



EL PASO COUNTY

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CAMI BREMER (VICE -CHAIR)

COLORADO

HOLLY WILLIAMS
CARRIE GEITNER
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Brian Risley, 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:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

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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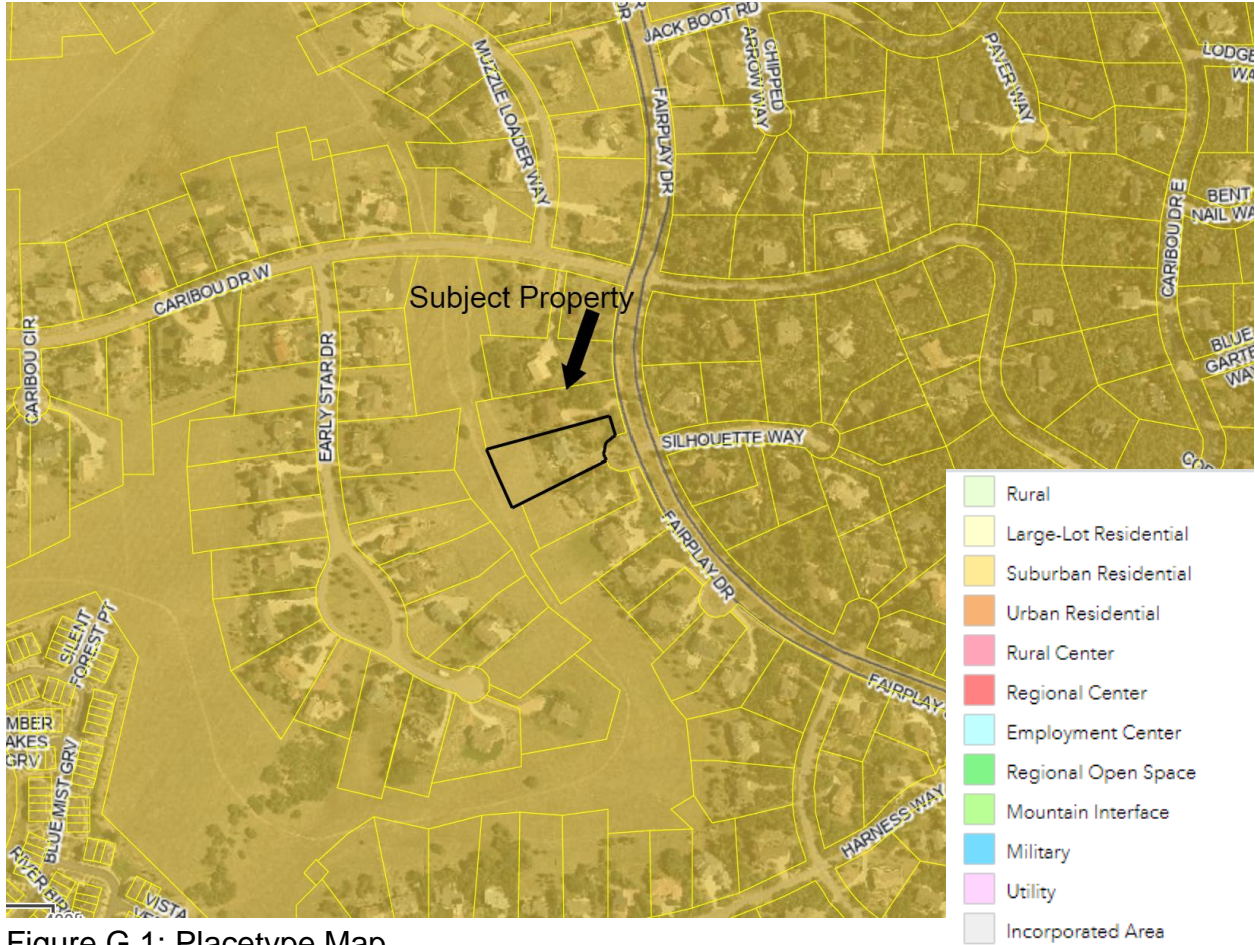


Figure G.1: Placetype Map

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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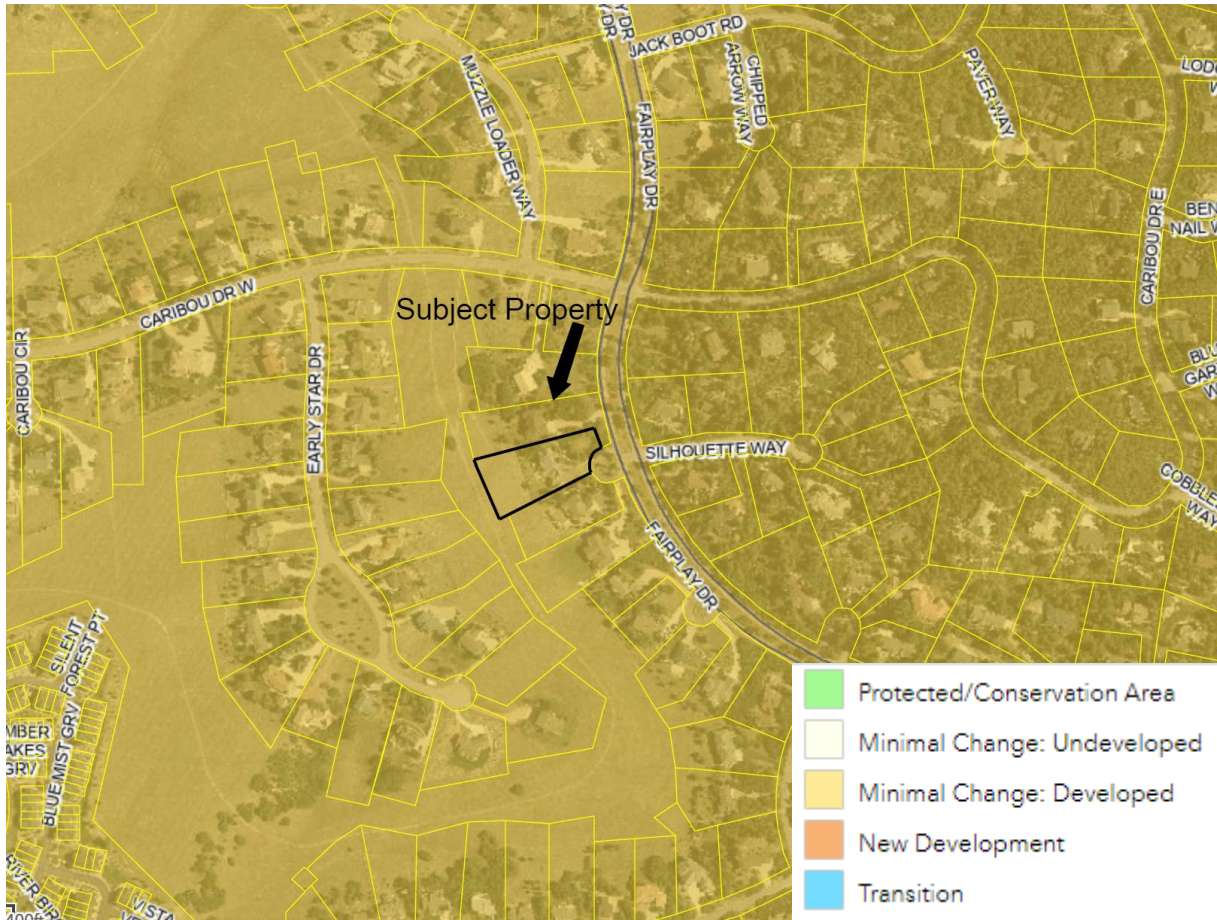


Figure G.2: Area of Change Map

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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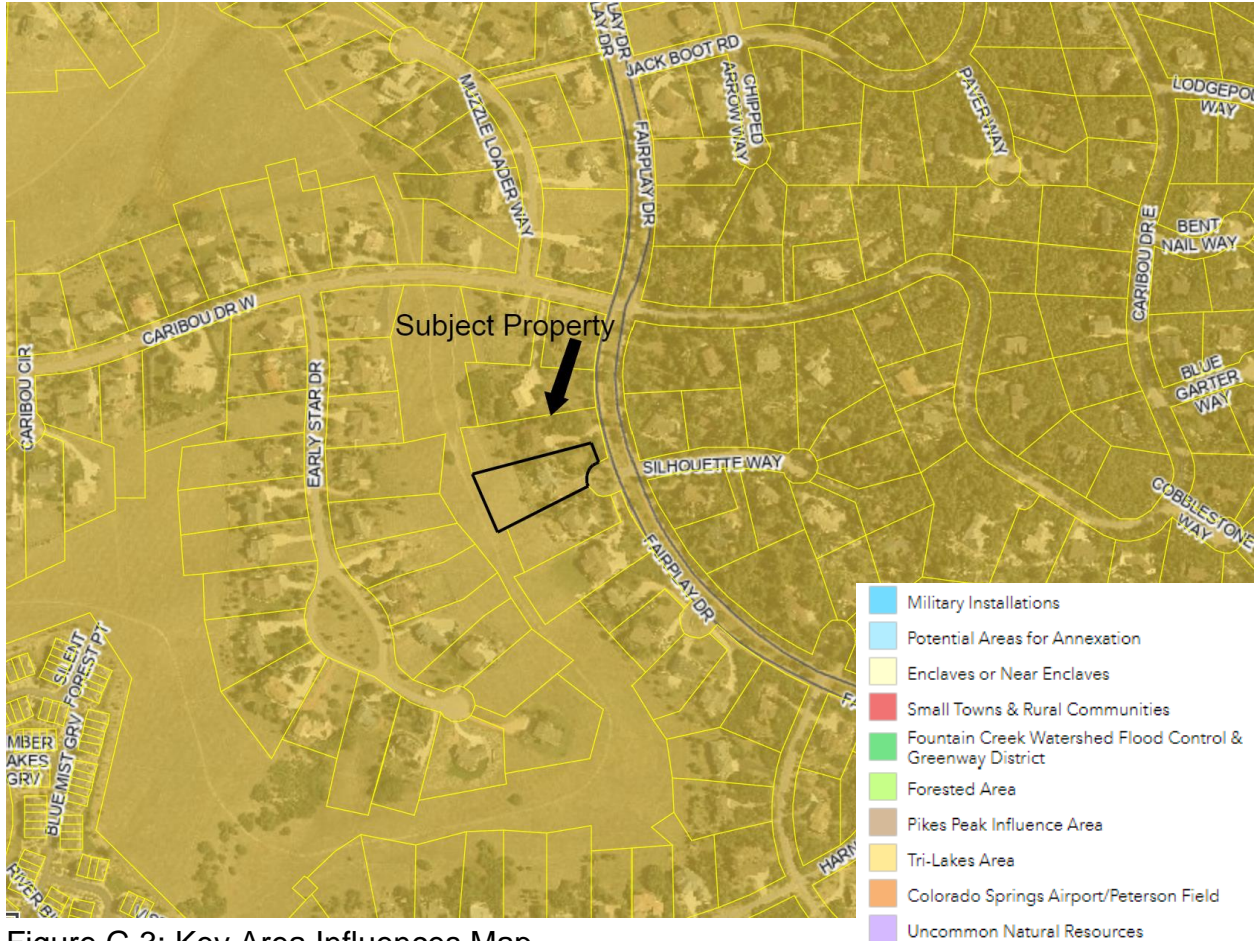


Figure G.3: Key Area Influences Map

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 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.

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

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.

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M. ATTACHMENTS

Vicinity Map
Letter of Intent
Site Plan
Public Comment Letters
Planning Commission Resolution

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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.

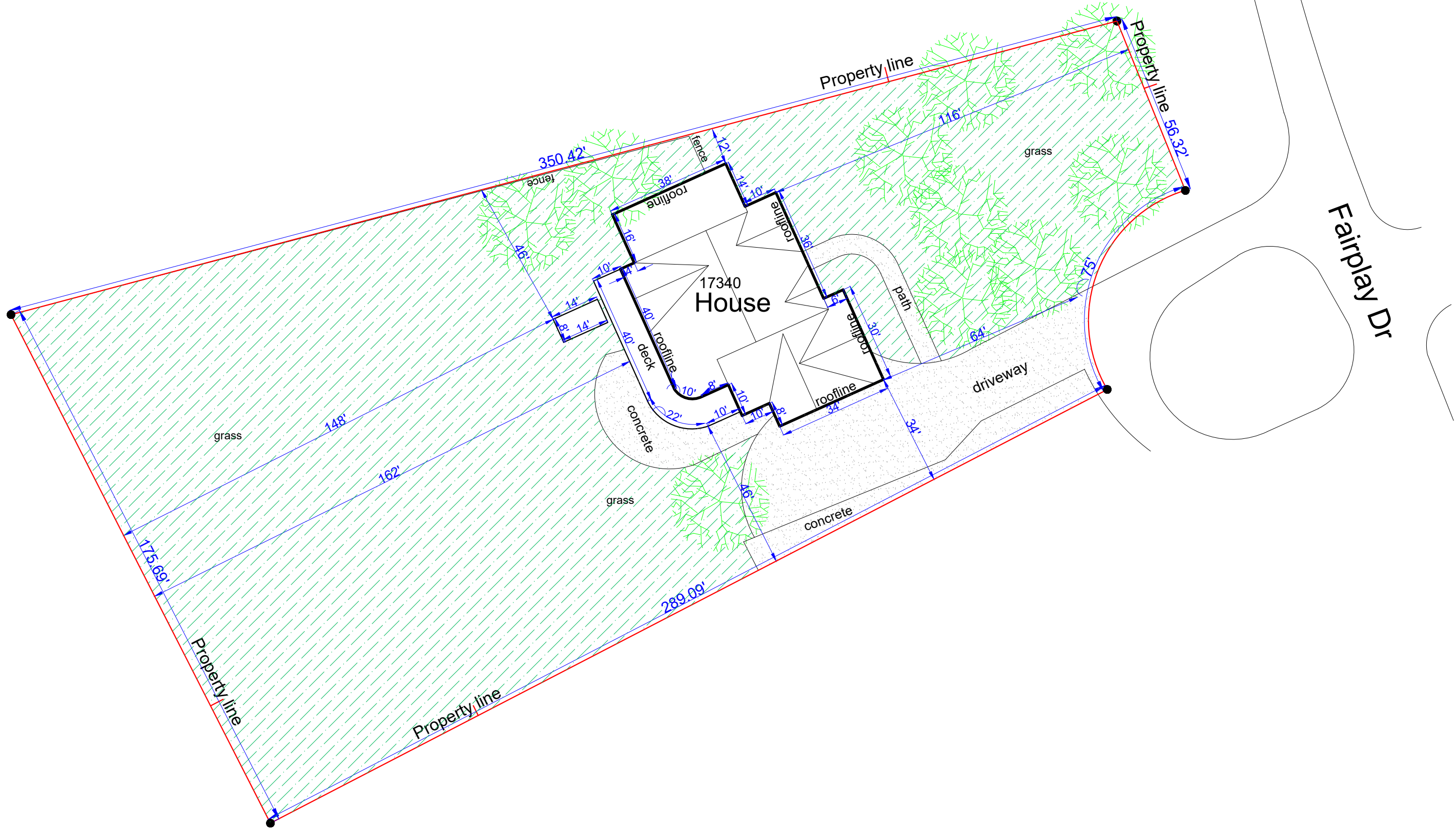
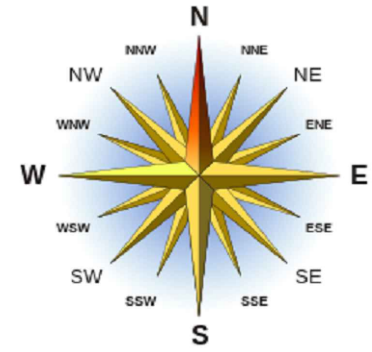
SITE PLAN

Address: 17340 Fairplay Drive

City, State, ZIP: Monument, CO 80132

Country: USA

Scale 1":30'



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.

Sent from my iPhone

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

SPECIAL USE (RECOMMEND APPROVAL)

_____ 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.

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 Schuettpelz	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 _____ 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: _____

EXHIBIT A

Legal Description:

Lot 339 South Woodmoor Preserve Filing No. 2