



EL PASO COUNTY

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HOLLY WILLIAMS
CARRIE GEITNER
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Board of County Commissioners
Stan VanderWerf, Chair

FROM: Kylie Bagley, Planner II
Carlos Hernandez Martinez, EI Engineer I
Kevin Mastin, Interim Executive Director

RE: Project File #: AL-22-014
Project Name: 17430 Fairplay Drive Minor Kennel
Parcel No.: 71241-03-061

OWNER:	REPRESENTATIVE:
Mark & Anne Seglem 17340 Fairplay Drive Monument, CO 80132	Mark & Anne Seglem 17340 Fairplay Drive Monument, CO 80132

Commissioner District: 1

Planning Commission Hearing Date: 10/20/2022
Board of County Commissioners Hearing Date 11/1/2022

EXECUTIVE SUMMARY

A request by Mark and Anne Seglem for approval of a minor kennel as a special use for eight (8) personal dogs. The 1.06-acre property is zoned RS-20000 (Residential Suburban) and is located approximately one-half of a mile northwest of the intersection of West Higby Road and Fairplay Drive and is within Section 24, Township 11 South, Range 67 West of the 6th P.M.





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A. REQUEST

A request by Mark and Anne Seglem for approval of a minor kennel as a special use for eight (8) personal dogs.

B. PLANNING COMMISSION SUMMARY

Request Heard: As a Regular item at the October 20, 2022 hearing

Recommendation: Approval based on recommended conditions and notations

Waiver Recommendation: N/A

Vote: 8-0

Vote Rationale: N/A

Summary of Hearing: The Planning Commission draft minutes are attached.

Legal Notice: N/A

C. APPROVAL CRITERIA

Pursuant to Section 5.3.2.C of the Land Development Code (2022), the Planning Commission and Board of County Commissioners may consider the following criteria in approving a special use:

- The special use is generally consistent with the applicable Master Plan;
- The special use will generally be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area;
- The impact of the special use does not overburden or exceed the capacity of public facilities and services, or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner;
- The special use will not create unmitigated traffic congestion or traffic hazards on the surrounding area, and has adequate, legal access;
- The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;
- 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; and/or





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- The special use conforms or will conform to all other applicable County rules, regulations or ordinances.

D. LOCATION

North:	RS-20000 (Residential Suburban)	Single-family residential
South:	RS-20000 (Residential Suburban)	Single-family residential
East:	RS-20000 (Residential Suburban)	Single-family residential
West:	RS-20000 (Residential Suburban)	Single-family residential

E. BACKGROUND

The property was zoned R (Residence) on January 3, 1955, when zoning was first initiated for this portion of El Paso County. Due to changes in the nomenclature of the Land Development Code, the R zoning district is now known as the RS-20000 (Residential Suburban) zoning district.

On July 20, 2022, the applicant received a Notice of Violation regarding the use of animal keeping on the property of over 4 dogs or cats which would result in a major or minor kennel (PCD File CE-22-231). On July 21, 2022, the applicant applied for a minor kennel as a special use to legalize the keeping of eight (8) personal dogs on the property through the special use process. The applicant has also submitted a site development plan for concurrent review with the proposed special use permit.

F. ZONING ANALYSIS

1. Land Development Code Analysis

A minor kennel requires special use approval in the RS-20000 zoning district pursuant to Chapter 5 of the Code. A minor kennel as a special use shall comply with Section 5.2.30 of the Code which provides specific requirements for these types of uses.

The applicant has provided an analysis of the special use criteria of Section 5.2.30 of the Code in their letter of intent. To meet the criteria for approval of a





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special use, the applicant is required to demonstrate that the proposed use will be in harmony with the character of the neighborhood and will be generally compatible with all existing land uses in all directions. The applicant states that the special use is strictly for their eight personal dogs and they have no intention of replacing the five senior dogs or running a commercial kennel out of the residential home.

If the special use is approved, the applicant will be required to also receive approval of a site development plan prior to initiating any land disturbing activities on the property. The site development plan will need to be substantially consistent with the site plan provided with the special use application and provide a more detailed depiction of the proposed use. County review and administrative approval of a site development plan will help ensure that adequate buffers, setbacks, and screening are implemented to further mitigate any potential impacts to the surrounding area. The site development plan review will also include compliance with all applicable aspects of the Land Development Code and the Engineering Criteria Manual, including but not limited to grading and erosion control, landscaping, parking, and lighting standards.

2. Zoning Compliance

The subject parcel is zoned RS-20000 (Residential Suburban). The RS-20000 zoning district is intended to accommodate low-density, rural, single-family residential development. The density and dimensional standards for the RS-20000 zoning district are as follows:

- Minimum lot size: 20,000 sq ft
- Minimum width at the front setback line: 100 feet
- Minimum setback requirement: front 40 feet, rear 40 feet or 15 feet for an accessory structure, side 15 feet
- Maximum lot coverage: 20%
- Maximum height: 30 feet

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The existing single-family dwelling meets the dimensional requirements of the RS-20000 zoning district. The applicant is not proposing any additional structures on the property.

A. MASTER PLAN ANALYSIS

1. Your El Paso Master Plan

a. Placetype: Suburban Residential

Placetype Character:

Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.

Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County.

Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.

Recommended Land Uses:

Primary

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- Single-Family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre

Supporting

- Single-family Attached
- Multifamily Residential
- Parks/Open Space
- Commercial Retail
- Commercial Service
- Institutional

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Figure G.1: Placetype Map

Analysis:

The Suburban Residential placetype comprises the County’s traditional residential neighborhoods with supporting commercial uses at key intersections.

Objective LU3-3: *The Suburban Residential placetype should be characterized by predominantly residential areas with mostly single-family detached housing.*



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The proposed special use would keep the area residential in nature. The applicant is requesting a minor kennel for their eight personal dogs. The Letter of Intent states that they will not operate a commercial business on the property.

b. Area of Change Designation: Minimal Change: Developed

These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of a denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.



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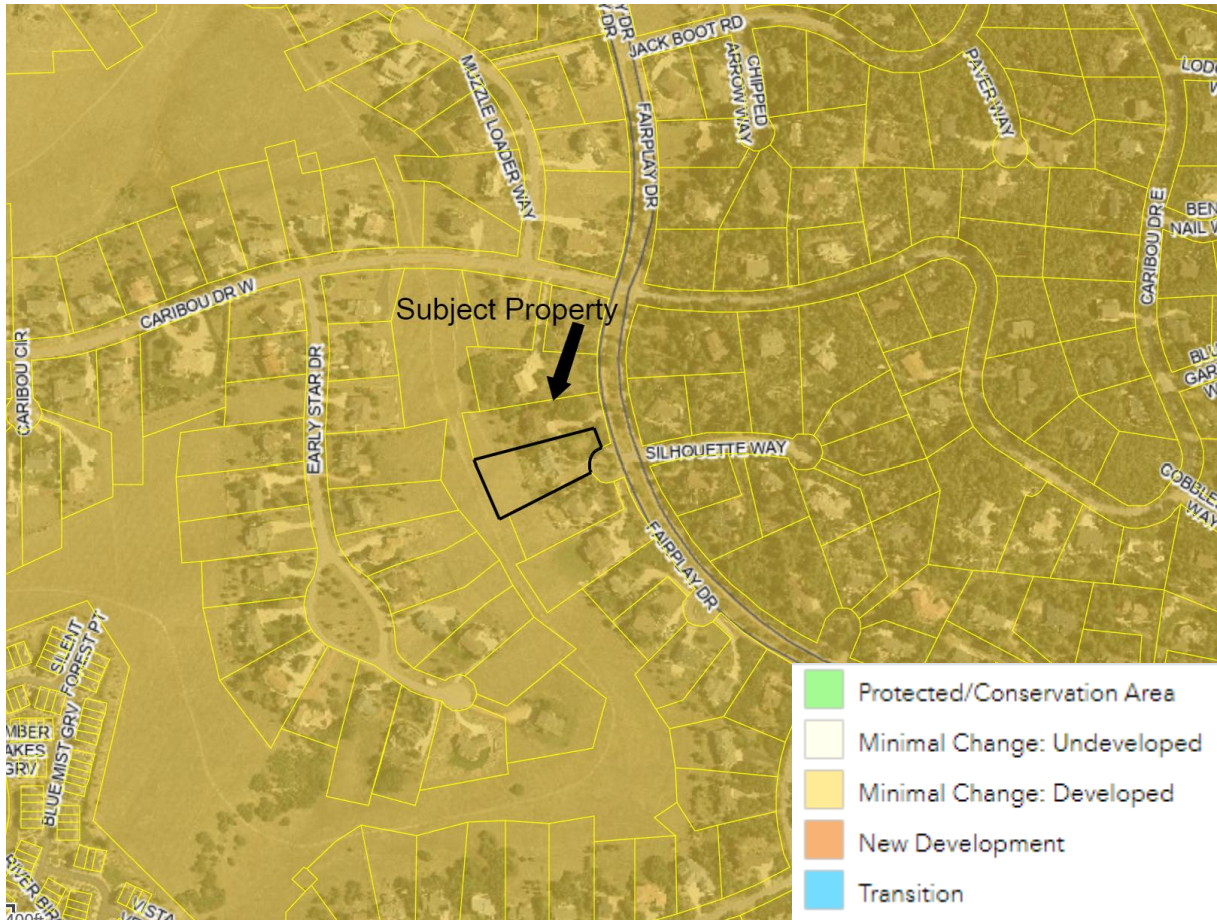


Figure G.2: Area of Change Map

Analysis:

The proposed special use for a minor kennel would legalize the existing eight personal dogs on the property. The applicant has stated that they would not use the special use to run a commercial kennel.

c. Key Area Influences: Tri-Lakes Area

Tri-Lakes is the northern gateway into the County along Interstate 25 and Highway 83. It is situated between Pike National Forest, the United States Air Force Academy, and Black Forest. With significant suburban



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development and some mixed-use development, this Key Area supports the commercial needs of many of the residents in northern El Paso County. Tri-Lakes also serves as a place of residence for many who commute to work in the Denver Metropolitan Area. It is also an activity and entertainment center with the three lakes (Monument Lake, Woodmoor Lake, and Palmer Lake) that comprise its namesake and direct access to the national forest. Tri-Lakes is the most well-established community in the northern part of the County with a mixture of housing options, easy access to necessary commercial goods and services, and a variety of entertainment opportunities. Future development in this area should align with the existing character and strengthen the residential, commercial, employment, and entertainment opportunities in the adjacent communities of Monument, Palmer Lake, and Woodmoor.

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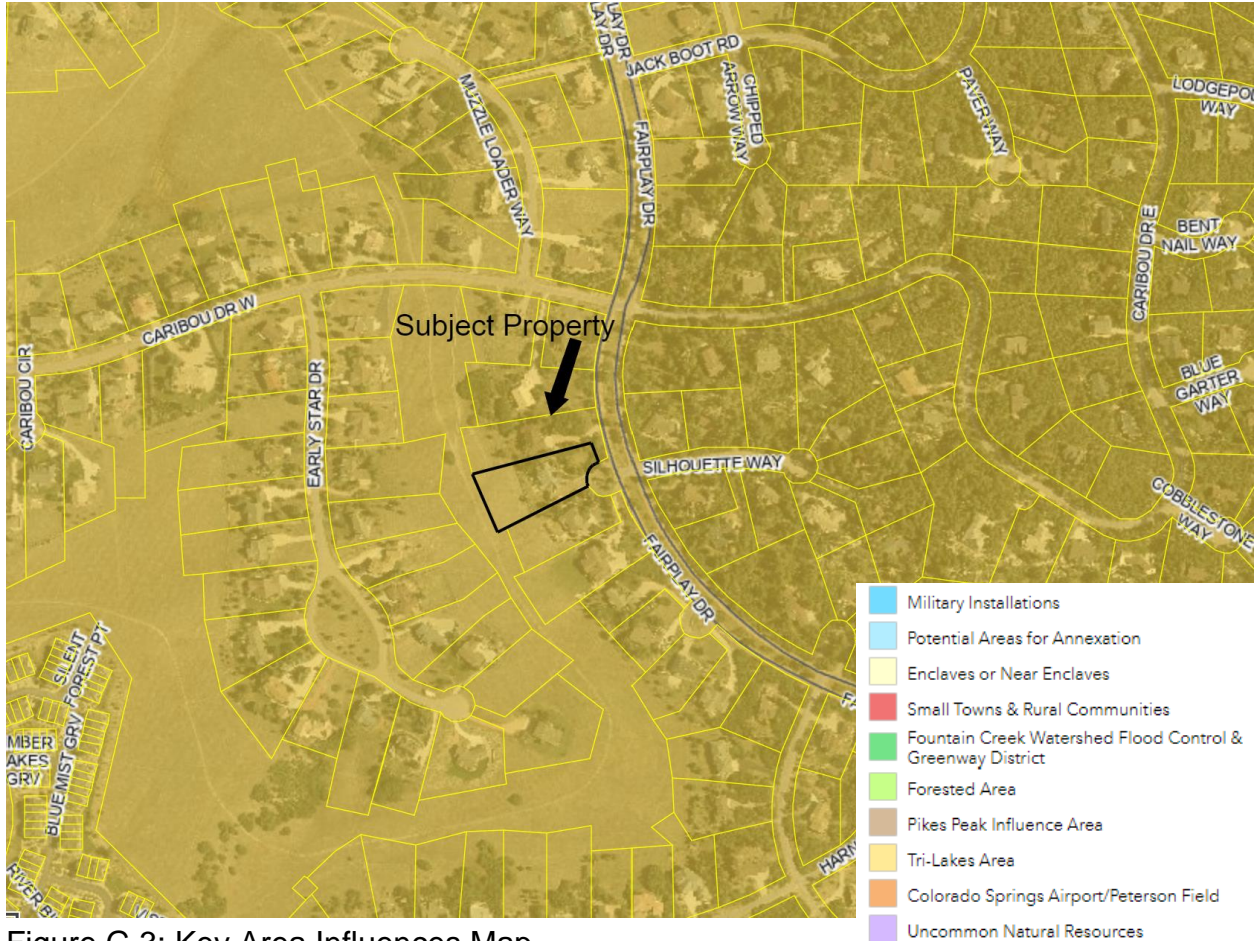


Figure G.3: Key Area Influences Map

2. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.

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Policy 1.1.1 – Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.

Goal 1.2 – Integrate water and land use planning.

The property is located within Region 2 of the El Paso County Water Master Plan. The Plan identifies the current demands for Region 3 to be 7,532 acre-feet per year (AFY) (Figure 5.1) with a current supply of 13,607 AFY (Figure 5.2). The projected demand in 2040 is at 11,713 AFY (Figure 5.1) with a projected supply in 2040 of 20,516 AFY (Figure 5.2). The projected demand at build-out in 2060 is at 13,254 AFY (Figure 5.1) with a projected supply in 2060 of 20,756 AFY (Figure 5.2). This means that by 2060 an increase of 7,502 AFY is anticipated for Region 2.

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a wildlife impact potential.

The Master Plan for Mineral Extraction (1996) identifies Upland Deposits and Coal in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the special use.

2. Floodplain

The property is in Flood Zone X, area outside of the 100-year flood, per FEMA Flood insurance Rate Map panel number 08041C0279G, dated December 7, 2018.



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3. Drainage and Erosion

The property is located in the Teachout Creek Drainage Basin (FOMO4800). This is an unstudied drainage basin with drainage basin fees. Drainage basin fees are not applicable for the proposed request.

A drainage report was not required for this request.

No public improvements are required for this project. The applicant is not proposing to change the direction of stormwater runoff on the property.

4. Transportation

The site receives access from Fairplay Drive, which is owned and maintained by El Paso County. Fairplay Drive is classified as a rural local roadway. A traffic study was not required for this application. The applicant stated in their Letter of Intent, "the daily average trips is and will be no more than 4 trips per day, in other words, no more than normal suburban usage for a neighborhood home." The proposed average daily traffic is less than the required threshold for a traffic impact study.

The parcel has an existing driveway access permit on file, AP22957.

The El Paso County 2016 Major Transportation Corridors Plan Update does not depict roadway improvements in the immediate vicinity.

The proposed request is not subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471, as amended) because no new trips are being generated to the parcel with this proposed request.

H. SERVICES

1. Water

Water is provided by Woodmoor Water and Sanitation District.

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2. Wastewater

Wastewater is provided by Woodmoor Water and Sanitation District.

3. Emergency Services

The parcel is located within the Tri-Lakes-Monument Fire Protection District. The District was sent a referral and has no outstanding comments.

4. Utilities

Electrical service is provided by Mountain View Electric Association, Inc. (MVEA) and natural gas service is provided by Black Hills Energy. Both utility providers were each sent a referral and have no outstanding comments.

5. Metropolitan Districts

The property is not located within the boundaries of a metropolitan district.

6. Schools

Land dedication and fees in lieu of school land dedication are not required for a special use application.

I. APPLICABLE RESOLUTIONS

See attached resolution

J. STATUS OF MAJOR ISSUES

There are no major issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.2 of the El Paso County Land Development Code (2022), staff recommends the following conditions and notations:





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CONDITIONS

1. Approval shall be limited to the use as described in the applicant's Letter of Intent and as shown on the site plan. Any subsequent addition or modification to the operation or facility beyond that described in the applicant's Letter of Intent or depicted on the site plan shall be subject to administrative review, and if the Planning and Community Development Department Director determines that it constitutes a substantial addition or modification, then such addition or modification shall be subject to a new special use application.
2. Within thirty (30) days of special use approval, the applicant shall receive approval of a site development plan. The deadline for receipt of approval of the site development plan may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.
3. Upon sale of the property the Special Use permit shall expire.

NOTATIONS

1. Special use approval includes conditions of approval and the accompanying site plan and elevation drawings. 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 (2) years or longer, the special use shall be deemed abandoned and of no further force and effect.

L. PUBLIC COMMENT AND NOTICE

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The Planning and Community Development Department notified seven adjoining property owners on September 29, 2022, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Site Plan
Public Comment Letters
Planning Commission Resolution
BoCC Resolution
PC Minutes - Draft

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El Paso County Parcel Information

File Name:

Date:

PARCEL

NAME

ADDRESS



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
(719) 520-6600



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June 13, 2022

Mark and Anne Seglem

Contact phone number: (281)772-7724

Contact email: Af2663@aol.com

Property address: 17340 Fairplay Dr., Monument, CO 80132

Property tax schedule number: 7124103061

Zoning: RS-200004

Description:

We own 8 dogs in our family and each is unique and special. Of the 8 dogs, 5 are over the age of 12 and all have been with us since they were puppies. We are applying for a special use permit for a minor kennel so that we can keep our family together. We have lived here almost 15 years and although there was never a complaint prior, we understand the necessity of the special use permit in our zone district. We were not aware of this requirement. All our dogs are indoor "house" dogs and are only outside to provide them a relief time. Our entire back yard, which is well over ½ acre, is fenced in and our dogs cannot get out unless a gate is left open. Not all the dogs are let out at one time. They all wear bark collars (shockable) and although there is no privacy in our back yard (there is now a public trail available next to our property line and people have their dogs roaming free at times) our top priority is that our dogs are never a nuisance. They are never left outside when we are not at home and more than 80 percent of the time they are indoors with us. When we bought our home, we were assured that the land behind our home would never be developed otherwise we would have never chosen to live here. Now, no matter how many dogs we have, they are forced to adjust to a constant flow of strangers walking along our back property line and if the strangers choose to let their dogs roam free without leashes, their dogs will approach our fence which is well inside our property line. Our dogs often react to these intrusions, and even though the "walkers" are on or near our property we use the shock collars to train our pets not to bark. We have no recourse when strangers and their dogs are on our property. My dogs are learning that the strangers and strange dogs are a way of life for them now. As our dogs get older and pass, we do not intend to replace them. All our male dogs are neutered. We do not allow our dogs to roam freely outside our fenced area. All are licensed with the county, all have current vaccinations and are well cared for.

The special use is generally consistent with the applicable Master Plan. The special use is in harmony with the character of the neighborhood and is generally compatible with the existing and allowable land uses in the surrounding area. The impact of the special use does not overburden or exceed the capacity of public facilities and services. The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area and has adequate, legal access. The special use will comply with all applicable local, state and federal laws and regulations regarding air, water, light, or noise pollution. 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. The special use conforms to all other applicable County rules, regulations or ordinances.

I am applying for a special use. I have downloaded a proof of utilities attachment with this application. I have followed the Special Use criteria LDC Sec. 5.3.2.C; minor kennel criteria LDC Sec. 5.2.30.B. I am aware that there will be a public hearing. Our Special use operation does not meet criteria for a traffic memo. Zoning District requirements are not applicable. We are not placing any outside kennels, nor are we training or breeding. Our dogs live inside our home. Relevant past history is that we were not aware there is a limit requirement for dogs and have lived here 15 years this July. We were also told that the land outside our property line would never be developed. We have planted bushes that will completely

hide the fence in an effort to buffer the human traffic from the dogs and vice versa as well as mitigate potential impacts. Otherwise, the design and landscaping, signage and lighting are not applicable. Water, air and visual quality is not applicable. Taxing entities and fire district remain the same. Emergency Services issues are not applicable. Code Waivers, Parks and trails, annexations/intergovernmental issues are not applicable. Our El Paso Master Plan is in a Suburban Residential Area. We are in an area of minimal change and this would not bring any change. No TIS is required as there is no additional Vehicular, Pedestrian or Bicycle Traffic. Our cars may use the county roads twice a day if at all. Drainage impacts are not applicable. The proposed use will not adversely impact adjacent properties or existing runoff patterns. There should be a driveway access permit on file for the existing driveway as it has been ordered and paid for. Again, the daily average trips is and will be no more than 4 trips per day, in other words, no more than normal suburban usage for a neighborhood home.

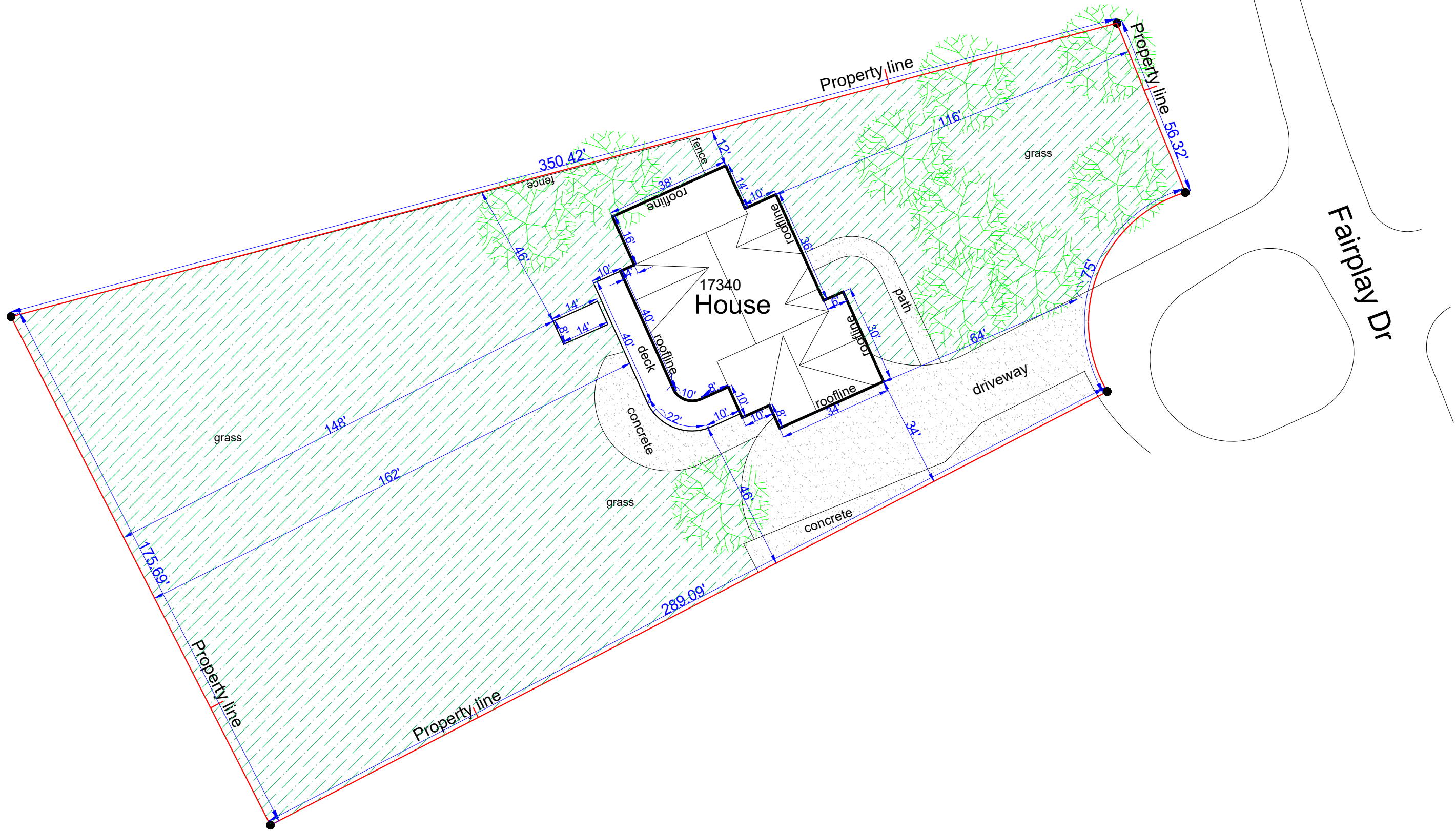
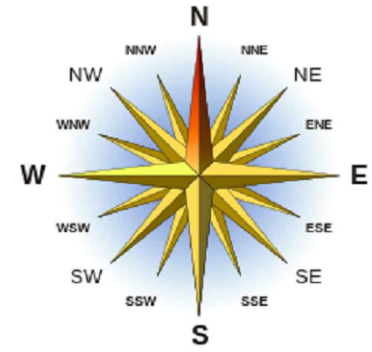
SITE PLAN

Address: 17340 Fairplay Drive

City, State, ZIP: Monument, CO 80132

Country: USA

Scale 1":30'



Fairplay Dr

Kylie Bagley

From: Mark Seglem <mkseglem@gmail.com>
Sent: Thursday, September 8, 2022 9:40 AM
To: af2663@aol.com; Kylie Bagley; Joe Letke
Subject: RE: Our response

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Kylie, I would like to add four points to my wife's email, please. First, I would like your assurance that our emails to you are included in the materials provided to the decision makers in this process. Please confirm for us that this and all other email responses we have provided will be included. Second, several of the statements in the letters from neighbors are not factually accurate or are irrelevant. For example, to state that the Patterson's left because of our dogs simply is not true. Mr. Patterson and Mrs. Patterson stated that they were moving into a much larger and more expensive home in another neighborhood. To claim otherwise is disingenuous. Furthermore, for whatever reason the Patterson's moved is irrelevant to our application. Third, we are not asking for a "kennel" in the sense that some of our neighbors think we are. We were told by the County that a minor kennel request was the only option we had to ensure that we could keep our dogs until the older ones pass and we reduce to the 4 allowed by the County. If approved we would be satisfied if the County wanted to place a five year limit on our permit. Given the age of our some of our dogs, we estimate that we will be down to four within the next five years. Our word is our bond and we do not intend to go above the 4 dog allowance once our older dogs have passed.

Finally, and most importantly, the entire fence issue raised by our neighbors is not relevant. We have applied for a minor kennel in order to keep our dogs. That request has absolutely nothing to do with some of our dogs running along our property line as folks walk by. The dogs that run to our fence line are young and would do so whether we have 4 dogs or 8 dogs. Unfortunately, our neighbors have conflated the issues.

Two other quick notes. We checked the WIA (HOA) complaint log and we found one complaint about our dogs from several years ago. At that time, the HOA came to our property unannounced and found no violation. Lastly, I have a text message on my phone from my neighbor to the south who has led this group against us and it states that since we have placed bark collars on our dogs the barking has essentially ceased and is no longer a problem. Why they continue to harp on our dogs barking, I do not know.

Thanks for your time and please confirm that these emails will be included in the decision package. W/R, Mark Seglem.

Sent from [Mail](#) for Windows

From: af2663@aol.com
Sent: Wednesday, September 7, 2022 9:53 PM
Subject: Re: Our response

Kylie,

We were not made aware of a deadline to submit letters. We request that we receive the same respect to a deadline as our neighbors. Please submit the attachment as a partial response/solution. Thank you for your time in this matter. Anne

-----Original Message-----

From: Kylie Bagley <KylieBagley@elpasoco.com>
To: af2663 <af2663@aol.com>; Joe Letke <JoeLetke@elpasoco.com>
Sent: Wed, Sep 7, 2022 11:21 am
Subject: RE: Our response

Mark and Anne,

I appreciate your response, again due to the complaints that we received on your project the County was just asking if you would be agreeable to terms put forth by your neighbors, in no way are you required to agree to those terms.

I am going to move your application forward to my director. Based on the amount of opposition we have received it is up to his discretion to elevate your special use permit from an administrative approval to a formal public hearing. Once I hear back from him on his decision I will let you know.

Thank you,



Kylie Bagley
Planner II
Planning & Community Development
(719) 520-6323
Planningdevelopment.elpasoco.com

To review all El Paso County projects in **EDARP** go to: <https://epcdevplanreview.com/>

To review the El Paso County Land Development Code (2021) go to:
https://library.municode.com/co/el_paso_county/codes/land_development_code

PERSONAL WORK SCHEDULE

Monday - Friday, 7:30 am to 4:00 pm

DEPARTMENT HOURS

Monday - Friday, 7:30 am to 4:30 pm

From: af2663 <af2663@aol.com>
Sent: Tuesday, September 6, 2022 5:31 PM
To: Kylie Bagley <KylieBagley@elpasoco.com>; Joe Letke <JoeLetke@elpasoco.com>
Subject: Our response

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Dear Ms. Bagley,

Thank you for your email. Both my wife and I have attempted to call you with no answer and no return call. In an effort to be responsive to your email, we have decided to provide our answer in writing.

When the path behind our home became a walking trail it was nothing more than a beat down stretch of weeds. Since then, a group of neighbors (WOSC LLC) that included us purchased the land and in our case added approximately ½ acre to our property. At the time we purchased the land, we told the LLC that the path behind our home needed to be moved further away from our property line as we planned on fencing in our back so that our dogs would have more area to run. Unfortunately, the LLC did not move the path and consequently the path, now a walking trail, is only 8-11 feet from our property line. We installed an \$11,000 fence 10 feet inside our property line which makes it 18-21 feet from the trail. Additionally, we asked permission from our HOA (Woodmoor Improvement Association) to line the inside of our fence with green translucent matting similar to what is often used for tennis courts. Unfortunately, the HOA denied our request and reminded us that the only approved fencing in Woodmoor is either 2 or 3 post split-rail. In an effort to be good neighbors and avoid making our dogs wear zapping bark collars, we planted lilac and cherry bushes around the entire perimeter of our fence to provide a visual block to our dogs and those on the trail. These plants will take some time to grow and fill in enough to provide complete concealment.

Going above and beyond what is required, regrettably, we have put bark collars on our dogs to prevent them from barking at those who walk behind on the trail. This has worked very well and the only time we hear any barking from our dogs is when walkers have dogs who bark at our dogs as they pass behind our property. Needless to say this is very frustrating to our dogs and us, as these folks do nothing to control their dogs. Our HOA covenants state that dogs walking on

common areas must be leashed or under positive electronic control. Most of the walkers and their dogs who use the trail do not follow the covenants and we even have cases where the dogs run on to my property and up to the fence to harass our dogs. We have asked the HOA to enforce the covenant but they refuse by stating it is too difficult to enforce the rules. We have reached a point with these abuses of our rights, that I have installed a surveillance camera.

Finally, I am disappointed that the county would ask us to take unreasonable steps to limit our pets access to our private property when the folks who complain are on public land and violating both HOA covenants and County ordinances to leash dogs in public areas as well as regulations requiring all dogs in the County to be registered and licensed.

My wife and I have gone "above and beyond the call" and do not intend to erect an unapproved fence anywhere on our property. We would ask your support in asking the HOA to move the walking path an additional 10 feet away from our property and towards unfenced properties that lie behind the entire length of our land. The timing of this would be optimal as the trail was donated to the HOA from our LLC just last month with the agreement that the HOA would finish the trail in the coming months. Now is the time to move it. Also, I invite you or whomever from the county to come out and see first hand all we have done to ensure the happiness of our dogs as well as the convenience of our neighbors.

Respectfully, Mark and Anne Seglem

Sent from my T-Mobile 4G LTE Device

Kylie Bagley

From: Nancy Eldred <nepeach2@gmail.com>
Sent: Wednesday, August 31, 2022 12:25 PM
To: Kylie Bagley
Subject: Fwd: Kennel

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Sent from my iPhone

Begin forwarded message:

From: Nancy Eldred <nepeach2@gmail.com>
Date: August 27, 2022 at 12:08:23 PM MDT
To: Tish Norman <tishnorman@gmail.com>
Subject: Kennel

This is an email I sent to Tish Norman, our WOSC director. I have summarized a bit but it gives my comments and concerns. Thank you for your consideration.

Hey Tish,,

I know you have heard my grievances one too many times on this subject but I will point out a few in writing

The Seglem have 9 dogs, 5 over the age of 12 (they say but I don't know) all of which are the smaller ones and 4 are the big brown lab size dogs. One of the bigger dogs belongs solely to Mark, it is a hunting pheasant dog, the other 3 is a family...mom and her 2 puppies. She bred her dog and in June 2021 ended up with 8 puppies of which 6 she sold or gave away, (?) keeping 2. At that time, keep in mind there were 15 dogs(for months). We were invited over to see the puppies. They assured us they were not going to keep Any.

The letter of application is written in such a way as to say they are innocent of any knowledge of how many dogs they could have in Woodmoor when the convents clearly state 4, which you sign at closing. He makes the statement that there is "now" a public walking path right behind his property line which was always there however not public but privately owned by the Walters but Always a path. He choose to put his fence to that point, which he has every right to but he makes it sound like the path created the issue. He also states that there have been any complaints which is absorb, to put it lightly. The previous owners I know had numerous complaints, with no avail and ended up blocking a bedroom window to get some peace. The bushes, he states that will block his fence, are lilac seedlings and will take years to create any type of hedge and no to mention they are deciduous. One of my major concerns is his statement that "we do not intend to replace them". You know what they say about good intentions and where it leads you!! The two dogs that died since I've lived here, he replaced with the 2 big brown dogs, the hunting dog and the one she breed. In his application he also states that it is "compatible" with the neighborhood !?!?

Oh my I've gone on and on. I'm not sure a resolution. I will leave that to El Paso.

August 27, 2022

RE: Special Use Request for Anne Seglem Minor Kennel
File: AL2214
Parcel ID No: 7124103061

Dear Kylie Bagley and the El Paso County Planning and Community Development,

In response to the request from Anne Seglem for a special use permit to allow for a minor kennel for 8 personal dogs in a residential area at the property address of 17340 Fairplay Drive, Monument, CO, we respectfully choose to deny this request.

As residents of South Woodmoor, we have been in the same home for more than 30 years and have enjoyed the quiet and spacious property we own. We also enjoy the newly acquired property thanks to the generous efforts of the WOSC, LLC. As residents we frequently use the trail system that divides the open space between homes.

We are in close proximity to the property requesting the special use permit (we reside behind their house). Since the Seglems apparently chose to purchase the maximum amount of land per the offering by the previous land owners and the Seglems constructed their fence system on or very near their property line and right next to the trail, we have noticed an increase in pet noise as their dogs now bark at everyone taking advantage of the trail system, whether the person has a dog or not.

The Seglems stated in a letter dated June 13, 2022 written to EL Paso County, that their dogs are “forced to adjust to a constant flow of strangers walking along our back property line.” The fact is that by them constructing their fence as close as they could to the pre-existing trail system, it makes it harder on their dogs as well as making the people walking the trail uncomfortable. It also increases the barking dog noise for the surrounding neighbors.

In this letter, the Seglems stated that there has never been a “complaint prior”. This sentence is very confusing and in our estimate, not true. There have been many complaints over many years to our home owners association, Woodmoor Improvement Association (WIA) by various neighbors. In addition, one of their next door neighbors put their house up for sale and moved, and the Seglems barking dogs were a large reason for their move. This has been an on-going issue for years.

We are sure the original drafters of the WIA covenants took care in deciding how to limit the number of dogs each home can have. If the residents of the property under consideration did not know of these restrictions before purchasing the property, it is no fault of ours that they did not read the covenants as they were surely provided these documents before purchasing and moving in.

We are unsure on how to handle the current situation since getting rid of dogs that have been part of your family would not be easy, there has to be a fair way to handle the situation. If the County allowed them to keep the current dogs and NOT replace them as they die, maybe that could work. The problem with that is how would this be monitored or how do we as adjacent homeowners trust that they will not replace those dogs once they pass away?

If the county allows the above idea, maybe the County requires the Seglems to do some "goodwill" on their part and move their current newly constructed fence back 20+ feet away from the trail. This would help their dogs not to be so close to the walkers/dogs trying to enjoy the trail. As long as that fence is that close to the trail, it will always be a problem.

Either way, we don't want to set a precedent in our community by allowing for a special use permit for a minor kennel. Therefore, we ask that you deny the request for a minor kennel and consider an alternate solution such as the one stated above.

Respectfully,

James and Gina Hagglof

Kylie Bagley

From: Tish Norman <tishnorman@gmail.com>
Sent: Tuesday, August 30, 2022 7:22 PM
To: Kylie Bagley
Cc: Ray Sullivan; RANDY VIEIRA; WOSC
Subject: WOSC LLC Response to Request for Anne Seglum Minor Kennel

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Kylie--I am responding on behalf of WOSC LLC members who have voiced their concern to us.

I am Tish Norman, Director of the WOSC LLC, a group of 118 neighbors who purchased the land behind our homes to preserve 65 acres of open space. The Seglums are a member of our 118 homeowner group. They are great neighbors, with the exception of their dogs. Since we were included as an addressee, we are responding. **Our bottom line up front: the LLC thinks setting a precedent of a kennel license in Woodmoor is not a good idea. Please consider other options.**

Before the Seglums expanded their fence with the additional land they bought to support our endeavor, their numerous dogs always barked at trail walkers (many of us walk the trail often with and without dogs). Now that their fence is expanded to the trail, their numerous dogs "go crazy" as we walk by. However, they now wear "bark collars" because it was recently suggested to them. In addition, WOSC LLC was treated as a secondary HOA owner by Woodmoor Improvement Association (WIA). Therefore, numerous neighbors complained to us. One who lives behind them said it's like having a dog park behind their house. Another neighbor next to them, says they never quit barking. In fact, we understand the neighbor to their south sold their house due to excessive barking. Now the newer neighbor says they have no peace. We told the numerous neighbors who complained to WOSC LLC to let WIA and the county know about the excessive noise. The neighbors all say they have complained numerous times to no avail. The neighbor next door has said she can't handle it much longer. In addition, we have noted the dogs are not out much lately because they are being considerate of their neighbors during this process. We appreciate their consideration now.

Again, our bottom line: WOSC's concern is that if we allow a kennel license for this neighbor, a precedent will be set, and others will follow. Please consider other options. In fact, our HOA does not allow chickens either, since the noise of the roosters would be a nuisance.

Thanks for the opportunity to make a statement on behalf of the WOSC LLC members,
Tish Norman

--

Tish Norman
Director, WOSC LLC
Working Together to Preserve South Woodmoor Open Space
Cell (719) 534-3495

August 29, 2022

Kylie Bagley
El Paso County Planning and Community Development
2880 International Circle, Suite 110
Colorado Springs, CO
80910-3127

RE: Administrative Special Use Request for Anne Seglem Minor Kennel
File: AL2214
Parcel ID No. 7124103061

We request that El Paso County not grant the special use of a minor kennel in our neighborhood. The Woodmoor Improvement Association's covenants are clear on the total number of domestic pets being limited to four (4), which comply with El Paso County law. That being said, we certainly don't have an issue with the Seglems keeping the eight (8) dogs for all the reasons Anne stated in her letter dated June 13, 2022. We are aware of neighbors complaining over the years of barking dogs, however were unaware of how many dogs. As dog owners ourselves, we understand their connection. We've been in our house for 16 years, and for that time we recall a trail running through the open space between our houses. It was only within the past year or so that the neighbors were able to purchase additional land and thus extending lots closer to the trail. Our friends and neighbors continue to enjoy the trail they've been using for years. Having two dogs ourselves, we know the excitement they experience when people are passing by our house and know the Seglem's dogs are just being dogs. A solution may be for the Seglem's to consider moving their fence off the trail by another 20 feet or so creating a greater buffer between their well-loved dogs and people using the trail.

As a neighbor we're sympathetic and support no change with Seglem's pets. We're hopeful that a workable solution can be reached for the dogs and trail users. As home owners, we're not in support of a minor kennel permit being granted for a myriad of reasons and are confident our covenants will be upheld.

Regards,

Greg & Leslie Morgan

Kylie Bagley

From: Sameer Bhatia <sbhatia.us@gmail.com>
Sent: Monday, August 29, 2022 12:53 PM
To: Kylie Bagley
Subject: File: AL2214 Parcel ID: 7124103061 Special Use Request fir Anne Seglem Minor Kennel

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Dear Kylie,

I am writing in response to your letter dated 8/17/2022 seeking comments on the matter regarding the request by Anne Seglem, 17340 Fairplay Dr, Monument 80132 for a special use permit to allow for a minor kernel (8 personal dogs).

The zoning in our neighborhood currently allows for up to 4 dogs per household. The Seglems should have checked what the local ordinance is before acquiring 8 dogs. They have been in violation of the code for several years and this has been a source of nuisance for the immediate neighbors. Their immediate neighbor, Allen Peterson, who I am good friends with, was quite fed up with the constant barking of the dogs and the Seglems would not do anything to alleviate the issue. Allen ended up selling the house to move to a quiet neighborhood.

I live on Early Star Drive directly behind the Seglems. So far there had been plenty of open space providing the buffer so I would just only rarely hear their dogs barking. Recently, the open space that was privately owned was purchased by the residents of South Woodmoor. It is sometime in late spring this year that Seglems put a new fence on the newly acquired tract and started letting their dogs loose in there when the nuisance started. As their property line has now come closer to mine as well as the community trail that is used by the residents of South Woodmoor, there have been numerous occasions when the peace has been disturbed because of their dogs. Anytime someone walks the trail with their dog, the four big dogs of the Seglem household start running in frenzy accompanied with loud barking. I have witnessed this so many times and have made numerous complaints to the Woodmoor Improvement Association (HoA) but the problem continues to persist. Note that people walked their dogs on the trail for several years, this was not an issue as Seglem's dogs were contained by the fence that was far away from the trail.

There is a reason the county limits the number of dogs to 4 based on the current zoning. I am inclined to say that 4 may have been reasonable several decades ago, but as more houses have been built in our state, it is time to revise the limit to 2.

Approval of the special use permit would set a bad precedent, as other residents who have recently acquired extra land just like the Seglems may be tempted to follow that example and if that happens, our peaceful community that we have called our home for the past couple of decades would become a giant dog park.

The dogs in question are innocent and even though I have all the compassion for the poor animals who have nothing to do with this situation, the fact remains that their owners have acted irresponsibly by having more dogs than allowed and ignoring the request of their neighbors to keep the situation in check and caused nuisance not just for the neighbors but community in general as the trail is used by several residents on a daily basis to walk their dogs. Seglems can find another house in the countryside that has the zoning to accommodate all their dogs as an alternative.

Ignorance of the law is no excuse for exemption, one might be in the habit of jumping the traffic signal and finally when

pulled over by the cop for the violation, I wonder how the argument would stand if the offender were to say that I have been jumping the light for years, can you please allow me to continue doing so as I have not caused any accidents.

I plead that the special use permit be denied and also Seglems be instructed to contain the dogs to a boundary not exceeding 20 feet from the back of the house so that they don't come too close to the trail.

Please let me know if you have any further questions.

Regards,
Sameer Bhatia
17275 Early Star Dr
Monument, CO 80132



Woodmoor

IMPROVEMENT ASSOCIATION
1691 Woodmoor Drive
Monument, Colorado 80132
(719) 488-2693 • Fax (719) 481-8461
E-mail: wia@woodmoor.org

October 19, 2022

Sent via email to: kyliebagley@elpasoco.com

Kylie Bagley, Project Manager, Planner
El Paso County Planning and Community Development Department

RE: File Number AL2214 Special Use 17340 Fairplay Drive Minor Kennel, Mark & Anne Seglem

Ms. Bagley,

The Woodmoor Improvement Association (WIA) consists of more than 3100 properties and seven sub-associations. WIA recently acquired common area through a donation from the Walters Open Space Committee LLC that is directly behind the property noted above. On behalf of the WIA Board of Directors, WIA wishes to express its firm opposition to this request for the reasons stated below.

As adjacent property owners, WIA certifies that this Special Use for a Minor Kennel at 17340 Fairplay Drive is against our Covenants, Rules & Regulations, as follows:

A. ANIMALS

1. The Covenants provide that no animals, livestock or poultry of any kind shall be housed, raised or kept on any tract or property either temporarily or permanently, except that commonly accepted domestic household pets may be kept **provided they are not kept or maintained for any commercial purposes**. (Emphasis added). The number of pets permitted per household is four (4), by El Paso County law.

2. Dogs

By County ordinance, dogs must be licensed in El Paso County, which includes Woodmoor. If a resident's dog is barking excessively or is not contained on its lot to the annoyance of the neighborhood, such activity will be considered a covenant violation. Following are the conditions under which lot owners and/or pet owners may be cited and subsequently fined:

a) Whenever any pet in Woodmoor, whether within an enclosure, leashed, contained by an electronic device, or left free to roam, creates an undesirable situation with respect to noise, threatening behavior, or unwanted presence on another's property as verified by one or more of the following: (1) A WIA staff member, (2) A member of the WIA Board of Directors, (3) An individual appointed by the Director of Covenant Enforcement, (4) Multiple complaining residents.

b) Excessive dog barking is defined to be any occurrence of barking that is not adequately addressed by the pet owner or custodian so as to stop the barking prior to verification by one 5 of the parties identified in the above section (a).

WIA also notes the following Covenant provisions:

Section 10. Nuisance. Nothing shall be done or permitted on any Lot which may be or become an annoyance or nuisance to the neighborhood. No noxious or offensive activities or commercial business or trade shall be carried on upon any tract, except that professional offices such as that of a lawyer, doctor, dentist, or engineer may be maintained within the main dwelling upon specific approval by the Architectural Control Committee in each case. Outside aerials or antennas will not be permitted.

Section 13. Animals. No animals, livestock, or poultry of any kind shall be housed, raised or kept on any tract or property either temporarily or permanently, except that commonly accepted domestic household pets may be kept provided they are not kept or maintained for any commercial purposes.

There is a well-utilized walking trail that runs directly behind the above property. Residents have voiced concerns about the number of dogs, as they cannot walk behind 17340 Fairplay Drive without the dogs barking. Woodmoor Public Safety, WIA's armed security, has received numerous complaints of barking and aggressive dogs at this residence.

The request for Special Use states "For Approval of a minor kennel as a special use for eight (8) personal dogs". WIA has had several reports that there are currently between 8 and 12 dogs, including puppies, at the residence.

Based on the concerns noted above, as well as complaints received against this property, WIA, acting by and through its Board of Directors, respectfully and firmly opposes granting this Special Use application.

Respectfully submitted,



Brian X. Bush
President, WIA Board of Directors

Attachment (1)

June 13, 2022

Mark and Anne Seglem

Contact phone number: (281)772-7724

Contact email: Af2663@aol.com

Property address: 17340 Fairplay Dr., Monument, CO 80132

Property tax schedule number: 7124103061

Zoning: RS-200004

Description:

We own 8 dogs in our family and each is unique and special. Of the 8 dogs, 5 are over the age of 12 and all have been with us since they were puppies. We are applying for a special use permit for a minor kennel so that we can keep our family together. We have lived here almost 15 years and although there was never a complaint prior, we understand the necessity of the special use permit in our zone district. We were not aware of this requirement. All our dogs are indoor "house" dogs and are only outside to provide them a relief time. Our entire back yard, which is well over ½ acre, is fenced in and our dogs cannot get out unless a gate is left open. Not all the dogs are let out at one time. They all wear bark collars (shockable) and although there is no privacy in our back yard (there is now a public trail available next to our property line and people have their dogs roaming free at times) our top priority is that our dogs are never a nuisance. They are never left outside when we are not at home and more than 80 percent of the time they are indoors with us. When we bought our home, we were assured that the land behind our home would never be developed otherwise we would have never chosen to live here. Now, no matter how many dogs we have, they are forced to adjust to a constant flow of strangers walking along our back property line and if the strangers choose to let their dogs roam free without leashes, their dogs will approach our fence which is well inside our property line. Our dogs often react to these intrusions, and even though the "walkers" are on or near our property we use the shock collars to train our pets not to bark. We have no recourse when strangers and their dogs are on our property. My dogs are learning that the strangers and strange dogs are a way of life for them now. As our dogs get older and pass, we do not intend to replace them. All our male dogs are neutered. We do not allow our dogs to roam freely outside our fenced area. All are licensed with the county, all have current vaccinations and are well cared for.

The special use is generally consistent with the applicable Master Plan. The special use is in harmony with the character of the neighborhood and is generally compatible with the existing and allowable land uses in the surrounding area. The impact of the special use does not overburden or exceed the capacity of public facilities and services. The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area and has adequate, legal access. The special use will comply with all applicable local, state and federal laws and regulations regarding air, water, light, or noise pollution. 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. The special use conforms to all other applicable County rules, regulations or ordinances.

I am applying for a special use. I have downloaded a proof of utilities attachment with this application. I have followed the Special Use criteria LDC Sec. 5.3.2.C; minor kennel criteria LDC Sec. 5.2.30.B. I am aware that there will be a public hearing. Our Special use operation does not meet criteria for a traffic memo. Zoning District requirements are not applicable. We are not placing any outside kennels, nor are we training or breeding. Our dogs live inside our home. Relevant past history is that we were not aware there is a limit requirement for dogs and have lived here 15 years this July. We were also told that the land outside our property line would never be developed. We have planted bushes that will completely

hide the fence in an effort to buffer the human traffic from the dogs and vice versa as well as mitigate potential impacts. Otherwise, the design and landscaping, signage and lighting are not applicable. Water, air and visual quality is not applicable. Taxing entities and fire district remain the same. Emergency Services issues are not applicable. Code Waivers, Parks and trails, annexations/intergovernmental issues are not applicable. Our El Paso Master Plan is in a Suburban Residential Area. We are in an area of minimal change and this would not bring any change. No TIS is required as there is no additional Vehicular, Pedestrian or Bicycle Traffic. Our cars may use the county roads twice a day if at all. Drainage impacts are not applicable. The proposed use will not adversely impact adjacent properties or existing runoff patterns. There should be a driveway access permit on file for the existing driveway as it has been ordered and paid for. Again, the daily average trips is and will be no more than 4 trips per day, in other words, no more than normal suburban usage for a neighborhood home.

Kylie Bagley

From: Mark Seglem <mkseglem@gmail.com>
Sent: Thursday, September 8, 2022 9:40 AM
To: af2663@aol.com; Kylie Bagley; Joe Letke
Subject: RE: Our response

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Kylie, I would like to add four points to my wife's email, please. First, I would like your assurance that our emails to you are included in the materials provided to the decision makers in this process. Please confirm for us that this and all other email responses we have provided will be included. Second, several of the statements in the letters from neighbors are not factually accurate or are irrelevant. For example, to state that the Patterson's left because of our dogs simply is not true. Mr. Patterson and Mrs. Patterson stated that they were moving into a much larger and more expensive home in another neighborhood. To claim otherwise is disingenuous. Furthermore, for whatever reason the Patterson's moved is irrelevant to our application. Third, we are not asking for a "kennel" in the sense that some of our neighbors think we are. We were told by the County that a minor kennel request was the only option we had to ensure that we could keep our dogs until the older ones pass and we reduce to the 4 allowed by the County. If approved we would be satisfied if the County wanted to place a five year limit on our permit. Given the age of our some of our dogs, we estimate that we will be down to four within the next five years. Our word is our bond and we do not intend to go above the 4 dog allowance once our older dogs have passed.

Finally, and most importantly, the entire fence issue raised by our neighbors is not relevant. We have applied for a minor kennel in order to keep our dogs. That request has absolutely nothing to do with some of our dogs running along our property line as folks walk by. The dogs that run to our fence line are young and would do so whether we have 4 dogs or 8 dogs. Unfortunately, our neighbors have conflated the issues.

Two other quick notes. We checked the WIA (HOA) complaint log and we found one complaint about our dogs from several years ago. At that time, the HOA came to our property unannounced and found no violation. Lastly, I have a text message on my phone from my neighbor to the south who has led this group against us and it states that since we have placed bark collars on our dogs the barking has essentially ceased and is no longer a problem. Why they continue to harp on our dogs barking, I do not know.

Thanks for your time and please confirm that these emails will be included in the decision package. W/R, Mark Seglem.

Sent from [Mail](#) for Windows

From: af2663@aol.com
Sent: Wednesday, September 7, 2022 9:53 PM
Subject: Re: Our response

Kylie,
We were not made aware of a deadline to submit letters. We request that we receive the same respect to a deadline as our neighbors. Please submit the attachment as a partial response/solution. Thank you for your time in this matter. Anne

-----Original Message-----

From: Kylie Bagley <KylieBagley@elpasoco.com>
To: af2663 <af2663@aol.com>; Joe Letke <JoeLetke@elpasoco.com>
Sent: Wed, Sep 7, 2022 11:21 am
Subject: RE: Our response

Mark and Anne,

I appreciate your response, again due to the complaints that we received on your project the County was just asking if you would be agreeable to terms put forth by your neighbors, in no way are you required to agree to those terms.

I am going to move your application forward to my director. Based on the amount of opposition we have received it is up to his discretion to elevate your special use permit from an administrative approval to a formal public hearing. Once I hear back from him on his decision I will let you know.

Thank you,



Kylie Bagley
Planner II
Planning & Community Development
(719) 520-6323
Planningdevelopment.elpasoco.com

To review all El Paso County projects in **EDARP** go to: <https://epcdevplanreview.com/>

To review the El Paso County Land Development Code (2021) go to:
https://library.municode.com/co/el_paso_county/codes/land_development_code

PERSONAL WORK SCHEDULE

Monday - Friday, 7:30 am to 4:00 pm

DEPARTMENT HOURS

Monday - Friday, 7:30 am to 4:30 pm

From: af2663 <af2663@aol.com>
Sent: Tuesday, September 6, 2022 5:31 PM
To: Kylie Bagley <KylieBagley@elpasoco.com>; Joe Letke <JoeLetke@elpasoco.com>
Subject: Our response

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Dear Ms. Bagley,

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When the path behind our home became a walking trail it was nothing more than a beat down stretch of weeds. Since then, a group of neighbors (WOSC LLC) that included us purchased the land and in our case added approximately ½ acre to our property. At the time we purchased the land, we told the LLC that the path behind our home needed to be moved further away from our property line as we planned on fencing in our back so that our dogs would have more area to run. Unfortunately, the LLC did not move the path and consequently the path, now a walking trail, is only 8-11 feet from our property line. We installed an \$11,000 fence 10 feet inside our property line which makes it 18-21 feet from the trail. Additionally, we asked permission from our HOA (Woodmoor Improvement Association) to line the inside of our fence with green translucent matting similar to what is often used for tennis courts. Unfortunately, the HOA denied our request and reminded us that the only approved fencing in Woodmoor is either 2 or 3 post split-rail. In an effort to be good neighbors and avoid making our dogs wear zapping bark collars, we planted lilac and cherry bushes around the entire perimeter of our fence to provide a visual block to our dogs and those on the trail. These plants will take some time to grow and fill in enough to provide complete concealment.

Going above and beyond what is required, regrettably, we have put bark collars on our dogs to prevent them from barking at those who walk behind on the trail. This has worked very well and the only time we hear any barking from our dogs is when walkers have dogs who bark at our dogs as they pass behind our property. Needless to say this is very frustrating to our dogs and us, as these folks do nothing to control their dogs. Our HOA covenants state that dogs walking on

common areas must be leashed or under positive electronic control. Most of the walkers and their dogs who use the trail do not follow the covenants and we even have cases where the dogs run on to my property and up to the fence to harass our dogs. We have asked the HOA to enforce the covenant but they refuse by stating it is too difficult to enforce the rules. We have reached a point with these abuses of our rights, that I have installed a surveillance camera.

Finally, I am disappointed that the county would ask us to take unreasonable steps to limit our pets access to our private property when the folks who complain are on public land and violating both HOA covenants and County ordinances to leash dogs in public areas as well as regulations requiring all dogs in the County to be registered and licensed.

My wife and I have gone "above and beyond the call" and do not intend to erect an unapproved fence anywhere on our property. We would ask your support in asking the HOA to move the walking path an additional 10 feet away from our property and towards unfenced properties that lie behind the entire length of our land. The timing of this would be optimal as the trail was donated to the HOA from our LLC just last month with the agreement that the HOA would finish the trail in the coming months. Now is the time to move it. Also, I invite you or whomever from the county to come out and see first hand all we have done to ensure the happiness of our dogs as well as the convenience of our neighbors.

Respectfully, Mark and Anne Seglem

Sent from my T-Mobile 4G LTE Device

Kylie Bagley

From: Nancy Eldred <nepeach2@gmail.com>
Sent: Wednesday, August 31, 2022 12:25 PM
To: Kylie Bagley
Subject: Fwd: Kennel

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Sent from my iPhone

Begin forwarded message:

From: Nancy Eldred <nepeach2@gmail.com>
Date: August 27, 2022 at 12:08:23 PM MDT
To: Tish Norman <tishnorman@gmail.com>
Subject: Kennel

This is an email I sent to Tish Norman, our WOSC director. I have summarized a bit but it gives my comments and concerns. Thank you for your consideration.

Hey Tish,,

I know you have heard my grievances one too many times on this subject but I will point out a few in writing

The Seglem have 9 dogs, 5 over the age of 12 (they say but I don't know) all of which are the smaller ones and 4 are the big brown lab size dogs. One of the bigger dogs belongs solely to Mark, it is a hunting pheasant dog, the other 3 is a family...mom and her 2 puppies. She bred her dog and in June 2021 ended up with 8 puppies of which 6 she sold or gave away, (?) keeping 2. At that time, keep in mind there were 15 dogs(for months). We were invited over to see the puppies. They assured us they were not going to keep Any.

The letter of application is written in such a way as to say they are innocent of any knowledge of how many dogs they could have in Woodmoor when the convents clearly state 4, which you sign at closing. He makes the statement that there is "now" a public walking path right behind his property line which was always there however not public but privately owned by the Walters but Always a path. He choose to put his fence to that point, which he has every right to but he makes it sound like the path created the issue. He also states that there have been any complaints which is absorb, to put it lightly. The previous owners I know had numerous complaints, with no avail and ended up blocking a bedroom window to get some peace. The bushes, he states that will block his fence, are lilac seedlings and will take years to create any type of hedge and no to mention they are deciduous. One of my major concerns is his statement that "we do not intend to replace them". You know what they say about good intentions and where it leads you!! The two dogs that died since I've lived here, he replaced with the 2 big brown dogs, the hunting dog and the one she breed. In his application he also states that it is "compatible" with the neighborhood !?!?

Oh my I've gone on and on. I'm not sure a resolution. I will leave that to El Paso.

August 27, 2022

RE: Special Use Request for Anne Seglem Minor Kennel
File: AL2214
Parcel ID No: 7124103061

Dear Kylie Bagley and the El Paso County Planning and Community Development,

In response to the request from Anne Seglem for a special use permit to allow for a minor kennel for 8 personal dogs in a residential area at the property address of 17340 Fairplay Drive, Monument, CO, we respectfully choose to deny this request.

As residents of South Woodmoor, we have been in the same home for more than 30 years and have enjoyed the quiet and spacious property we own. We also enjoy the newly acquired property thanks to the generous efforts of the WOSC, LLC. As residents we frequently use the trail system that divides the open space between homes.

We are in close proximity to the property requesting the special use permit (we reside behind their house). Since the Seglems apparently chose to purchase the maximum amount of land per the offering by the previous land owners and the Seglems constructed their fence system on or very near their property line and right next to the trail, we have noticed an increase in pet noise as their dogs now bark at everyone taking advantage of the trail system, whether the person has a dog or not.

The Seglems stated in a letter dated June 13, 2022 written to EL Paso County, that their dogs are “forced to adjust to a constant flow of strangers walking along our back property line.” The fact is that by them constructing their fence as close as they could to the pre-existing trail system, it makes it harder on their dogs as well as making the people walking the trail uncomfortable. It also increases the barking dog noise for the surrounding neighbors.

In this letter, the Seglems stated that there has never been a “complaint prior”. This sentence is very confusing and in our estimate, not true. There have been many complaints over many years to our home owners association, Woodmoor Improvement Association (WIA) by various neighbors. In addition, one of their next door neighbors put their house up for sale and moved, and the Seglems barking dogs were a large reason for their move. This has been an on-going issue for years.

We are sure the original drafters of the WIA covenants took care in deciding how to limit the number of dogs each home can have. If the residents of the property under consideration did not know of these restrictions before purchasing the property, it is no fault of ours that they did not read the covenants as they were surely provided these documents before purchasing and moving in.

We are unsure on how to handle the current situation since getting rid of dogs that have been part of your family would not be easy, there has to be a fair way to handle the situation. If the County allowed them to keep the current dogs and NOT replace them as they die, maybe that could work. The problem with that is how would this be monitored or how do we as adjacent homeowners trust that they will not replace those dogs once they pass away?

If the county allows the above idea, maybe the County requires the Seglems to do some "goodwill" on their part and move their current newly constructed fence back 20+ feet away from the trail. This would help their dogs not to be so close to the walkers/dogs trying to enjoy the trail. As long as that fence is that close to the trail, it will always be a problem.

Either way, we don't want to set a precedent in our community by allowing for a special use permit for a minor kennel. Therefore, we ask that you deny the request for a minor kennel and consider an alternate solution such as the one stated above.

Respectfully,

James and Gina Hagglof

Kylie Bagley

From: Tish Norman <tishnorman@gmail.com>
Sent: Tuesday, August 30, 2022 7:22 PM
To: Kylie Bagley
Cc: Ray Sullivan; RANDY VIEIRA; WOSC
Subject: WOSC LLC Response to Request for Anne Seglum Minor Kennel

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Kylie--I am responding on behalf of WOSC LLC members who have voiced their concern to us.

I am Tish Norman, Director of the WOSC LLC, a group of 118 neighbors who purchased the land behind our homes to preserve 65 acres of open space. The Seglems are a member of our 118 homeowner group. They are great neighbors, with the exception of their dogs. Since we were included as an addressee, we are responding. **Our bottom line up front: the LLC thinks setting a precedent of a kennel license in Woodmoor is not a good idea. Please consider other options.**

Before the Seglems expanded their fence with the additional land they bought to support our endeavor, their numerous dogs always barked at trail walkers (many of us walk the trail often with and without dogs). Now that their fence is expanded to the trail, their numerous dogs "go crazy" as we walk by. However, they now wear "bark collars" because it was recently suggested to them. In addition, WOSC LLC was treated as a secondary HOA owner by Woodmoor Improvement Association (WIA). Therefore, numerous neighbors complained to us. One who lives behind them said it's like having a dog park behind their house. Another neighbor next to them, says they never quit barking. In fact, we understand the neighbor to their south sold their house due to excessive barking. Now the newer neighbor says they have no peace. We told the numerous neighbors who complained to WOSC LLC to let WIA and the county know about the excessive noise. The neighbors all say they have complained numerous times to no avail. The neighbor next door has said she can't handle it much longer. In addition, we have noted the dogs are not out much lately because they are being considerate of their neighbors during this process. We appreciate their consideration now.

Again, our bottom line: WOSC's concern is that if we allow a kennel license for this neighbor, a precedent will be set, and others will follow. Please consider other options. In fact, our HOA does not allow chickens either, since the noise of the roosters would be a nuisance.

Thanks for the opportunity to make a statement on behalf of the WOSC LLC members,
Tish Norman

--

Tish Norman
Director, WOSC LLC
Working Together to Preserve South Woodmoor Open Space
Cell (719) 534-3495

August 29, 2022

Kylie Bagley
El Paso County Planning and Community Development
2880 International Circle, Suite 110
Colorado Springs, CO
80910-3127

RE: Administrative Special Use Request for Anne Seglem Minor Kennel
File: AL2214
Parcel ID No. 7124103061

We request that El Paso County not grant the special use of a minor kennel in our neighborhood. The Woodmoor Improvement Association's covenants are clear on the total number of domestic pets being limited to four (4), which comply with El Paso County law. That being said, we certainly don't have an issue with the Seglems keeping the eight (8) dogs for all the reasons Anne stated in her letter dated June 13, 2022. We are aware of neighbors complaining over the years of barking dogs, however were unaware of how many dogs. As dog owners ourselves, we understand their connection. We've been in our house for 16 years, and for that time we recall a trail running through the open space between our houses. It was only within the past year or so that the neighbors were able to purchase additional land and thus extending lots closer to the trail. Our friends and neighbors continue to enjoy the trail they've been using for years. Having two dogs ourselves, we know the excitement they experience when people are passing by our house and know the Seglem's dogs are just being dogs. A solution may be for the Seglem's to consider moving their fence off the trail by another 20 feet or so creating a greater buffer between their well-loved dogs and people using the trail.

As a neighbor we're sympathetic and support no change with Seglem's pets. We're hopeful that a workable solution can be reached for the dogs and trail users. As home owners, we're not in support of a minor kennel permit being granted for a myriad of reasons and are confident our covenants will be upheld.

Regards,

Greg & Leslie Morgan

Kylie Bagley

From: Sameer Bhatia <sbhatia.us@gmail.com>
Sent: Monday, August 29, 2022 12:53 PM
To: Kylie Bagley
Subject: File: AL2214 Parcel ID: 7124103061 Special Use Request fir Anne Seglem Minor Kennel

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Dear Kylie,

I am writing in response to your letter dated 8/17/2022 seeking comments on the matter regarding the request by Anne Seglem, 17340 Fairplay Dr, Monument 80132 for a special use permit to allow for a minor kernel (8 personal dogs).

The zoning in our neighborhood currently allows for up to 4 dogs per household. The Seglems should have checked what the local ordinance is before acquiring 8 dogs. They have been in violation of the code for several years and this has been a source of nuisance for the immediate neighbors. Their immediate neighbor, Allen Peterson, who I am good friends with, was quite fed up with the constant barking of the dogs and the Seglems would not do anything to alleviate the issue. Allen ended up selling the house to move to a quiet neighborhood.

I live on Early Star Drive directly behind the Seglems. So far there had been plenty of open space providing the buffer so I would just only rarely hear their dogs barking. Recently, the open space that was privately owned was purchased by the residents of South Woodmoor. It is sometime in late spring this year that Seglems put a new fence on the newly acquired tract and started letting their dogs loose in there when the nuisance started. As their property line has now come closer to mine as well as the community trail that is used by the residents of South Woodmoor, there have been numerous occasions when the peace has been disturbed because of their dogs. Anytime someone walks the trail with their dog, the four big dogs of the Seglem household start running in frenzy accompanied with loud barking. I have witnessed this so many times and have made numerous complaints to the Woodmoor Improvement Association (HoA) but the problem continues to persist. Note that people walked their dogs on the trail for several years, this was not an issue as Seglem's dogs were contained by the fence that was far away from the trail.

There is a reason the county limits the number of dogs to 4 based on the current zoning. I am inclined to say that 4 may have been reasonable several decades ago, but as more houses have been built in our state, it is time to revise the limit to 2.

Approval of the special use permit would set a bad precedent, as other residents who have recently acquired extra land just like the Seglems may be tempted to follow that example and if that happens, our peaceful community that we have called our home for the past couple of decades would become a giant dog park.

The dogs in question are innocent and even though I have all the compassion for the poor animals who have nothing to do with this situation, the fact remains that their owners have acted irresponsibly by having more dogs than allowed and ignoring the request of their neighbors to keep the situation in check and caused nuisance not just for the neighbors but community in general as the trail is used by several residents on a daily basis to walk their dogs. Seglems can find another house in the countryside that has the zoning to accommodate all their dogs as an alternative.

Ignorance of the law is no excuse for exemption, one might be in the habit of jumping the traffic signal and finally when

pulled over by the cop for the violation, I wonder how the argument would stand if the offender were to say that I have been jumping the light for years, can you please allow me to continue doing so as I have not caused any accidents.

I plead that the special use permit be denied and also Seglems be instructed to contain the dogs to a boundary not exceeding 20 feet from the back of the house so that they don't come too close to the trail.

Please let me know if you have any further questions.

Regards,
Sameer Bhatia
17275 Early Star Dr
Monument, CO 80132



Woodmoor

IMPROVEMENT ASSOCIATION
1691 Woodmoor Drive
Monument, Colorado 80132
(719) 488-2693 • Fax (719) 481-8461
E-mail: wia@woodmoor.org

October 19, 2022

Sent via email to: kyliebagley@elpasoco.com

Kylie Bagley, Project Manager, Planner
El Paso County Planning and Community Development Department

RE: File Number AL2214 Special Use 17340 Fairplay Drive Minor Kennel, Mark & Anne Seglem

Ms. Bagley,

The Woodmoor Improvement Association (WIA) consists of more than 3100 properties and seven sub-associations. WIA recently acquired common area through a donation from the Walters Open Space Committee LLC that is directly behind the property noted above. On behalf of the WIA Board of Directors, WIA wishes to express its firm opposition to this request for the reasons stated below.

As adjacent property owners, WIA certifies that this Special Use for a Minor Kennel at 17340 Fairplay Drive is against our Covenants, Rules & Regulations, as follows:

A. ANIMALS

1. The Covenants provide that no animals, livestock or poultry of any kind shall be housed, raised or kept on any tract or property either temporarily or permanently, except that commonly accepted domestic household pets may be kept **provided they are not kept or maintained for any commercial purposes**. (Emphasis added). The number of pets permitted per household is four (4), by El Paso County law.

2. Dogs

By County ordinance, dogs must be licensed in El Paso County, which includes Woodmoor. If a resident's dog is barking excessively or is not contained on its lot to the annoyance of the neighborhood, such activity will be considered a covenant violation. Following are the conditions under which lot owners and/or pet owners may be cited and subsequently fined:

a) Whenever any pet in Woodmoor, whether within an enclosure, leashed, contained by an electronic device, or left free to roam, creates an undesirable situation with respect to noise, threatening behavior, or unwanted presence on another's property as verified by one or more of the following: (1) A WIA staff member, (2) A member of the WIA Board of Directors, (3) An individual appointed by the Director of Covenant Enforcement, (4) Multiple complaining residents.

b) Excessive dog barking is defined to be any occurrence of barking that is not adequately addressed by the pet owner or custodian so as to stop the barking prior to verification by one 5 of the parties identified in the above section (a).

WIA also notes the following Covenant provisions:

Section 10. Nuisance. Nothing shall be done or permitted on any Lot which may be or become an annoyance or nuisance to the neighborhood. No noxious or offensive activities or commercial business or trade shall be carried on upon any tract, except that professional offices such as that of a lawyer, doctor, dentist, or engineer may be maintained within the main dwelling upon specific approval by the Architectural Control Committee in each case. Outside aerials or antennas will not be permitted.

Section 13. Animals. No animals, livestock, or poultry of any kind shall be housed, raised or kept on any tract or property either temporarily or permanently, except that commonly accepted domestic household pets may be kept provided they are not kept or maintained for any commercial purposes.

There is a well-utilized walking trail that runs directly behind the above property. Residents have voiced concerns about the number of dogs, as they cannot walk behind 17340 Fairplay Drive without the dogs barking. Woodmoor Public Safety, WIA's armed security, has received numerous complaints of barking and aggressive dogs at this residence.

The request for Special Use states "For Approval of a minor kennel as a special use for eight (8) personal dogs". WIA has had several reports that there are currently between 8 and 12 dogs, including puppies, at the residence.

Based on the concerns noted above, as well as complaints received against this property, WIA, acting by and through its Board of Directors, respectfully and firmly opposes granting this Special Use application.

Respectfully submitted,



Brian X. Bush
President, WIA Board of Directors

Attachment (1)

Marcella Maes

From: Kylie Bagley
Sent: Wednesday, October 19, 2022 2:46 PM
To: PCD Hearings
Subject: AL2214 Seglem's Barking Dogs

Another opposition email for AL2214 that can be uploaded.

Thank you,



Kylie Bagley
Planner II
Planning & Community Development
(719) 520-6323
[Planningdevelopment.elpasoco.com](https://planningdevelopment.elpasoco.com)

To review all El Paso County projects in **EDARP** go to: <https://epcdevplanreview.com/>

To review the El Paso County Land Development Code (2021) go to:
https://library.municode.com/co/el_paso_county/codes/land_development_code

PERSONAL WORK SCHEDULE

Monday - Friday, 7:30 am to 4:00 pm

DEPARTMENT HOURS

Monday - Friday, 7:30 am to 4:30 pm

From: tom snyder <tdsnyder32@yahoo.com>
Sent: Wednesday, October 19, 2022 2:21 PM
To: Kylie Bagley <KylieBagley@elpasoco.com>
Subject: Seglem's Barking Dogs

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Kylie, while washing Our windows on the outside back of the house, I had to listen to Seglem's 4 large dogs go back and forth barking up a storm at waters. This video is one of 3 occurrences. This is pretty much the daily routine here. They don't JUST Bark, they Bark sometimes savagely as they follow people the length of the fence. Meanwhile the 4-5 small dogs just yap for the sake of yapping when outside. It's a circus and has been for years here. Please enforce the law re: number of dogs a house can have. These neighbors mock the rules.

Tom Snyder
17330 Fairplay Dr
404 683 6993

SPECIAL USE (RECOMMEND APPROVAL)

TROWBRIDGE moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. AL-22-014

17430 FAIRPLAY DRIVE MINOR KENNEL

WHEREAS, Mark and Anne Seglem did file an application with the El Paso County Planning and Community Development Department for approval of a special use to allow eight (8) personal dogs within the RS-20000 (Residential Suburban) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on October 20, 2022; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. For the above-stated and other reasons, the proposed special use is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, Pursuant to Section 5.3.2.C of the Land Development Code (2022), the Planning Commission and Board of County Commissioners may consider the following criteria in approving a special use:

1. The special use is generally consistent with the applicable Master Plan;
2. The special use will generally be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area;
3. The impact of the special use does not overburden or exceed the capacity of public facilities and services, or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner;
4. The special use will not create unmitigated traffic congestion or traffic hazards on the surrounding area, and has adequate, legal access;
5. The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;
6. 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; and/or
7. The special use conforms or will conform to all other applicable County rules, regulations or ordinances.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends approval of the special use to allow eight (8) personal dogs within the RS-20000 (Residential Suburban) zoning district with the following conditions and notations:

CONDITIONS

1. Approval shall be limited to the use as described in the applicant's Letter of Intent and as shown on the site plan. Any subsequent addition or modification to the operation or facility beyond that described in the applicant's Letter of Intent or depicted on the site plan shall be subject to administrative review, and if the Planning and Community Development Department Director determines that it constitutes a substantial addition

or modification, then such addition or modification shall be subject to a new special use application.

2. Within thirty (30) days of Special Use approval, the applicant shall receive approval of a commercial site development plan. The deadline for receipt of approval of the site development plan may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.
3. This Special Use shall expire upon the conveyance of the property outside of the Seglam family.

NOTATIONS

1. Special use approval includes conditions of approval and the accompanying site plan and elevation drawings. 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 (2) years or longer, the special use shall be deemed abandoned and of no further force and effect.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

The roll having been called, the vote was as follows: circle one

Brian Risley	aye / no / abstain / absent
Thomas Bailey	aye / no / abstain / absent
Tim Trowbridge	aye / no / abstain / absent
Joan Lucia-Treese	aye / no / abstain / absent
Becky Fuller	aye / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / absent
Jay Carlson	aye / no / abstain / absent
Eric Moraes	aye / no / abstain / absent
Joshua Patterson	aye / no / abstain / absent
Bryce Schuettpeiz	aye / no / abstain / absent
Christopher Whitney	aye / no / abstain / absent
Brandy Merriam	aye / no / abstain / absent

The Resolution was adopted by a unanimous vote of 8-0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 20th day of October, 2022, at Colorado Springs, Colorado

EL PASO COUNTY PLANNING COMMISSION

By: 

Brian Risley, Chair

DATED: 10/21/22

EXHIBIT A

Legal Description:

Lot 339 South Woodmoor Preserve Filing No. 2

RESOLUTION NO. 22-

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF
COLORADO

APPROVAL OF A SPECIAL USE TO ALLOW A MINOR KENNEL FOR EIGHT (8) PERSONAL DOGS WITHIN THE RS-20000 (Residential Suburban) ZONING DISTRICT (PCD File No. AL-22-014)

WHEREAS, Mark and Anne Seglem did file an application with the El Paso County Planning and Community Development Department for approval of a special use to allow a minor kennel for eight (8) personal dogs within the RS-20000 (Residential Suburban) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on October 20, 2022, upon which date the Planning Commission did by formal resolution recommend approval of the application with conditions and notations; and

WHEREAS, a public hearing was held by this Board on November 1, 2022; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication and public notice was provided as required by law for the hearing before the Planning Commission.
3. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.

WHEREAS, pursuant to Section 5.3.2 of the El Paso County Land Development Code, as amended, in approving this special use, this Board considered one or more of the following criteria:

1. The special use is generally consistent with the applicable Master Plan;
2. The special use will generally be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area;
3. The impact of the special use does not overburden or exceed the capacity of public facilities and services, or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner;
4. The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access;
5. The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;
6. 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; and/or
7. The special use conforms or will conform to all other applicable County rules, regulations or ordinances.
8. That for the above-stated and other reasons, the proposed special use 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 El Paso County Board of County Commissioners, Colorado, hereby approves the application for a special use to allow a minor kennel for eight (8) personal dogs within the RS-20000 (Residential Suburban) zoning district.

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

CONDITIONS

1. Approval shall be limited to the use as described in the applicant's Letter of Intent and as shown on the site plan. Any subsequent addition or modification to the operation or facility beyond that described in the applicant's Letter of Intent or

depicted on the site plan shall be subject to administrative review, and if the Planning and Community Development Department Director determines that it constitutes a substantial addition or modification, then such addition or modification shall be subject to a new special use application.

2. Within thirty (30) days of special use approval, the applicant shall receive approval of a site development plan. The deadline for receipt of approval of the site development plan may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.

NOTATIONS

1. Special use approval includes conditions of approval and the accompanying site plan and elevation drawings. 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.

If the special use is discontinued or abandoned for two (2) years or longer, the special use shall be deemed abandoned and of no further force and effect.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 1st day of November, 2022, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Stan VanderWerf, Chair

By: _____
County Clerk & Recorder

Resolution No.
Page 4

EXHIBIT A

Legal Description:

Lot 339 South Woodmoor Preserve Filing No. 2

Kevin Mastin, Interim Executive Director
El Paso County Planning & Community Development

O: 719-520-6300
KevinMastin@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Board of County Commissioners

Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

Planning Commission Meeting
Thursday, October 20, 2022
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, JOAN LUCIA-TREESE, SARAH BRITTAIN JACK, JAY CARLSON, TIM TROWBRIDGE, BECKY FULLER, JOSHUA PATTERSON, BRYCE SCHUETTPELZ, BRANDY MERRIAM, AND CHRISTOPHER WHITNEY

PC MEMBERS PRESENT AND NOT VOTING: MERRIAM

PC MEMBERS ABSENT: ERIC MORAES – VIRTUAL AND VOTING

STAFF PRESENT: KEVIN MASTIN, JUSTIN KILGORE, KARI PARSONS, RYAN HOWSER, LUPE PACKMAN, EDWARD SCHOENHEIT, DANIEL TORRES, CARLOS HERNANDEZ, PETRA RANGEL, MARCELLA MAES, JOE LETKE, AND EL PASO COUNTY ATTORNEY LORI SEAGO

1. REPORT ITEMS

A. Planning and Community Development – Kevin Mastin or Justin Kilgore

Mr. Mastin Planning and Community Development has advertised the Executive Director position. We have received 46 applicants. It will be posted till October 30th, 2022. It will probably be the first of the year before the position will be filled. Matthew Fitzsimmons one of our Senior Planner's has accepted another position. PCD is in the process of hiring a new planner. Will work with HR to look at the correct number of applicants. We are trying to get two out of this next hiring cycle to bring it to a total of eight. I briefed the BoCC about the critical need for two (2) additional planners to bring the total to ten (10). Mr. Mastin thanked the Board members for their efficiency.

Mr. Kilgore Ms. Parsons will be taking over the presentation for 2D and 4D.
Ms. Parsons has some staff report and resolution updates for the Board.

Ms. Parsons in your packets the resolutions are now attached to each item. Conditions of approval were specifically spelled out in those resolutions as well as the findings for each item. That is very consistent with the Board of County Commissioners and their process. To be consistent with the Board of County Commissioners and more transparent as the El Paso County strategic plan requires us to be. We have attached those resolutions so that the people who look at the staff report online, the people in the audience and the commissioners themselves can see those resolutions from the Planning Commission, rather than identifying a page in a book that the public has no access to. We don't have to vote on this it is just for clarification.

Mr. Trowbridge how do we reference that in a motion to approve?

Ms. Parsons just like the Board of County Commissioners reference the resolution, number of conditions, approval and a finding of sufficiency that is applicable.

Ms. Seago I would recommend that you use language similar too: I make a motion to approve item xyz in accordance with the resolution included in the packet.

Ms. Parsons handed resolutions to the chair so he can circle if approved or denied.

Mr. Risley asked if there were any questions for staff. Chair saw none. I don't see it on the agenda but customarily we allow a period for the members of the audience that would like to comment on items that are not on the agenda. Chair asked if there was anyone that would like to address the Board. Chair would like that put back on the agenda.

B. The next scheduled Planning Commission meeting is for Thursday, November 3, 2022, at 9:00 A.M.

2. CONSENT ITEMS

A. Approval of Minutes – September 15, 2022 – Board Approved 10/20/22

B. VR-22-004

**VACATION AND REPLAT
PAWNEE RANCHEROS FILING NO. 2A**

HOWSER

A request by Mason, LLC for approval of a vacation and replat to replat one (1) residential lot as two (2) residential lots. The 5.37-acre property is zoned RR-2.5 (Residential Rural), and is located on the north side of Mustang Place, approximately one (1) mile northeast of the Woodmen Road and Marksheffel Road intersection and is within Section 4, Township 13 South, Range 65 West of the 6th P.M. (Parcel No. 53040-02-017) (Commissioner District No. 2)

Mr. Risley asked if anyone on the planning commission wanted this pulled a regular item. There was none. Asked if there were any members in the audience the wanted this pulled as a regular item. There were none. Asked if the commissioners had any questions for staff. There were none. There was no discussion and called a vote. Recommend unanimously for approval.

PC ACTION: BAILEY MOVED/BRITAIN JACK SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2B, VR-22-004 FOR AN APPROVAL OF A VACATION AND REPLAT, UTILIZING ATTACHED RESOLUTION, WITH TEN (10) CONDITIONS AND ONE (1) NOTATION AND A FINDING OF WATER SUFFICIENCY OF QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

C. VR-22-005

HOWSER

**VACATION AND REPLAT
PEYTON RANCHES FILING NO. 1B**

A request by Maddie Investments, LLC for approval of a vacation and replat to replat one (1) residential lot as three (3) residential lots. The 17.82-acre property is zoned RR-5 (Residential Rural), and is located on the east side of Chaparral Loop East, approximately one and one-quarter of a mile east of Peyton Highway, and approximately two (2) miles north of Highway 24 and is within Section 33, Township 11 South, Range 63 West of the 6th P.M. (Parcel No. 31330-01-001) (Commissioner District No. 2)

Mr. Risley asked if anyone on the planning commission wanted this pulled a regular item. There was none. Asked if there were any members in the audience the wanted this pulled as a regular item. There were none. Asked if the commissioners had any questions for staff. There were none. There was no discussion and called a vote. Recommend unanimously for approval.

PC ACTION: CARLSON MOVED/TROWBRIDGE SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2C, VR-22-005 FOR AN APPROVAL OF A VACATION AND REPLAT, UTILIZING ATTACHED RESOLUTION, WITH NINE (9) CONDITIONS AND ONE (1) NOTATION AND A FINDING OF WATER SUFFICIENCY OF QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

D. CS-21-003

BAGLEY

**MAP AMENDMENT (REZONE)
CIRCLE K AT NEW MERIDIAN AND HIGHWAY 24 REZONING**

A request by Circle K Stores Inc. for approval of a map amendment (rezoning) from C-2 (Commercial) and RR-5 (Residential Rural) to CS (Commercial Service). The 8.99 acre property is located northeast of the intersection of New Meridian and Highway 24 and southeast of the intersection of Old Meridian and Highway 24 and within Section 12, Township 13 South, and Range 65 West of the 6th P.M. (Parcel Nos. 53124-02-015, 53124-02-016, 53124-03-003, 53124-03-004, 53124-04-003, 53124-05-003 and 53124-05-005) (Commissioner District No. 2)

Mr. Risley asked if anyone on the planning commission wanted this pulled a regular item. There were none. Asked if there were any members in the audience the wanted this pulled as a regular item. There were none. Asked if the commissioners had any questions for staff. **Mr. Trowbridge** asked for clarification of the Letter of Intent for zoning and residence on the lots. Also had a question about traffic. **Ms. Parsons** gave clarification of the zoning that was taken care of last night in passageway it was changed from CC to CS. Residential homes are participating in the rezone. Residences will be occupied. The contracts for those individuals have been uploaded into EDARP. **Ms. Parsons** also gave clarification about the traffic. **Mr. Risley** asked for a vote. Recommend unanimously for approval.

PC ACTION: TROWBRIDGE MOVED/BAILEY SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2D, CS-21-003 FOR AN APPROVAL OF A MAP AMENDMENT (REZONE), UTILIZING ATTACHED RESOLUTION, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

E. VR-22-009

HOWSER

**VACATION AND REPLAT
THE GLEN AT WIDFIELD FILING NO. 11A**

A request by Glen Investment Group No. VIII, LLC for approval of a vacation and replat to replat a portion of public right-of-way as a tract for Penny Cress Drive as a tract and incorporate portions of the land from the right-of-way into two (2) lots. The 0.661-acre property is zoned RS-6000 (Residential Suburban), and is located within the Glen at Widefield Filing No.11A subdivision, which is located west of the intersection of South Marksheffel Road and Peaceful Valley Drive and are within Section 22, Township 15 South, Range 65 West of the 6th P.M. (Parcel No. 55220-00-010) (Commissioner District No. 2)

Mr. Risley asked if anyone on the planning commission wanted this heard as a regular item. There was none. Asked if there were any members in the audience the wanted this heard as a regular item. There were none. Asked if the commissioners had any questions for staff. There were none. **Mr. Risley** asked for a vote. Recommend unanimously for approval.

PC ACTION: PATTERSON MOVED/BRITAIN JACK SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2E, VR-22-009 FOR AN APPROVAL OF A VACATION AND REPLAT, UTILIZING ATTACHED RESOLUTION, WITH SEVEN (7) CONDITIONS AND ONE (1) NOTATION AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

3. Called Up Consent Items.

4. REGULAR ITEMS

A. AL-19-018

HOWSER

SPECIAL USE RAEL STORAGE RURAL HOME OCCUPATION

A request by Steve Rael for approval of a rural home occupation as a special use for an existing automobile and boat storage yard. The 40-acre property is zoned RR-5 (Residential Rural) and is located on the west side of Colorado Highway 83, approximately one-third of a mile south of Colorado Highway 105/Walker Road and is within Section 15, Township 11 South, Range 66 West of the 6th P.M. (Parcel No. 61000-00-489) (Commissioner District No. 1)

Mr. Howser presented Staff's presentation for the Special Use for rural home occupation request.

Ms. Seago summarized the criteria for approval.

Ryan Howser presented the background for the request in 2018, El Paso County code enforcement issued a notice of violation. In 2019, the applicant formally applied for the special

use to legalize the storage on the property. In early 2022, the applicate submitted the appropriate site plan to complete the application process.

Mr. Rael – Owner gave his presentation.

Mr. Howser presented arial view of the property with the trailers. It shows the intent of the 50-foot setback as opposed to the current location which is quite close to the property line.

Mr. Hernandez discussed the transportation and roadway fees. Roadway improvements are with CDOT.

Mr. Whitney had questions about CDOT.

Mr. Mastin confirmed that it is the applicant's responsibility, and it would not affect the ability to vote on this.

Ryan Howser presented the conditions and notations. This is a long running code enforcement violation. We have applied a 30-day time window for the applicant to receive the approval of the Commercial Site Development plan, also have applied 30-days to move the trailers and put up 100% Opaque fence screening. The Staff presentation was concluded.

Mr. Trowbridge, Mr. Carlson and Ryan Howser discussed the fencing. The fencing must surround the outside storage use, just around the trailers. If it goes higher than 7-feet, it would be considered a structure and would need a building permit.

Mr. Schuettpelz questioned the paving. Is it 25 or 42 spaces?

Mr. Howser our code requires paving for a parking area of more than 25 spaces. If the applicant does only 25, he does not have to pave. If he does more than 25 it is tripped in our parking standards of our code, it would have to be paved. If he would exceed the 25 spaces, he would have to come back for a revision of the Special Use. Today for the Special Use it is 25.

Mr. Risley has it been paved?

Mr. Rael I have acquired the asphalt but have not paved. It is on the westside of the property. It will be 25 spaces.

Mr. Trowbridge and Mr. Bailey the current letter of intent is only to pave 25. That is what is tide to any resolution that we decide for approval.

Mr. Risley questioned the grading of the property per the letter of intent.

Mr. Rael – you just grade the asphalt we will not disturb the land. It is just crushed asphalt.

Mr. Mastin- the crushed asphalt is something like millings that will be put down. No machinery.

Mr. Whitney just to make clear for the record it will be 25 spaces millings on the ground covering the spaces no paving.

Mr. Bailey further on to that the specific details of how the site development plan will follow this approval within 30 days. The 25 spaces in the letter of intent ties to our task today which is to look at the existing code what's allowed for a Special use how that gets implemented comes next. It probably won't come to this commission.

Mr. Mastin yes that is correct. If he goes over the 25 spaces, he will not be complying with what this board approves.

Mr. Risley are there any folks that would like to speak. There are only those that are opposed to the Special Use.

Jill Fowler I'm here to oppose. I am directly across from Mr. Rael. He has been in violation for the past 4 years. The RV's and Semi have been parked for 15 years. Jill Fowler presented pictures. I hired a certified appraiser. He is currently the president of the Colorado Association of Real Estate Appraisers. He did an analysis and submitted an impact statement that indicated that the RV storage has an estimated negative impact of 5.5% for my overall property. The Special use does not meet the criteria or the letter of intent.

DAVE ELLIS – Representative for the Canterbury Estates – Equestrian Community.
Mr. Rael's property is about 800 feet from our community. Dave showed a picture. Mr. Rael's property does not keep up to the character of the neighborhood. The picture shows a person riding a horse behind the trailers on Mr. Rael's property. It makes an iron curtain between our equestrian community and his. We are asking for a buffer of equivalent characters to the size of our properties. I looked at 7 storage properties. My spread sheet column 3 looks at the zoning and none of them are RR-5. Showed pictures of the storage lots with very high opaque fences. They have easy access from a paved road. The Rael Storage as proposed here is not in harmony with our neighborhood. Incompatible, safety concerns, flammable materials. Please protect the value of the present and future owners. If was up next to highway 83 our association has no problem with that.

Ivan Anthony my property is on the southeast corner. Mr. Rael said he emailed everybody I did not get an email. Rael Storage is for RV's and trailers not vehicles or boats as stated in the Staff Report. If approved, it will set a precedent to other landowners RR-5. I have lived here since 1991. I moved here for the rural feel. Mr. Rael has been in violations for at least 15 years. It was in 2019, that I was notified. Mr. Rael kept adding more and more RV's. You can see part of the trailers from my house. What is the purpose of zoning laws if we do not follow them.

Debra Duey I have lived in monument since 1969. I have known the Rael's for 40 years. The gentleman who spoke before me owns his own business on his property. The horse barn on the other side of Rael that is a business. I have looked personally at the changes of our views. That I have had to put up with because it is the law. Steve is doing the best he can. We all have the right to own a business within the law.

Mr. Risley we will close the public testimony of the hearing.

Mr. Rael closed his testimony. If you could give me till November, I will have the RV's moved.

Mr. Whitney asked to question David Ellis about the compatibility of Canterbury and Mr. Rael.

Mr. Carlson, Mr. Bailey, Mr. Schuettpelz, Mr. Patterson discussed the fencing issue, 50' foot set back. Our job is to apply the criteria that exists today.

Mr. Risley asked for a vote. 5-4 in opposition for disapproval. What would the recommendation be for the BoCC? It is a double negative.

Ms. Seago a motion to approve would be to capture the conditions and notations. If it passes that would be the recommendation to go forward.

PC ACTION: BAILEY MOVED/PATTERSON SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4A, AL-19-018 FOR AN APPROVAL OF A SPECIAL USE, UTILIZING ATTACHED RESOLUTION, WITH THREE (3) CONDITIONS AND THREE (3) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (5-4).

C. MP-22-001

MEYER

**EPC PARKS MASTER PLAN
UPDATE 2022**

El Paso County Community Services Department requests adoption of the El Paso County Parks Master Plan. This Master Plan repeals and/or replaces the existing El Paso County Parks Master Plan (2013). The Master Plan area includes all land within El Paso County located outside the incorporated municipalities and includes the accompanying maps, charts, and descriptive and explanatory matter. The Master Plan is an advisory document to guide park, trail, and open space development and preservation decisions.

Type of Hearing: Legislative

Ms. JACKSON – Presented the Presentation.

Mr. Carlson were the early evaluations processed by your own people for each asset? Evaluations were not on public use just on grading landscaping. Do consider volunteers.

Ms. Jackson in our firm we have an individual that is a past landscape architect and a GIS specialist who went in the field first. The second round we had a local landscape architect to ensure the grading was done correctly. It was all parks to see all the elements if they were in poor, fair or good condition.

Mr. Trowbridge looking at the cost of 14 million. How does that fit with historical spending by the county. It was over 8 million alone for Fox Run.

Mr. Marts – In previous years we have not. In future years the work that they have done will tie to the strategic plan. Not proposing funding 45% is third party funding. We have over twenty thousand hours of volunteer service that we do. We are not able to do what we do without volunteers.

Mr. Risley this is a regular hearing Is there anybody wanting to speak on this topic?

Scott Layman – I'm just a concerned citizen. One of the things you can use is a work release program to help with the parks. It would be a training exercise for the inmates. It would help with cost.

Ms. Seago Mr. Chair I neglected to provide any criteria at the beginning of the hearing. This is a legislative item. This is an item on which the Planning Commission's action is the final action, and it will be provided as an information item if approved to the BoCC. The BoCC will not vote on it because it is a legislative item. There is a lot of discretion in terms wither to approve or deny the item. If it has a rational connection to public purpose and does not violate the Constitution you are free to approve as you see fit.

Mr. Risley this is like the Water Master Plan and the County Master plan. Our job is to certify that the first eight statues that the parks division has followed the statuary requirements in terms of public input. Ms. Jackson walked us through that. We are certifying this if we choose to take that action.

Mr. Bailey – requirements for 2 hearings. No vote.

El Paso County Attorney - Lori Seago confirmed NO vote

DISCUSSION:

PC ACTION: NO VOTE

D. AL-22-014

BAGLEY

**SPECIAL USE
17340 FAIRPLAY DRIVE MINOR KENNEL**

A request by Mark and Anne Seglem for approval of a minor kennel as a special use for eight (8) personal dogs. The 1.06-acre property is zoned RS-20000 (Residential Suburban) and is located approximately west of West Higby Road and one-half of a mile northwest of the intersection of West Higby Road and Fairplay Drive and is within Section 24, Township 11 South, Range 67 West of the 6th P.M. (Parcel No. 71241-03-061) (Commissioner District No. 1)

Ms. Parsons – Presented Presentation.
Applicant is Virtual

Mr. Risley is there anybody present that might be in the hallway? Nobody is present.

Ms. Seago read criteria for approval

Mr. Seglem – Presented Presentation.

Mr. Risley any questions for the applicant.

Ms. Parsons continued the presentation

Mr. Risley one of the emails about opposition spoke about a walking path adjacent to the property. Can you indicate where the open space is located?

Mr. Seglem – We were part of the WASC in which the county was very much in favor we worked with a developer. One hundred twenty-eight of us here in South Woodmoor purchased land from the original owners. We were permitted to purchase additional land approximately .468 acres which is about ½ of what you see. There is a walking trail behind the land. WASC donated land for the trails. We asked that they move the trails further from our home so it would not be a problem. WASC did not do that. We asked Woodman HOA to move the trail 10 to 20 feet further from the house.

Ms. Parsons continued the presentation.

Mr. Bailey is there a time limit on the approval of this special use? In general, once a special use is granted does this continue and the applicant can replace the dogs in the future.

Ms. Parsons I do not believe so we did not want to guess when the dogs would pass. that is correct unless there was a specific condition added that did not allow them to do that.

Mr. Carlson on the first condition would that include that they are not going to operate a kennel. Concerned another homeowner would want to have kennel

Ms. Seago yes you are correct they would not be able to run a kennel.

Mr. Trowbridge If you sold the property would the special use be void?

Ms. Seago the special use does run with the land.

Ms. Parsons anybody online? No

Mr. Risley – Does the applicant have anything further they would like to say?

Mr. Seglem I would also say that again within 5 years we will be below the 8 dogs. We would like our dogs to stay home.

Mr. Trowbridge can we put a 5 year limit? That would help reassure everybody.

Ms. Parsons can we put this just for the dogs that are there now. We do not want another code enforcement issue.

Mr. Trowbridge can we revisit in 5 years that is all I'm saying

Mr. Carlson in the presentation you stated you fit your dogs with anti-bark collars. Does that work.

Mr. Seglem it does work. In recent trip to the vet, it is a concern about zapping the dogs due to their age. We are doing everything we can. They bark only when someone is walking down the trails close to our fence. The homeowners' dogs are not on a leash, not in control and they run up to the fence.

Mr. Mastin are all the dogs chipped?

Mr. Seglem all the dogs are all registered with the county.

Mr. Mastin it would be a concern if there is a new dog was brought in.

Mr. Risley Commissioners have concerns if this runs with the land it would extend the problem we have now.

Ms. Seago It does not have to run with the land with the sale of property

Mr. Patterson sounds reasonable to me.

Mr. Bailey have a question about condition number two.

Ms. Parsons what the applicant has on the site plan is sufficient.

Mr. Carlson – Wouldn't it allow 8 dogs for ever more.

Mr. Trowbridge, Mr Carlson, Mr. Risley, Mr. Bailey have concerns about the 5 years.

Mr. Seglem We use a local vet which is easy to trace if we were trying to slip in a new dog.

Mr. Carlson, Mr. Risley, Mr. Trowbrige would it be easier to give him the extension for 5 years.

Ms. Parsons to be frank we would have staff time involved with processing a special use which requires an engineer, code enforcement, planning staff, planning commission, admin staff, BoCC, added expense to the applicant it would be about 25 hours. Staff is not concerned about the issue.

Ms. Seago – I would like to make some un-legal comments that you could take for how they are worth having done code enforcement in the past I ask that you consider some of the burden. Is it worth the county resources? The special use is consistent with the letter of intent. He has named all the eight dogs. I question is this good use of staff and county time. As you deliberate to consider what you are trying to achieve here, what impacts you are trying to mitigate and what is realistic based on future resources necessary to enforce whatever conditions you impose.

Ms. Brittian-Jack bottom line is they are making a request given us their intent in keeping their family together. Their pets are their family. I do not see nit picking is serving anybody. If we are going to put a condition it should end when they no longer own the property.

Mr. Trowbridge the expiration on the property is the way to go.

Mr. Risley called the vote.

DISCUSSION:

PC ACTION: TROWBRIDGE MOVED/ CARLSON SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4D, AL-22-014 FOR AN APPROVAL OF A SPECIAL USE, UTILIZING ATTACHED RESOLUTION, WITH AN ADDITIONAL CONDITION WILL MAKE IT THREE (3) CONDITIONS AND THREE (3) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0)

**SPECIAL DISTRICT POLICIES AND MODEL SERVICE PLANS
PROCEDURES AMENDMENT**

A request by the El Paso County Planning and Community Development Department to amend the Special District Policies and Model Service Plans, as referred to in Chapter 9 of the El Paso County Land Development Code (2022). The proposed revisions, in their entirety, are on file with the El Paso County Planning and Community Development Department.

Type of Hearing: Legislative

Ms. Parsons – No vote – This is a courtesy to let you know what the proposed changes are because you do make recommendations for special districts. In an overall summary to tell you why we did this is that these policies were adopted in 2007 prior to the land development code prior to the adoption of the water master plan prior to the adoption of the El Paso County master plan there was language riddled throughout that reference the old small area plan and the old countywide policy plan which does not exist anymore. It had to be cleaned up so it met our current criteria's and plans. We are seeing a trend for special districts to build, design, construct the infrastructure. Keep that burden of ownership and maintenance on themselves. The operational costs for districts are being raised as more district's purpose unique developments that may have private roads. The county is not owning and maintaining them. It costs more money to operate those districts. Working with the industry we purposed a small increase to allow them to have an additional 5 mils yet over all of 65 mil cap is still recommended to be the maximum.

That is the bulk of improvements. The Gallagher adjustment was taken out of state statute as a reflection

We have stricken that language throughout the policy and model service plans as indicated in this proposal. This is the policy for the board to adopt

Mr. Trowebridge recommending addition of an overall of 5 mil 65 is still the upper limit you are proposing. not the 70.

Ms. Parsons – Yes it does state that in the report. Overall maximum is still 65.

Mr. Trowebridge has this been discussed with the BoCC. Are they aware this is coming?

Mr. Mastin yes, they are aware.

Mr. Risley are there any other comments? Just to be aware this was included as a regular item. We do have an information section only on the agenda was it an oversight

Ms. Parsons we have not taken policies to the Planning Commission. It was kind of a grey area. We do not take procedures to you we usually go direct to the BoCC. It was just to make you aware.

Mr. Risley we do not need to open to public testimony.

Mr. Bailey the grey area knowing we do not have to go through the process. Thank you for the courtesy Lets use the Non action item area moving forward.

Mr. Risley the master plan will be heard on November the 3rd which tells me we have a meeting that day.

Are there any other items?

Mr. Mastin Flying Horse North will have a lot of citizen input.

Ms. Brittan- Jack I have a 9:00 appointment, is it appropriate to come later?

Mr. Kilgore currently we have 5 items that day

Mr. Risley adjourned the meeting.

**MEETING ADJOURNED at [time].
12:24**

Minutes Prepared By: __MM__