

## Special Use Permit Request

Forever Labradors and Goldens  
6885 Mesa Ridge Pkwy. #169  
Fountain, CO 80817

April 24, 2018

El Paso Planning & Community Development Department  
2880 International Circle  
Colorado Springs, CO 80910

### **Owner/Applicant**

Anthony Richard/Kendra Richard  
6885 Mesa Ridge Pkwy. #169  
Fountain, CO 80817  
Phone: 303.335.6645  
keni00@msn.com

### **Site Location, Size, Zoning, Schedule #**

18599 Soapstone View, Fountain, CO 80817, 8.1 acres, RR-5, Schedule# 57180-08-007

### **Legal Description**

LOT 34 PIONEER VILLAGE FIL NO 3

### **Request**

El Paso County Land Development Code defines a kennel as: “Any place or premises used in whole or in part for the purpose of keeping, training, boarding, breeding or sale of domesticated dogs or cats in which 5 or more domestic animals exist, and all of which exceed 4 months in age ...” and must meet the standards for kennels. A kennel is a permitted use in RR-5 zoning when special use approval is obtained through meeting the standards of criteria. Accordingly, we are requesting approval for a Special Use Permit to obtain code compliance for the keeping, boarding, breeding, and training of more than 4 dogs for an existing kennel up to a maximum capacity of 35 dogs.

### **Justification**

Applicant is licensed and inspected through the State of Colorado Department of Agriculture Pet Animal Care Facility Act Program (PACFA).

We have reviewed the Department’s approval criteria that may be considered as well as general chief concerns regarding a kennel. We believe we meet the requirements currently and will address any concerns, and ultimately will make any changes and/or improvements the Department deems necessary for approval of a Special Use Permit.

### **Existing Facilities**

House, garage, front and back yards, along with several fenced outdoor kennel areas (see p.4)

### **Proposed Facilities, Structures, Roads, Landscaping, etc.**

None, unless otherwise instructed via El Paso County Land and Development Department.

### **Setbacks**

See attached map

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### Letter of Intent

**To:** El Paso County Planning and Community Development Department (PCD) and All Adjacent Property Owners to the Aforementioned Property,

We located and ultimately purchased said rural property five years ago under the assistance of a realtor with the specific requirements we would be housing at least twenty personal pet dogs at the time. We were unfortunately offered inaccurate information regarding the number of dogs that were allowed in this area from a variety of sources, including our Realtor, a Sheriff that resides in the area as well as the city of Fountain. Ultimately, we were informed outside of city limits there was no “rule” regarding a specific number of dogs. We also contacted El Paso County Animal Control and we were informed we would be outside of their “map area” and they did not enforce dog limits or control in this area. Additionally, the county classifies a hobby farm as a “parcel of land where livestock, *animals*, or birds are raised ...” With the understanding dogs are animals, we were also later under the impression we would be classified as a “hobby farm”, which is an allowed use in the RR-5 zoning.

However, it was brought to our attention that your department has a code specifically relating to dogs. Had we known otherwise, we would have done further research prior to purchase. Nevertheless, a kennel is a permitted use in the RR-5 zone when special use approval is obtained. Consequently, we are requesting approval for a Special Use Kennel Permit allowing us more than 4 personally owned dogs.

**Background:** Our dogs are considered our family pets and very integrated into our family routines. Some of our dogs are actively breeding and we have been a small family animal care and home breeder for the past 30 years. For the past ten years, our puppies have been adopted under the name Forever Labradors and Goldens. The business currently includes myself, my two teenage children, as well as my adult daughter that lives within miles of us. We have a very established positive reputation in producing proven, even-tempered, extensively genetic health tested Labrador and Golden Retriever puppies and can provide extensive references upon request.

Our puppies are placed as companion, hunting, service, and therapy dogs. Puppies are normally spoken for in advance of litter arrival and go to their forever homes, most commonly, at eight-weeks old. To reduce indiscriminate breeding practices, none of our puppies are placed elsewhere for the intention of breeding.

We raise our puppies in the home to offer closely monitored full-time supervision, climate-control, reduce the risk of illness/disease with limited outdoor time, and more efficiently offer the opportunity for them to be extensively socialized and engaged in consistent enrichment developmental exercise.

Our dogs are not simply “breeding stock”. Accordingly, our dogs are not simply rehomed once they are no longer breeding but rather remain a significant part of our family for their entire life. Due to this, within the family, we now have five generations of our own lines ranging in age from 15 years old to a month old, along with our rescue and special needs dogs. All our animals are extremely special and cherished by us.

**Request:** We have had at least twenty, and up to thirty-five dogs, on the property at one time. We currently maintain thirty family pet dogs on the property and to the best of my knowledge,

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without any complaints from surrounding neighbors now, or over the duration of the past five years.

I am requesting consideration of a maximum capacity of up to thirty- five dogs on the property to allow flexibility as circumstances arise (i.e. past 4 months of age in the event initial obedience/service dog training is started, future breeding prospects as x-rays for signs of dysplasia is completed at two years old, an owner is unable to keep a dog we have placed with them as a puppy and requests rehoming, family members in need of temporary boarding, etc.).

**Existing Facility Details:** We are currently licensed through the State of Colorado Department of Agriculture Pet Animal Care Facilities Act (PACFA) Program. PACFA is a licensing and inspection program dedicated to protecting the health and well-being of those animals in pet care facilities throughout Colorado. Our home environment surpasses all PACFA standards.

Most of our dogs are rotated in and out of the home and attached garage (heated and cooled) throughout the day. They have several areas throughout the home with their own beds and blankets (bedrooms, living areas, garage). Puppy areas include an 11 x 15 puppy nursery room and a 220 sq. ft. separate area in the home as a puppy play/sleeping area.

As needed, we have outside areas for the dogs that are all fenced encompassing: approximately a 3/4 acre fenced front yard with a separate 1200 sq. ft. fenced area within this area. These areas are fenced with 5-6' stained post and dowel fencing with black welded wire attached. There are two 4' walk gates, one on either side of the fencing closest to the house, as well as two 16' drive gates.

The back yard consists of approximately 1/2 acre completely fenced around the perimeter with 6' cedar and 6' chain link (with either privacy slats or shade cloth privacy covering 1/2 of the area) (this will eventually be cross-fenced with all cedar fencing). The areas are all divided and, in some areas, cross-fenced. The interior portions of any kennel areas for adult dogs are also wired with electric fence to further prevent potential escaping or outside animal intruder. The areas consist of four 41 X 25, two 49 X 25, one 100' X 8', two 30 X 30, one 55' X 8', and one 10 X 10 areas that include elevated and insulated dog houses and individual shade. There is one 4' wide cedar walk gate on the south side of the yard and two 8' drive gates on the north side. All gates on the property remain locked and we have video surveillance as well as an alarmed and monitored security system for increased safety.

### **Areas of Potential Concerns**

**Noise Mitigation:** While occasional barking is a normal behavior for a dog, habitual barking is unacceptable and not permissible on the property. We are aware and respect the Colorado Noise Statute and correlating permissible noise levels. We do not believe with the distance between the property lines and homes that in the event there has been a disruption, that our dogs exceed the sound levels established by county ordinance. Nonetheless, in the occurrence of a "problem barker", the dog's time is more limited outside and we do use correction bark collars and ultrasonic devices as needed as well.

While barrier fencing and the distance away from barking in itself reduces noise impacts, we further mitigate negative noise impacts to adjoining properties by: identifying, addressing, and taking precautions regarding trigger behaviors that facilitate barking. We incorporate small play groups of dogs together outside at a time to facilitate mental and physical exercise and species-

## Letter of Intent: Special Use Permit

specific socialization, and we provide consistent social engagement with humans. The dogs are worked with frequently to ensure social, physical, and psychological stimulation. This ultimately reduces the likelihood dogs will become bored as lack of attention and boredom are often the most common causes of excessive barking. Additionally, we decrease visual overstimulation by restricting line of sight to the dog's immediate surroundings with privacy fencing, visitors are limited to close family and friends that the dogs are familiar with, and the property is fenced ensuring strangers the dogs are unaccustomed to are unable to enter the property unexpectedly.

Furthermore, the dogs are continually supervised, and we incorporate a reward system to promote good behavior. The dogs spend a great deal of times indoors as dogs sleep an average of 12-14 hours a day with puppies and senior dogs up to 18-20 hours per day. Many remain inside from 10PM-7AM and are rotated inside and outside during the day.

**Solid Waste and Odor Control:** All areas are kept clean and free of waste or debris. Waste is removed twice daily in any outside areas, several times a day inside. It is bagged and placed in a dumpster on the property for pick up. Odors are controlled outside with odor neutralizers that are laid/sprayed as needed. Odors are controlled inside by using sanitizing/deodorizing solutions several times daily.

**Commercialization:** The business is secondary to our use of the property as a rural residence. There is not/will not be any conspicuous commercial signage, advertising related to our business or other aesthetic change in the residential character of the property. Other than looking at the property from overhead, there are no verbal or visual clues there are currently thirty dogs on the property due to the existing barking enforcement and privacy fencing. The front yard has a maximum of five dogs out at a time as although it is fully fenced, there is no privacy fencing. Other than standard porch lighting, there is no conspicuous lighting on the property.

**Access Location/Parking and Traffic/Sales:** There is no parking in the right of way. Parking is through the access onto the property via two existing dirt driveways directly off unimproved/unmaintained county street. Parking for residents is in front of the garage, side of the garage, and driveways. There is no traffic or parking associated to the business other than resident's vehicles. All adoptions are arranged on-line and all transfers are completed in a mutually agreed upon public location. For the safety of our family and animals, under no circumstances are customers permitted on the property.

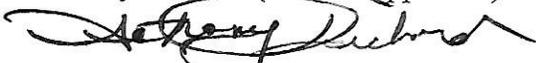
**Misc.:** The property is mowed at least twice yearly to minimize or mitigate fire dangers. All animal food, nutritional supplements, etc. are stored in containers with air tight lids and unopened bags of food are stored at least 4" off the ground in a waterproof storage shed.

We believe our request ultimately meets the criteria and any arising concerns for special use approval of a kennel in RR-5 zoning.

Thank you for your time and consideration. Please feel free to contact us with any questions or concerns.

Sincerely,

Anthony Richard (Owner/Applicant)



Kendra Richard (Applicant)



**WIGWAM MUTUAL  
WATER COMPANY**

P.O. Box 596  
Fountain Co 80817  
719.638.0456

April 9, 2018

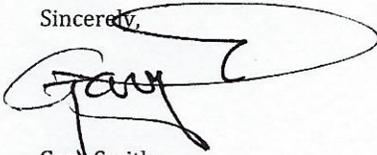
Anthony and Kendra Richard  
18599 Soapstone View  
Fountain, CO 80817

Dear Mr. and Mrs. Richard

After review of Wigwam Mutual Water Company's (Wigwam) rules and regulations, I have found no conflict with your application to the county for a special use permit.

Wigwam, however, is required by the Colorado Department of Public Health and Environment, and EPA, to inspect your change of facilities to confirm there are no cross-connections. Please notify Wigwam at time of completion of change so an inspection may be completed by our field operations people.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Smith", is written over a large, hand-drawn oval scribble.

Gary Smith  
President