

EL PASO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

October 31, 2018

Law Offices of Debra Eiland, PC
24 S Weber Street, Suite 300
Colorado Springs, CO 80903

File: ADM-18-023 (32215 Big Springs Road)
Re: Administrative determination regarding the use determination of a proposed
"Rodent Farm"

The property with the schedule number 1300000346 (32215 Big Springs Road) is approximately 35 acres in size and is currently zoned A-35 (Agricultural). The A-35 zoning district is a 35 acre district primarily intended to accommodate rural communities and lifestyles, including the conservation of farming, ranching and agricultural resources.

A request has been made by The Law Offices of Debra Eilander, PC on behalf of Robert Shewfelt, LLC and David Martin for a determination of a similar use for a proposed "Rodent Farm" to be located at 32215 Big Springs Road. They have an established location in Pueblo West and are licensed and regulated by the Colorado Department of Agriculture under the Pet Animal Care Facilities Act. They raise the rodents for sale to pet stores to feed reptiles. A "Rodent Farm" is not a use or term included within the El Paso County Land Development Code (2018).

Section 5.1.6 of the Land Development Code (2018) states:

"The PCD Director is authorized to classify any unlisted use based on similar uses. If no similar use can be identified by the PCD Director, the PCD Director may initiate an amendment to the text of this Code to clarify where the unlisted use is allowed, or the applicant for an unlisted use may file an application to amend this Code following the prescribed procedures."

In the administrative determination request, the applicant requests the most similar use to be "Animal Keeping", which is listed as an allowed accessory use in the A-35 zoning district in Table 5-2 of the Code.

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An accessory use is defined in Chapter 1 of the Code as “A subordinate use, incidental and related to the principal structure or use and located on the same lot or parcel as that of the principal structure or use (or on a contiguous lot or parcel in the same ownership upon the recording a combination or use agreement that binds the use to both lots or parcels in common ownership).” Animal keeping is not listed as a principle use within Table 5-1, and would not be allowed as a standalone use within the A-35 zoning district.

Although not included in the requested letter, the intent of the applicant may be to have a home constructed onsite as the principle structure, and have “Animal Keeping” be the accessory use. “Animal Keeping” is defined in Chapter 1 of the Code as “The activity of having, owning, and caring for domesticated animals, including animals not commonly regarded as household pets.” This definition is broad, however, the Use Specific Development Standards of Section 5.2.5 of the Code further define the use and various limitations.

The administrative determination request compares the Rodent Farm to “Livestock” as included within the subheader of “Animal Keeping”. 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.” The Rodent Farm would raise rodents for profit, so it is considered livestock under the Code definition.

“Livestock” is included within the overall “Animal Keeping” Section 5.2.5.C:

“Livestock is allowed in any agricultural zoning district, and in association with a hobby farm.”

DETERMINATION:

Per the applicants determination request letter “Mr. Shewfelt similarly breeds rats and mice to supply reptile and pet stores for profit, which constitutes food production under the definition [Definition of Livestock in the State Department of Agriculture Act of 1949]”

The Planning and Community Development Director agrees that the rodents are considered livestock. Such livestock is being raised and bred for food production. It is the determination of the Planning and Community Development Director that the use most closely fits a “Livestock Feed Yard”, which is defined as:

“A place of confinement (whether by structure, fence, pens, or corrals) for cattle, sheep, goats, swine, or other livestock for the purposes of concentrated feeding operations for meat or milk production where crop or forage growth or production is not sustained in the area of confinement. This definition specifically excludes

educational agricultural projects (hobby farm) and horses as defined under Stable.”

The determination request letter outlines the proposed operations:

“Mr. Shewfelt raises domestic rodents to supply reptile and pet stores along Colorado’s front range... Each tub is supplied with commercial rodent food and water and is cleaned twice a week... Mr. Sheewfelt intends to use the existing barn on the Yoder property to house his rodent farm. The rodent racks will be sited inside the barn... The interior of the building will be designed to keep a rat or mouse inside in the unlikely event one escapes from a rack.”

The operation described above includes the barn and associated rodent tubs as the place of confinement for the purposes of concentrated feeding operations for meat production.

Table 5-1 of the El Paso County Land Development Code (2018) identifies those uses which are permitted principle uses within all zoning districts within El Paso County. A “Livestock Feed Yard” is a Special Use within the A-35 zoning district and requires a Site Development Plan.

Please note that all administrative determinations, such as this one, may be appealed to the Board of County Commissioners within 30 days of the date of the decision. The fee for an appeal of an administrative determination is \$887.00.

Please feel free to contact Nina Ruiz (719-520-6313) with any questions regarding an appeal process.

Respectfully,

A handwritten signature in black ink, appearing to read "Craig Dossey". The signature is fluid and cursive, with a long horizontal stroke at the end.

Craig Dossey, Executive Director
El Paso County Planning and Community Development