

**FREMONT COUNTY  
PLANNING COMMISSION MEETING MINUTES  
May 1, 2018 AT 3:00 P.M.**

**MEMBERS PRESENT**

Byron Alsup (Chairman)  
Mark Masar  
Larry Brown  
Dennis Wied  
Keith Ore

**STAFF PRESENT**

Matt Koch, Planning Director  
Brenda Jackson, County Attorney  
Samantha Kozacek, Planning Assistant

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF AGENDA**

**4. APPROVAL OF MINUTES**

April 3, 2018 Planning Commission Meeting

**5. UNFINISHED BUSINESS**

**6. NEW BUSINESS**

**7. REQUEST: SRU 18-001 Whitehorn Kennels**

Request approval of a **Special review Use Permit, Department file #SRU 18-001 Whitehorn Kennels, by Allison Brown,** for the property which is *located on the south side of Fremont County Road 2, 2.2 miles east of the Chaffee //Fremont County line. The proposed kennels will house up to 26 foxhounds. The Foxhounds are used for hunting in the National Forest. The applicant owns the hounds and uses them personally for hunting. The site contains 4.15 acres.*

Representative: Allison Brown

**8. ADJOURNMENT**

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**1. CALL TO ORDER**

Chairman Byron Alsup called the meeting to order at 3:01 p.m.

**2. PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was recited.

**3. APPROVAL OF AGENDA**

Chairman Alsup stated that he had not heard back from Keith Ore regarding today's meeting but at least they made quorum. He then asked if there were any changes, additions or corrections to the May 1, 2018 Fremont County Planning Commission Meeting Agenda.

**MOTION**

Mr. Mark Masar moved to accept the May 1, 2018 Fremont County Planning Commission Meeting agenda.

**SECOND**

Mr. Dennis Wied seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed unanimously. (4 of 4)

**4. APPROVAL OF THE APRIL 3, 2018 PLANNING COMMISSION MEETING MINUTES**

Chairman Alsup asked if there were any changes, additions or corrections to the May 1, 2018 Fremont County Planning Commission Meeting Minutes.

**MOTION**

Mr. Larry Brown moved to approve the April 3, 2018 Fremont County Planning Commission Meeting Minutes with the change suggested by Chairman Alsup.

**SECOND**

Mr. Wied seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed. (4 of 4)

**5. UNFINISHED BUSINESS**

**PUBLIC COMMENT:**

Chairman Alsup called Mr. Gary Johnson to speak in regards to living in RV's.

Mr. Johnson stated that he grew up in a little town in Eastern Kansas that had an ordinance that you could not stay overnight in the town if you were black. The Supreme Court eventually stated that they could not do that. *(During this time Keith Ore arrived for Planning Commission Meeting)*. The ordinance was put in place by people like you and me, honest hard working church going people. If you would ask them about the dilemma about being black and the commandment about loving thy neighbor they would say they love black people but they needed to be black somewhere else. So the analogy I'm working towards here is RV's and tiny houses, the square footage. It is natural human nature to discriminate against people that are different than ourselves. The Supreme Court ruled that discriminating people is illegal. It is bad that it does still happen is that they say it is fine that people are poor but they can be poor somewhere else. If they cannot afford it is just too bad. Being Black somewhere else isn't an argument that can be made anymore but people are still being discriminated against for being poor and not in a good spot economically. Setting a minimum square footage on property we are setting a minimum value with the price and the cost. It seems if we do that we are saying if you cannot afford the square footage that is set that it is like saying be poor somewhere else. Many jurisdictions around the nation are doing the exact same thing turning poor people away. My thought is that the square footage constraint is arbitrary thing and discriminates the poor.

My plea is to not discriminate against the poor. I would be for removing square footage restrictions.

Chairman Alsup thanked Mr. Johnson for his comments.

**6. REQUEST: SRU 18-001 Whitehorn Kennels**

Request approval of a **Special review Use Permit, Department file #SRU 18-001 Whitehorn Kennels, by Allison Brown**, for the property which is *located on the south side of Fremont County Road 2, 2.2 miles east of the Chaffee //Fremont County line. The proposed kennels will house up to 26 foxhounds. The Foxhounds are used for hunting in the National Forest. The applicant owns the hounds and uses them personally for hunting. The site contains 4.15 acres.*

Representative: Allison Brown

Chairman Alsup calls Allison Brown up.

Ms. Allison Brown stated she has a pack of foxhounds. I am very passionate about the sport of fox hunting. It is a bit misleading because it has very little to do with hunting foxes. It is a fairly ancient sport. George Washington did it himself. He bred the American Fox-Hound. He is responsible for crossbreeding the French Fox-Hound and the English Fox-Hound to get the American Fox-Hounds we see today. I am a member of the Master of Fox-Hounds Association. As a member you can go through a registration process, after that you can draft dogs from other packs. They do not want these dogs kept as pets. They are hunting and working dogs and they want that to be preserved about this breed. They keep the pedigree of every Fox-Hound on record. I have a pack of twenty-four (24) of these hounds and they are registered as a private pack. I own them privately. I hunt these dogs while we are out on horseback. I had some friends that introduced me to the Lemmons who were selling their land. The property is beautiful and surrounded by BLM land. I am buying this property contingent on this being approved. The Hounds would be staying there in the spring, summer and through the fall and I would be moving them into the lower kennel during the winter to keep them protected during the harsh winter. There is a house on the property and I plan on living up there with the Hounds and I planned on bringing some horses up too.

Chairman Alsup stated that it was now time for Mr. Koch's presentation.

Mr. Matt Koch gave a picture presentation of the property. He then stated that a full complete application had been submitted. The property is Zoned AF (Agricultural Forestry) approximately 4.1 acres. The property is part of an old patented mining claim so it is a legal parcel. The property is accessed off of County Road 2 just before it becomes Chaffee County. The only outstanding item is a Drive Way Access Permit that has been requested by FCDOT (Fremont County Department of Transportation). Hard surfacing, landscaping and buffering, lighting, and stormwater drainage plan waivers have all been requested. County Engineer Don Moore waived the stormwater drainage plan. Additional notifications are also being required to be sent to Colorado Division of Wildlife, Fremont Historical Society, Fremont County Sheriff, BLM, and Fremont County Heritage Commission. There are concerns about the kennels and the protection from the elements for the dogs, also if the dogs will be left alone for long periods of time. Is there a contract with the care taker when the owner isn't on the property? The National Forestry service does require all dogs to be on a leash when in the forests.

Mr. Mark Maser inquired as to what about the National Forests leash laws.

Ms. Brown stated that I have a permit from the National Forest Service already. It is called a Special Use Permit, it is considered that I am Events Coordinator. All of the dogs wear tracking/training collars while we are out in the forests. They have GSP and a radio on them. I can find them and have control over them at all times. I have an agreement with some of the local ranches with my dogs. We do predator control. We will go out and do what is called Coyote Hazing. A report came out from the Department of Agriculture stating that this was the most effective way of driving coyotes away from places. We will take the hounds out to scare the coyotes on properties that have cattle on them sometimes, or even elk and deer at times and the hounds leave them alone. I have very strict rules with my dogs and there is a zero tolerance for that behavior of going after those animals. We release the hounds and they chase the coyotes away. The coyotes always get away but it does really discourage them from denning near that property or area again. This is all permitted by the State. I carry a side arm with me at all times during these hunts, in case there is an accidental "take" is what they call it I have to humanely dispatch the animal immediately. It is a very rigorous set of rules.

Chairman Alsup inquired about the items of concern brought up by Mr. Koch with the dog's kennels and weather protection and such.

Ms. Brown shared pictures with the Planning Commission members. It is actually a punishment for these dogs to be separated because they are pack animals. PACFA has inspected my pack. I am listed as a sanctuary because I adopted all of my dogs except three of them. I gave them a home for life and they don't really have anything set up for working dogs so it was set up under a sanctuary. Normally the dogs have to be separated and I have an exemption of that. They live in family groups and family groups of six or seven. They live in what I call a lodge. It has two doors they go in them together at nights. The hounds have short coats but they have such a fast metabolism they burn like furnaces. So if you put like six or seven of them in one of those lodges they are perfectly warm.

Mr. Masar inquired what happens when it is the summer and hot.

Ms. Brown stated that there are shade areas for the dogs to get to. The lodges that are built for the dogs are actually raised up off of the ground so the dogs can get under them and stay cool. There are also what we call "benches" to lay under. I am also going to try something new with these dogs and bury a half pipe of a culvert and they will have what looks like little caves in the ground as well to stay cool. There are also stock water tanks that they can splash around in.

Mr. Larry Brown inquired what size the kennels need to be or how many dogs can go in per kennel.

Attorney Brenda Jackson stated that any dogs over the limit of four requires a kennel license to be done in Fremont County.

Mr. Koch stated that he believed it was a different set of rules by each jurisdiction that needed to be followed.

Ms. Brown stated that was correct and she was still waiting for PACFA to come and inspect her newest kennels for the hounds. They will inspect the kennel facilities and all of the dog's enclosures.

Mr. Brown inquired that he was curious if there was any requirement of the actual size of the kennels that the dogs were going to be housed in or the covered areas.

Ms. Brown stated that the only requirement she was aware of was that each animal had to be in its own pen but the state already granted her a waiver on this because this breed of dog wants to stay together. They have plenty of spots they can choose from to go.

Mr. Brown stated that with the pictures he had seen it didn't look like to him that there was enough space for there to be twenty-four dogs to be houses.

Ms. Brown stated that she does have four pens that the dogs can go into. She separates the females from the males and it tends to be six dogs per pen area. There is certainly enough space in each pen for the dogs.

Mr. Brown inquired that if this facility was inspected periodically.

Ms. Brown stated that PACFA (Pet Animal Care Facility Act) they send an inspector up to see everything.

Mr. Keith Ore inquired that if the State ever had to come down and inspect anything.

Ms. Brown stated that she had to be licensed every year.

Mr. Ore inquired that if they sent people out every year to look at the kennels.

Ms. Brown stated that it was really up to them if they would do that or not. There are records of the inspections.

Mr. Koch stated that there was also a yearly inspection that the County does of all of the kennels as well.

Mr. Ore inquired that if it was done yearly around the time the license was issued.

Mr. Masar inquired if Ms. Brown would be living on site with the dogs.

Ms. Brown stated yes she would be living on site with the dogs.

Mr. Masar inquired that if the dogs would be getting left along for long periods of time.

Ms. Brown stated that no they wouldn't be left alone because there will be people on the property all the time.

Mr. Masar inquired that the fence was 6 feet tall in one spot with electric wire along the top and spots that were only 5 feet.

Mr. Charley Bearden stated that yes in between the kennels is a 6 foot fence and around the perimeters is only 5 feet.

Mr. Dennis Wied inquired about the neighbors and how they feel about these dogs. All I know about them from TV is that they are loud.

Ms. Brown stated before I made an offer on this property I talked to all of the neighbors already and none of them had an issue.

Chairman Alsup inquired about Ms. Brown's operation in Salida and what problems they had there.

Ms. Brown stated that they had already had the kennel with the dogs and new people had moved in and started all the problems they are having right now. They started a petition against us hunting and have 77,000 signatures. They had accused me of digging baby animals out of their dens and feeding them live to my hounds. We are about conservation not to destroy wildlife. I have received death threats, hate mail and then they got other people to complain. All of this is still pending and going before a judge.

Chairman Alsup inquired that if Ms. Browns hunt foxes.

Ms. Brown stated no. They hunt coyotes and jack rabbits.

Chairman Alsup inquired what would happen with the dogs when they come up on a fox.

Ms. Brown stated that I call them off. There are species of foxes in Colorado that are protected. They are not allowed to go after foxes.

Chairman inquired if she was going to have horses on the property.

Ms. Brown stated that she does have horses and that she was going to only have 4-5 there.

Chairman Alsup inquired to what type of weed control was going to be used on the property.

Mr. Koch stated that it was sent to Weed Management and the Department has not yet received back comments.

Mr. Masar inquire to how far the dogs get away during the hunt,

Ms. Brown stated they are about 10 feet from her until they find their sent/trail and then they go after the smell and they are typically right behind them on horseback.

Chairman Alsup stated that now is the time for the public to give comment.

Ms. Katie Parker stated that they are land owners by this property. They have owned their property since 2004. I am a Master of Fox-Hounds. I hunt down in Florida with my hounds in the winter, and here in Colorado in the summer. These dogs needs to be worked daily. I think this area for her kennels would be what is best for Ms. Brown and her hounds. It is a wonderful sport and was brought into Colorado in 1907.

Mr. Bearden stated his house is right next door to this SRU property. I don't ever hear the dogs. I hear my dogs. My wife feeds them and check in on them during the day. The other day there was a heard of Elk on one side of the pens and cows on the other and the hounds never once started to bark.

Chairman Alsup inquired that if the dogs were already on the property.

Ms. Brown stated that a couple of the hounds were there already. And the others were in Saguache.

Mr. Wied inquired if all kennels went through and SRU process. One of the conditions says annual requirement to submit documents to keep the SRU going. This is a life of use application so in theory this could go on from 10 to 20 years. Is there any reason why we would like to simplify submission of documents?

Mr. Koch stated that this was a good way to keep the checks and balances of things. That way if there is something missing or not right we could notify the State or other agencies if need be. It also allows us to review complaints among other things we need to look for.

### **MOTION**

Mr. Wied moved to approve Special review Use Permit, Department file #SRU 18-001 Whitehorn Kennels, as written with all recommended waivers.

### **SECOND**

Mr. Masar seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed. (5 of 5)

### **ADJOURNMENT**

Chairman Alsup adjourned the meeting at 3:50 p.m.

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CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

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DATE