

AL-92-015

Commissioner Howells moved adoption of the following Resolution:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF EL PASO, STATE OF COLORADO

563.20

RESOLUTION NO. 92-345, Land Use-64

Free

WHEREAS, Robert Lorino and James Caraway did file a petition with the Planning Department of El Paso County on or about September 4, 1992, for approval of a Use Subject to Special Review to allow a boarding kennel within the RR-3 (Rural Residential) Zone District; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on October 20, 1992, upon which date the Planning Commission did by formal resolution recommend approval of the subject Use Subject to Special Review petition with conditions and notations; and

WHEREAS, a public hearing was held by this Board on November 19, 1992; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the county, recommendations of the El Paso County Planning Commission, comments of the El Paso County Planning Department, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. That proper posting, publication, and public notice was provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
2. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at those hearings.
3. That the proposed Use Subject to Special Review conforms to Section 35.8, Standards Governing the Approval or Disapproval of a Petition for a Use Subject to Special Review, of the El Paso County Zoning Resolutions.
4. That the proposed land use will be compatible with existing and permitted land uses in the area.
5. That the proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.

Resolution No. 92-345, Land Use-64
Page 2

6. That for the above-stated and other reasons, the proposed Use Subject to Special Review is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the petition of Robert Lorino and James Caraway for approval of a Use Subject to Special Review to allow a boarding kennel within the RR-3 (Rural Residential) Zone District in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, be approved;

BE IT FURTHER RESOLVED that the following conditions and notations shall be placed upon this approval:

CONDITIONS:

1. Approval is limited to the operation of a boarding kennel only. A maximum of 120 dogs and 80 cats may be boarded at any given time.
2. If water is transported to the site, a copy of a receipt for each water purchase as well as documentation regarding the number of animals boarded per day shall be provided to the Planning Department on a semiannual basis.
3. In no case shall the existing well on the property (Permit No. 59538-A) be used for kennel purposes unless specifically approved by the State Engineer's Office.
4. All boarded animals, at all times, shall be housed within the kennel facilities (animal runs).
5. The operator of the kennel shall be responsible for compliance with all conditions of approval at all times when the kennel is in operation.
6. The property shall be maintained in accordance with the Site Plan as approved by the Board of County Commissioners.
7. The kennel shall be kept in a clean manner. All manure shall be properly disposed of and all dog runs shall be washed out regularly in a manner acceptable to the El Paso County Department of Health and Environment.

Resolution No. 92-345, Land Use-64
Page 3

8. Six months from the date of Board of County Commissioners' approval, a status report shall be given to the Board of County Commissioners, after posting and adjoining property owner notification, to determine if there have been negative impacts or a violation of the conditions of approval. If such an impact or violation exists (such as dog barking), the revocation process can be initiated if desired by the Board of County Commissioners.
9. Based on Humane Society standards, each kennel shall provide adequate care and housing to protect the animals from weather. There shall also exist sufficient standing and turnaround space for animals housed in each kennel.
10. The facility shall be operated in accordance with all applicable Colorado State Kennel Regulations.

NOTATIONS:

1. Special use approval includes conditions of approval and the accompanying plot plan. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or special use conditions/standards are being violated, preceded by notice and public hearing.
3. If the special use is discontinued or abandoned for two years or longer, the special use shall be deemed abandoned and of no further force and effect.
4. Periodic unannounced inspections of the property may be made to assure compliance with conditions of approval.

NOTE: Notation Nos. 1, 2 and 3 are abbreviated; they have the same force and effect as the items found within their entirety of Section 35.8 C.1., C.3., D., E., and F. of the El Paso County Land Development Code.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

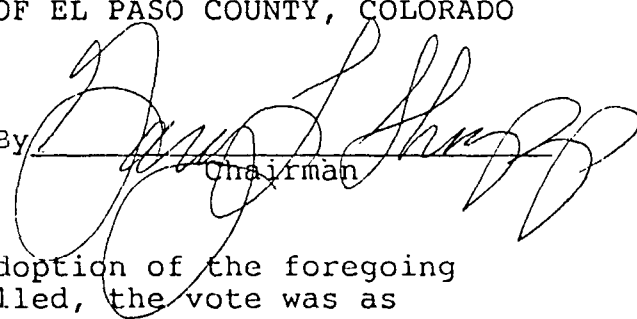
Resolution No. 92-345, Land Use-64
Page 4

DONE THIS 19th day of November, 1992, at Colorado Springs,
Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:


Patricia A. Bennett
Deputy County Clerk

By 
Chairman

Commissioner Campbell seconded the adoption of the foregoing
Resolution. The roll having been called, the vote was as
follows:

Commissioner Shupp	aye
Commissioner Campbell	aye
Commissioner Whittemore	aye
Commissioner Howells	aye

The Resolution was unanimously adopted by the Board of County
Commissioners of the County of El Paso, State of Colorado.

Resolution No. 92-345, Land Use-64
EXHIBIT A

Lot 12, Block 2, Lock Ranch Subdivision,
El Paso County, Colorado