

Sonja Duran  
19465 Oasis Avenue  
Peyton, CO 80831  
719-201-7520

## REVISED LETTER OF INTENT

**Revised Date:** September 28, 2020

**Original Date:** August 18, 2020

**Owner/Applicant:** Sonja Duran

**Site Information:** LEGAL DISCRPTION  
LOT 72 OASIS SUB FIL NO 2

19465 OASIS AVENUE, PEYTON, COLORADO 80801  
Tax Schedule No. 33090-03-018  
5.14 acres  
Zoned RR-5

### **Request:**

Approval of a major kennel for more than the allotted amount of dogs you can have in this zoning district.

### **Justification:**

The dogs (16) have been with Mrs. Sonja Duran since she moved into the site location and she was not aware of the number of dogs that El Paso County Zoning allows. Mrs. Duran only knew that by the Pet Animal Care Facilities Act (PACFA) allowed 15 dogs. These dogs are not for sale, adoption or anything that a major kennel does. The dogs are family to her and she loves them very dearly and they are all rescues that she cares for only. The dogs help with her mental status and gives her reason for happiness.

The number of dogs on the property will be 16 at all times and 2 cats that have also been with Mrs. Duran since she moved into the site location. So the total maximum number of domesticated animals will be 18.

There are 10 pins that are already up in the backyard for the dogs that are behind a 6' tall privacy fence. Mrs. Sonja Duran plans to also put up at least 3 more pins. To make sure all dogs are secure within her property. There are no industrial or commercial sites proposed in this request.

Mrs. Duran ask that this be an Administrative sign off and not need to go to the Planning Commission or Board of County Commissioners for approval. As stated in the top paragraph this is not for a commercial use of any shape or form.

Thank you for considering this request for a minor kennel and Mrs. Duran looks forward to an approval by administrative sign off.

(B) Major

(1) Applicability

A kennel in which 9 or more dogs or cats exist, and all of which exceed 4 months in age, to include animal daycare facilities. Dogs or cats owned by the occupants of the premises shall be included in the count.

(2) Minimum Setback for Kennel

Structures and outdoor areas used as part of a kennels operation adjoining a residential, forestry, or agricultural zoning district shall be setback a minimum of 200 feet from all property boundaries. The PCO Director may allow a reduction in the setback where appropriate actions are taken to mitigate potential impacts.

(3) Overnight Boarding

Where overnight boarding occurs, animals shall not be allowed unsupervised outdoor access.

(4) Conducted in Accordance with Laws

The kennel shall be conducted in compliance with all applicable county, state and federal laws.

6.2.32zv Light Manufacturing, Accessory Use

Light manufacturing as an accessory use shall be conducted in conjunction with a retail use and shall not exceed a maximum of 600 square feet in gross floor area.

This sections needs to state the set backs from the kennel to the closest property lines. if less the 200 ft please explain what appropriate actions have been take to mitigate potential impacts.

1.10 - Allow "low impact uses" in areas designated for rural residential uses, either through the Special Use review process or as part of carefully defined planned unit developments. Variances for low impact uses should be used sparingly and in all cases approvals should not result in a deviation from the predominantly rural residential character of these areas.

please insert the paragraph to the right that is from the Falcon/Peyton small area plan and then explain that your special use is low impact.

**Criteria for Approval:**

The request meets all criteria

**5.3.2 (C) In approving a special use, the following criteria may be considered:**

**1. The special use consistent with the applicable Master Plan.** A kennel is allowed as a special use under the El Paso County Land Development Code for properties that are zoned RR-5. The Falcon/Peyton Small Area Master Plan is the plan under the County Master Plan for Land use in Falcon/Peyton area, including the said property.

**2. The special use will keep the character of the Oasis Subdivision and will be consistent with the allowable land uses in the area.** The property's principal use is a residence, and will continue to be upon approval of the special use. This will not be a commercial use and only used for the owner's personal rescue canines. The canines that are cared for on the property are part of the family that cares very much for them. The canines have been at the property for the last seven years without any issues until recently. The property is a residence that was not aware of the county code that states an animal limit.

As shown in the site plan the canines will be in a 6' tall privacy fence and pins for them all. There will be no extra traffic in the area because of the private ownership of the said canines. The canines are not in any direct contact between neighbor dogs and other animals that they may have on their properties.

There is no visual or other changes in the residential character of the property. Until we were notified of the need to apply for special use approval for having more than El Paso County Code would allow.

There is no visual impact to our surrounding neighbors all activities with the said canines are done within the fenced backyard with the owner. The owner will take them to the Vet but they are leashed at that time before coming out of the residence.

**3. The impact of the special use does not overburden or exceed the capacity of public facilities and services.** This will not be a business so there are no clients or customers coming to see the canines. Traffic will not be a problem coming from this residence.

**4. The special use will comply with all applicable local, state and federal laws and regulations regarding air, water, light or noise pollution.** The private ownership does not create any odors, noise, smoke or other issues from activities inside or outside of the property. The dog feces is picked up twice daily and disposed of in the garbage which is picked up weekly. There are no waste or dangerous products that are used on the property. We did not have any issues until a

few months ago when a letter was received for a code violation which has been cleaned up and doing what is needed to keep the canines.

5. **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.** This is a residence with what El Paso County Code says has too many canines and does not have any hazardous, explosive or highly flammable substances used or waste products produced by the caring for canines.
6. **The special use conforms to all other applicable County rules, regulations or ordinances.** The residence (minor kennel) is conducted in compliance with all applicable laws, codes and regulations. We have never had a complaint with the county code enforcement prior to this one that caused us to be informed that we were not allowed to have as many canines as we do.
7. **The special use will not generate significant additional traffic to the property.** There will be no traffic caused because all of the domesticated animals belong to Mrs. Duran.
8. **Land disturbance shall be less than one acre and will not adversely affect adjacent or downstream drainage.**
9. **The setbacks shown on the site plan are within the 25' setback.** Per county setbacks for the RR-5 zoning district the Canine pins are also out of site of any neighbors because of the 6' tall privacy fence. On the East side of the home the fence is 160' away from the property line. On the rear eastside of the privacy fence it is well over 215' away from the property line. On the rear right side of the privacy fence it is over 400' away from the property line. To the west side of the corner of the privacy fence it is just at 200' away from the property line. The front of the property is 45' from the front property line. The pins are within the privacy fence area and keep the site location looking natural (meaning as a residential development).

**Conclusion:** Only since the notification of a Code Violation we have ever had any problems caused by the number of canines we have on the property. All neighbors that have been personally told of this special use are more than happy for us to continue having are dogs.

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

Sonja Duran