



LAW OFFICES OF DEBRA EILAND, PC

October 10, 2018

via EDARP

Ms. Nina Ruiz
El Paso County Development Services
2880 International Circle, Suite 110
Colorado Springs, CO 80910

re: Robert Shewfelt, LLC and David Martin
Request for Determination of Allowed Use in A-35 Zone District

Dear Ms. Ruiz:

I represent Mr. David Martin and Mr. Robert Shewfelt, and am writing concerning the use of Mr. Martin's property at 32215 Big Springs Road, Yoder, El Paso County, Colorado. Mr. Martin purchased the property, parcel number 1300000346, on July 2, 2018. The property contains 35.27 acres of vacant land with a 3,200 square foot barn, and is zoned A-35 Agricultural.

Mr. Shewfelt is Mr. Martin's son-in-law, and has legally operated a rodent farm at his property in Pueblo West for the past year. Mr. Shewfelt's rodent farm is licensed as a small animal breeder by the Colorado State Department of Agriculture. The purpose of this letter is to request an administrative determination that operation of a rodent farm constitutes Animal Keeping, and is an allowed Accessory Use in the A-35 zone district.

I. Legal Justification for Request

The El Paso County Land Development Code ("LDC") provides that Animal Keeping is an allowed Accessory Use in the A-35 zone district. **Animal Keeping** is defined as "The activity of having, owning, and caring for domesticated animals, including animals not commonly regarded as household pets." LDC Ch. 1, § 1.15. The LDC Use-Specific Development Standards, under Animal Keeping, include keeping livestock, which is allowed in any agricultural zoning district. LDC Ch. 5, § 5.1.5(C).

Livestock is defined as "Cattle, sheep, llamas, goats, swine, mules, poultry, horses, alternative livestock as defined by Colorado statutes (e.g., elk), **and such**

domesticated animals as fox, mink, chinchilla, beaver, and rabbits, and all other animals raised or kept for profit, except dogs and cats, that are used for working purposes on a farm or ranch **and any other animal designated by the State Agricultural Commissioner, which animal is raised for food or fiber production.**" Id. [emphasis added].

The rats and mice that Mr. Shewfelt raises on his rodent farm are domesticated animals, and although not specifically named, fit within the above "such domesticated animals as" definition of Livestock. For example, domesticated chinchilla and beaver are also classified as rodents.¹ Although rats and mice are not named, they fit within the "such as" classification of the definition.

Furthermore, the State Department of Agriculture Act of 1949 provides a similar definition for Livestock, which also includes "such domesticated animals as fox, mink, marten, chinchilla, beaver, and rabbits," as well as "**all other animals raised or kept for profit.**" C.R.S. § 35-1-102(6). Other small animal farms breed chinchillas and beavers to harvest their pelts for profit, which constitutes fiber production under the definition. Mr. Shewfelt similarly breeds rats and mice to supply reptile and pet stores for profit, which constitutes food production under the definition (reptile and pet stores sell the rats and mice as food for pet reptiles).

Mr. Shewfelt's rodent farm does not meet the definition of an "agricultural business" that would require a special use approval, as he does not conduct any business activities on the property. Mr. Shewfelt only breeds and raises the rodents on the property. When mature, all rodents are taken away from the Property and delivered to the wholesale customer's place of business. There are no retail sales. The breeding facility is not open to the public. Customers do not travel to the property to pick up rodents. All sales transactions take place at the wholesale customer's place of business.

II. General Overview of Mr. Shewfelt's Breeding Operation

Mr. Shewfelt's existing rodent farm in Pueblo West is licensed and regulated by the Colorado Department of Agriculture under the Pet Animal Care Facilities Act ("PACFA"). PACFA regulations provide a licensing and inspection program dedicated

¹"The beaver (genus *Castor*) is a large, primarily nocturnal, semiaquatic rodent." <https://en.wikipedia.org/wiki/Beaver>

"Chinchillas are either of two species of crepuscular rodents of the parvorder Caviomorpha." <https://en.wikipedia.org/wiki/Chinchilla>

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to protecting the health and well-being of pet animals in facilities throughout Colorado. Mr. Shewfelt's facility is inspected at least once a year by a certified PACFA inspector.

Mr. Shewfelt raises domestic rodents to supply to reptile and pet stores along Colorado's front range. The rodents are 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 contains from 4 to 28 escape-proof tubs where the rodents are kept. Each tub is supplied with commercial rodent food and water and is cleaned twice a week.

Mr. Shewfelt intends to use the existing barn on the Yoder property to house his rodent farm. The rodent racks will be sited 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.

III. Conclusion

Pursuant to LDC Chapter 5, Paragraph 5.1.6., the Planning and Community Development Director is authorized to classify as an "allowed use" any unlisted use based on similar uses. As stated herein, rats and mice are livestock as defined by the LDC, and Mr. Shewfelt's rodent farm is a form of Animal Keeping that is allowed as an accessory use in an A-35 zone district.

Mr. Shewfelt and Mr. Martin respectfully request that the PCD Director enter an administrative determination that operation of a rodent breeding operation constitutes Animal Keeping, and is an allowed Accessory Use in the A-35 zone district.

Do not hesitate to contact me with any questions or if you need additional information. Thank you for your consideration.

Sincerely,



Debra Eiland, Esq.

cc: Mr. Robert Shewfelt
Mr. David Martin