attempting to do to mitigate not meeting the 200 foot setback requirements. Making every attempt necessary for combat the visual elements and especially the sound will help your case.

adjacent homes were built close to our rear property line, and our property is heavily treed. The dog barn and our house is shielded from the view of most of our adjacent neighbors.

What began as a breeding program with about 10 dogs has become one of our main income sources. We currently have 14 dogs. We do not board dogs overnight or operate a day care facility for others' dogs. With our breeding European Cream Golden Retrievers, it became necessary to increase the number of dogs we own to ensure we could provide only quality breeding adult dogs that can pass rigorous health clearance requirements. We typically have four litters a year from four separate females and will have about eight adults available for breeding (5 bitches and 3 males). The other dogs are between the ages of four months and two years and are going through the process of obtaining clearances before they can or should be bred. OFA (Orthopedic Foundation for Animals) requirements for hip and elbow clearances mandate the dogs are mature and over the age of 24 months before they can be certified, so until that time, we raise the dogs in hopes they will pass. Dogs who pass these clearances will be considered for breeding purposes and will replace one of our older breeding adults. Those who do not pass will be adopted out into loving pet homes.

In the past three years, we bought ten dogs from various other kennels for breeding purposes. Only three of the ten met our breeding standards after health tests. To ensure high breeding standards we need to maintain a pool of dogs where we can raise, evaluate, test and then select only those who pass. Although we love all of our dogs dearly, typically when an adult female reaches the age of six and has had about four litters (one litter per year) we will retire her to a pet home where she lives out the second half of her life in an environment where she becomes more integrated into a loving family and gets more individualized attention.

We are audited either annually or every other year by the AKC for compliance with AKC rules, regulations and policies to include: dog identification; record keeping; and meeting AKC's care and condition policy. We are in the process of obtaining a PACFA (Pet Animal Care Facility Act) license for our facility through the State of Colorado Department of Agriculture. 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. Obtaining licensure requires a visit to the Property and passing a State inspection of the facility. The license must be renewed annually. Complaints related to a facility are promptly investigated by the State and penalties can be imposed on the licensee.

We love our dogs and care for them the best we can. Last year we spent over \$6000 for premium dog food and nutritional supplements; \$5000 for vet bills including clearance evaluations and exams by veterinary specialists; and \$1000 for preventive medicines.

Dogs are locked-up at night and free to go in and out of the dog barn or shelter during the day but remain in the dog pens unless they are out on the property under our control. Between 9-10 pm to 6-8 am daily, the dogs are locked up inside the insulated barn (with no access to the

outdoor pens) or brought into the house. Usually 4 of the dogs will spend the night in our house. From approximately 7 am to 9 pm they are free to be outdoors in their pens or in the barn or shelter. There is a heater in the barn for when the weather is freezing. Straw is placed on the floor for additional comfort and warmth. We will rotate dogs into our house during the day as well.

Existing facilities: We would continue using the existing facilities and have no plans to build any new structure. Our building is a 12 ft x 24 ft insulated “dog barn”. We will also use existing fencing for external dog runs surrounding the dog barn. There are ten 6 foot high chain-link runs surrounding the dog barn within a perimeter area of approximately 66.5 ft x 90 ft. The runs are sized as follows and correlate with the numbers on the attached site plan:

Contact the State of Colorado and include information on what they said in regards to having a kennel.

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|-----|-------------------|------|-------------------|
| (1) | 68.5 ft x 20.5 ft | (2) | 48.5 ft x 17.5 ft |
| (3) | 48.5 ft x 10 ft | (4) | 41 ft x 13 ft |
| (5) | 41 ft x 11 ft | (6) | 20.5 ft x 11.5 |
| (7) | 20.5 ft x 9.5 ft | (8) | 24 ft x 7.5 ft |
| (9) | 11.5 ft x 10 ft | (10) | 11.5 ft x 10 ft. |

These calculations will not be considered as proof of water resources.

Solid waste: Solid waste is picked-up and bagged 2 to 3 times per day and placed in the garbage. Garbage is hauled away weekly.

Water and sewer: The property operates with a domestic water well permit with a variance to water 4 large animals (i.e. horses) with a reduction in irrigation rights. According to Penn State Extension the average horse will require 5 to 10 gallons of water per day (7.5 gallons on average). PetMed states a dog will use 1 oz of water per pound of weight. Our fully mature dogs range in weight from 62 lbs. to 76 lbs. with an average weight less than 70 lbs. Four horses would require 30 gallons of water per day (7.5 x 4) or 3840 oz (30 x 128). Thirty gallons of water per day would supply the water needs for almost 55 Golden Retrievers (3840 / 70). Even going with the lowest estimate of 5 gallons per day for a horse would equate to a use that would be greater than what 36 Golden Retrievers (which we don't have) would consume.

The property operates with a septic system, but all dog waste is bagged and collected by a garbage hauling company.

Customer traffic: We typically only have traffic when we have pups to sell. The average litter is 7 pups. Visitation varies. Some only come when they pick up the puppy. Others will come to see the pups and parents beforehand. Customers will usually be an individual to a group of 4 people. If we have 4 litters x 7 puppies there will be 28 pups per year. Giving a mean of 3 people per pup times 2 results in 168 people per year to visit our dogs. 168/52 is just over 3 people a week for customer traffic. Even if we were to double that number it would only equate to less than one person per day. The only other people that interact with the dogs on a recurring basis are the people that live here and care for the dogs. We have no employees. This is basically a mom and pop business.

We only had one prior anonymous complaint to the Sheriff's Department about barking dogs before the latest complaint that prompted this special use application. As a result of the prior complaint over a year ago, we started to lock up our dogs overnight in the dog barn and in our house. In the past, we have had neighbors call us directly when they heard dogs barking, and if it was determined the barking was coming from our dogs as opposed to other dogs in the neighborhood (there are many dogs in our neighborhood that bark), we would make sure our dogs were quiet.

In 2006, the large tract of land to the south of our property was subdivided into four five acre lots. We recommended the new homes be built as far away from our property as possible to avoid future problems or complaints. The opposite was done. Two of the homes (including the home owned by the latest complainant) appear to be as close to our property line as possible. Initially the dogs were not locked up at night because they were usually quiet and would only bark when disturbed. Due to increased neighborhood activities, the dogs are now locked up at night to mitigate any disturbances to our neighbors through the night. As we are known to breed Golden Retrievers, the few neighbors who have complained directly to us about barking dogs have assumed the barking was coming from our dogs. Given this additional scrutiny, we are very aware of our dogs barking as well as when other dogs in the neighborhood are barking.

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.**

add in
Water
Master
Plan, Policy
Plan, and if
the small
area plan
talks about
small busn
at all.

The use of the Property as a kennel is allowed as a special use under the El Paso County Development Code for properties zoned RR-5. The Tri-Lakes Comprehensive Plan (the 'Plan') is the Small Area plan under the County Master Plan for land use in our neighborhood. The Property is within the sub-area of the Plan known as the Ponderosa Breaks. The Property's use as a kennel is consistent with the Plan in that it continues to maintain the low density residential uses that focus on the timbered areas rather than the open portions, that are compatible with adjacent existing subdivisions.

The continued use of the Property for a private small scale dog breeding facility is consistent with the Plan. The character of the neighborhood as rural-residential remains unchanged by the continued secondary use of the Property as a private small scale dog breeding facility.

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. The exterior of our home and dog barn have not been modified in appearance and are consistent with most other homes and barns in the neighborhood. There is no signage or advertising on the Property and we do not intend to install signage. Our residential property blends in well with adjacent residential properties.

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 by us to breed our own Golden Retrievers since 1993. Following a recent neighbor's complaint, the County notified us of the need to apply for special use approval for a kennel. Most of our neighbors have moved into the neighborhood since we built our home in 1993. They know we have been breeding Golden Retrievers since we built our home in 1993 and have not complained about the dogs.

There are no detrimental visual impacts arising from the business. As stated before, despite our comments given at the time the adjacent property was subdivided in 2006 that homes adjacent to our property line should be set back further away from the property line, the neighboring homes were built within view of our home and dog barn, to include the home of the latest complainant.

3. The impact of the special use does not overburden or exceed the capacity of public facilities and services.

Our kennel does 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.

We rarely have clients or visitors come to the Property, and if so, it is generally from one to four visitors (a family) at a time. The only other people that interact with the dogs on a recurring basis are the family members who live on the Property and care for the dogs. We have no employees.

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, smoke or other noxious activities inside or outside of the Property. Any noise from barking dogs is mitigated by the dogs always being locked up at night and under our control during the day. 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 our dog breeding operation.

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.**

Our kennel 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.

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 are in the process of obtaining a PACFA (Pet Animal Care Facility Act) license for our facility through the State of Colorado Department of Agriculture. 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 a State inspection of the facility 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.

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

Randy and Bonnie Kidd





Photo of Barn from the southeast showing dog runs that face to the southeast.



Barn interior showing dog dens in the barn. There are 4 dens total and are shared by the dogs.



Exterior runs to the dog barn.



Dog doors into the kennel. The doors leading to the outside are shut between 9:00 – 10:00 pm each night.



Puppies lounging in a dog run. Waste is picked up 2-3 times a day and disposed in the trash.



Photo showing dog runs surrounded by trees on and around property boundary





From the barn looking to the south (Old Lasso Point)





Additional dog shelter in the basement of the house used only when it is very cold outside.



Photo taken from the southeast corner of the Subject Property (closest to Baker property) looking northwest to the dog barn.



Entrance from Rosholt Loop to Subject Property



Photo taken at Subject Property boundary line to property to the east (Johnson Property) showing the dense tree cover and distance to neighbor's house.



The yellow circle shows the only home located south of Subject Property's southern property line before Owner built their home and dog barn in 1993-94. The two new homes shown were constructed closer to the Subject Property after 2006.



View from Old Lasso Point (south of property line of Subject Property) (Martin Property)



Photos taken on southern property line (Old Lasso Point) showing both houses built after 2006 (Home and Barn on Subject Property were built in 1993-94)