

Use by Special Review Staff Report

Date: November 5, 2025
To: Douglas County Board of County Commissioners
Through: Douglas J. DeBord, County Manager
From: Terence T. Quinn, AICP, Director of Community Development *TQ*
CC: Trevor Bedford, AICP, Senior Planner
Jeanette Bare, AICP, Planning Manager
Steven E. Koster, AICP, Assistant Director of Planning Services
Subject: Bears Den Rural Site Plan, 2nd Exemption, Lot 16B – Use by Special Review
Project File: US2025-012

Planning Commission Hearing:	November 3, 2025 @ 6:00 p.m.
Board of County Commissioners Hearing:	November 18, 2025 @ 2:30 p.m.

I. EXECUTIVE SUMMARY

The applicant requests approval of a Use by Special Review (USR) for a kennel for up to 60 birds as household pets on Lot 16B of Bears Den Rural Site Plan, 2nd Exemption. The site is approximately 12.2 acres with a single-family residence currently under construction. The site is zoned Agricultural One (A-1) and conforms to the Large Rural Residential (LRR) zone district, which permits a kennel subject to Section 21, Use by Special Review, of the Douglas County Zoning Resolution (DCZR). The facility is proposed to be a private facility for the homeowner's pets with no employees or non-owned birds on site. The project is located in the Sedalia area within the West Plum Creek Subarea of the 2040 Comprehensive Master Plan (CMP).

At its public hearing on November 3, 2025, the Planning Commission unanimously recommended approval of the USR request by a vote of 8 to 0.

II. APPLICATION INFORMATION

A. Applicant

Patrick Wagner
Wagner Colorado Residence Trust
15034 Cathedral Falls Drive
Cypress, TX 77429

B. Applicant's Representative

Kevin Archer
David E Archer and Associates, Inc
105 Wilcox Street
Castle Rock, CO 80104

C. Request

Approval of a USR for a kennel for up to 60 birds as household pets.

D. Process

A USR is processed pursuant to Douglas County Zoning Resolution (DCZR) Section 21. Section 21 states the intent of the USR process is “to provide for uses in specific zone districts that shall require a public notice and hearing and the approval of the Board of County Commissioners subject to such conditions and safeguards as may be imposed by the Board.”

Per Section 2109.09 of the DCZR, “The Board shall evaluate the use by special review request, staff report, referral agency comments, applicant responses, the Planning Commission recommendation, and public comment and testimony, and shall approve, approve with conditions, continue, table for further study, remand to the Planning Commission, or deny the use by special review request. The Board’s action shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.”

E. Location

The site is located within the Bears Den Rural Site Plan on the north side of Bears Den Trail. A Vicinity Map, Zoning Map, and Aerial Map highlight site location and existing conditions and are within the staff report attachments.

F. Project Description

The 12.2-acre site is zoned A-1 and is located within the Bears Den Rural Site Plan in the Sedalia area. As the property is below 35 acres, it conforms to the LRR zone district when considering the allowed uses. The applicant is requesting approval of a Kennel USR to utilize a proposed barn to keep up to 60 pet birds. The property owner raises toucans, toucanets, and aracarís as personal pets. Section 24 Animals of the DCZR contains limits on the number of personal household pets that may be kept on a property, which is eight pets on an A-1 or LRR zoned property. Any number of pets of any kind above this limit is considered a kennel. The applicant has provided information to show that these are classified as large pet birds by the U.S. Department of Agriculture and are an unregulated species by Colorado Parks and Wildlife.

The birds will be placed in an approximately 4,400-square-foot climate-controlled barn with cages indoors for the birds. The birds will not be allowed to fly outside and will have a redundant containment system inside the barn. The facility will not require any employees, will not be open to the public, and will not be used as a boarding facility.

The owner does not intend for this to be a commercial operation but may sell or trade birds to other collectors or zoos from time to time.

Section 21 of the DCZR requires a 100-foot setback from all property lines for a kennel within the A-1 or LRR zone districts. The applicant has requested a lesser side setback of 71.5 feet for the barn. The applicant has explained in their narrative that the birds are not a noisy species and that all birds will be kept indoors. The applicant has also noted that the nearest residence on this side is approximately 700 feet away from the proposed facility. The applicant believes that these factors differentiate this use from a typical kennel that may have noisy animals outdoors and justifies the lesser setback proposed.

Section 2106.01 of the DCZR states that “The Board may establish lesser setbacks than those required in this Section, and heights greater than those allowed in the underlying zone district, if the Board determines that adequate buffering is or will be provided to mitigate such concerns as noise, visual, dust, or other social or environmental impacts.”

Properties within the Bears Den Rural Site Plan have building envelopes which identify areas on each residential parcel where structures may be built. The proposed structure is within the building envelope which was recently modified to include the barn structure.

III. CONTEXT

A. Background

The parcel was originally created in 2006 as part of the Bears Den Rural Site Plan. The parcel boundary was amended in 2010 as part of the 2nd Exemption, which split Parcel 16 into two parcels. A single-family residence is currently under construction on Parcel 16B, and the building envelope has been formally amended to include the aviary barn structure.

A kennel is defined as “Any site used to keep more household pets than permitted in Section 24 Animals or used for breeding, boarding, training with boarding or selling of household pets.” Section 24 limits the number of household pets on an A-1 or LRR parcel to no more than 8 household pets of more than 4 months of age. While this does not apply to small pet birds, members of the toucan family, which includes toucans, toucanets, and aracarís are listed as a large pet bird species by the U.S. Department of Agriculture.

B. Adjacent Land Uses and Zoning

The property is surrounded by other residential and agricultural properties within the A-1 zone district.

Zoning and Land Use

Direction	Zoning	Land Use
North	Agricultural One	Residential
South	Agricultural One	Residential
East	Agricultural One	Residential and Agricultural
West	Agricultural One	Residential

C. Management Plan

Section 2113 of the DCZR requires a site specific management plan for USR applications. The elements of the management plan are shown on the cover sheet of the USR exhibit. Key operational limits include provisions that the facility will not be open to the public with up to 60 birds allowed as personal pets of the property owner. The facility will not have any employees. The management plan also includes the provision that no more than 20 birds per year will be sold and any sales will be on-line with no on-site sales.

IV. PHYSICAL SITE CHARACTERISTICS

A. Site Characteristics and Constraints

The site generally slopes downward to the north with steeper slopes in the north portion of the property. Less significant slopes are on the southern portion of the property where a single-family residence is under construction and the kennel facility is proposed.

B. Access

Access to the USR area will be via the driveway for the single-family residence.

C. Soils and Geology

There are no geologic hazards identified on the site by Map 8.1 Class 3 Hazards and Environmental Constraints of the CMP.

D. Drainage and Erosion

The applicant has provided a grading, erosion, and sediment control (GESC) plan that has been reviewed and accepted by Engineering Services.

E. Floodplain

There is no mapped 100-year floodplain on site.

V. PROVISION OF SERVICES

A. Schools

The proposed use will not generate additional students for the Douglas County School District.

B. Fire Protection

West Douglas County Fire Protection District (“West Douglas FD”) provides fire protection services in the area. West Douglas FD did not respond to the referral request.

C. Sheriff Services

The Douglas County Sheriff’s Office (DCSO) provides police protection to the property. DCSO responded to the referral comment with no comments or concerns. The Office of Emergency Management responded with no comment. DCSO E911 did not respond to the referral request.

D. Water

Water service will be provided by a well that will supply the single-family residence on site. The use is not expected to generate significant additional water demand.

E. Sanitation

Sanitation will be provided by an on-site wastewater treatment system.

F. Utilities

Utility service providers are Xcel, CORE Electric Cooperative, AT&T, CenturyLink, and Comcast. Referral requests were sent to all utility service providers. No objections were received.

VI. PUBLIC NOTICE AND INPUT

In accordance with DCZR Section 2113, public notice is required to be published in the Douglas County News Press, posted on site by the applicant, and mailed to abutting property owners.

Courtesy notices of an application in process were also sent to adjacent property owners as part of the referral period. Staff received no comments from adjacent property owners or members of the public.

All referral agency comments are outlined in the Referral Agency Response Report attached to the staff report. Referral comments were standard in nature with no major concerns noted.

VII. PLANNING COMMISSION HEARING

At a public hearing on November 3, 2025, the Planning Commission considered the applicant’s request for approval of the Use by Special Review. After presentations by the staff and applicant, two members of the public spoke. One nearby resident discussed possible health concerns, and a member of the Bears Den Architectural Control Committee spoke in support of the project. The Planning Commission asked about the reduced setback requirement. The applicant indicated that he had carefully sited the

barn to meet his needs and to reduce any neighbor impacts. Noise from the birds is not anticipated to be significant. Staff verified that if the facility ceased being used for birds and reverted to a barn, the accessory use side setback of 50 feet would be met given the structure's proposed placement at 71-feet from the lot line. The applicant responded to public comment and Commissioner questions, indicating that the facility is licensed by the USDA and will meet all applicable standards. The facility is not open to the public, is not a commercial operation, and the applicant has had no incidence of bird disease since working with these species over the past 10 years. Staff verified that zoning compliance staff will inspect the property each year for compliance with the site plan and management plan. The applicant also noted that he is no longer proposing to keep toucans, rather will limit the type of pet birds to toucanets and aracarís only. The Planning Commission recommended approval of the application by a vote of 8 to 0.

VIII. STAFF ANALYSIS

2102.01: Complies with the minimum zoning requirements of the zone district in which the special use is to be located, as set forth in this Resolution.

Staff Comment: A kennel is a use allowed by special review for parcels conforming to the LRR district. A kennel typically requires a minimum 100-foot setback to all lot lines. The applicant has requested that the Board consider a lesser setback of 71.5 feet. Section 2106.01 allows the board to consider a lesser setback.

2102.02: Complies with the requirements of this Section 21.

Staff Comment: The application was processed in accordance with the procedural provisions in Section 21.

2102.03: Complies with the Douglas County Subdivision Resolution.

Staff Comment: The property has been previously subdivided in compliance with the Subdivision Resolution.

2102.04: Will be in harmony and compatible with the character of the surrounding areas and neighborhood.

Staff Comment: The A-1 zone district and Bears Den Rural Site Plan allow for accessory structures. This kennel for household pet birds will be fully enclosed to mitigate impacts to the neighborhood and is designed to architecturally compliment the area. No objections were received from the public.

2102.05: Will be consistent with the Douglas County Comprehensive Master Plan, as amended.

Staff Comment: The property is part of the Bears Den Rural Site Plan (RSP) which was reviewed for general consistency with the CMP at the time of approval. The CMP designates the property as within the West Plum Creek Subarea as identified in Section 3 of the CMP. The CMP states that while approval criteria for land use applications requires a finding of compliance with the CMP, "...the competing values of the Plan must be balanced through the public review process to achieve the larger vision of the community."

As such, the CMP acknowledges its own competing values and that implementation can only be achieved through the balancing of community values during the review process.

Policy 3-2B.1 is to “Use building envelopes, clustering and other site design techniques, where appropriate, to direct building away from environmentally and visually sensitive lands.” The proposed structure associated with this request will be placed within a building envelope on the property. Policy 3-3F.1 states that “Low-intensity rural development is supported in the West Plum Creek Subarea.” The request is located on an agriculturally zoned property that is being developed with a single-family residence. As the facility will not be open to the public and will be fully enclosed, the low-intensity rural character of the site should remain. Horse barns have been constructed on several parcels within the Bears Den RSP.

2102.06: Will not result in an over-intensive use of land.

Staff Comment: The proposal is located on an existing A-1 parcel with a residence under construction. The kennel is for the homeowner’s personal pet birds and will not generate any traffic or commercial activity beyond what is expected from a single-family residence.

2102.07: Will provide roadway capacity necessary to maintain the adopted roadway level-of-service for the proposed development concurrently with the impacts of such development.

Staff Comment: The use is for personal household pets and will not increase the traffic impacts beyond what is expected from a single-family residence.

2102.08: Will provide public facilities and services necessary to accommodate the proposed development concurrently with the impacts of such development.

Staff Comment: All such services are available to the site.

2102.09: Will not cause significant air, water, or noise pollution.

Staff Comment: All birds will be kept in a fully enclosed, climate controlled structure, which will minimize any noise or other impacts to the area.

2102.10: Will be adequately landscaped, buffered, and screened.

Staff Comment: All operations of the use will be contained in a structure architecturally designed to be compatible with the area.

2102.11: Complies with the standards regarding water supply.

Staff Comment: The proposed use does not generate additional water demand beyond a single-family residence. A well permit has been issued for the single-family residence that is currently under construction. Section 2102.11.1 of the DCZR states that “If it is demonstrated that the use by special review will not generate any ongoing water demand, no proof of water supply shall be required and no other provisions of Section 18A, Water Supply Overlay District, herein, shall be applicable.”

2102.012: Will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of the County.

Staff Comment: No detriments to health, safety, or welfare have been identified through review of the proposed kennel for household pet birds. The management plan will ensure proper operational procedures.

IX. STAFF ASSESSMENT

Staff has evaluated the USR request in accordance with Section 21 of the DCZR. The applicant is required to adhere to the USR plan exhibit and operational limits of the management plan. Per Section 21, all approved USRs are subject to annual inspection to ensure compliance with the management plan. Should the Board find that the approval standards for the USR are met, the following proposed condition should be considered for inclusion in the motion:

1. Prior to final approval of the record copy of the USR Plan Exhibit, any necessary technical corrections shall be made to the satisfaction of Douglas County.
2. All commitments and promises made by the applicant or the applicant's representative during the public hearing and/or agreed to in writing and included in the public record have been relied upon by the Board of County Commissioners in approving the application, therefore, such approval is conditioned upon the applicant's full satisfaction of all such commitments and promises.

<u>ATTACHMENTS</u>	<u>PAGE</u>
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LAND USE APPLICATION

Please complete, sign, and date this application. Return it with the required items listed on the Submittal Checklist to planningsubmittals@douglas.co.us. Submittals may also be mailed or submitted in person to Planning Services. **NOTE: The Planning Commission or the Board of County Commissioners should not be contacted regarding an open application.**

OFFICE USE ONLY

PROJECT TITLE: _____

PROJECT NUMBER: _____

PROJECT TYPE: Use By Special ReviewMARKETING NAME: NAPRESUBMITTAL REVIEW PROJECT NUMBER: PS2025-064**PROJECT SITE:**Address: NAState Parcel Number(s): 235327402006Subdivision/Block#/Lot# (if platted): Bears Den Rural Site Plan 2nd Exemption, Lot 16B**PROPERTY OWNER(S):**Name(s): Wagner Colorado Residence TrustAddress: 15034 Cathedral Falls Drive , Cypress, TX 77429

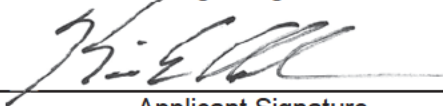
Phone: _____

Email: [REDACTED]

AUTHORIZED REPRESENTATIVE: (Notarized Letter of Authorization is required from the property owner, unless the owner is acting as the representative)

Name: David E Archer & Associates, Inc Kevin ArcherAddress: 105 Wilcox Street, Castle Rock, CO 80104Phone: 303-688-4642Email: [REDACTED]

To the best of my knowledge, the information contained on this application is true and correct. I have received the County's information sheet regarding the *Preble's Meadow Jumping Mouse*.


Applicant Signature7-1-25

Date

PROJECT NARRATIVE
USE BY SPECIAL REVIEW
For
BEARS DEN RURAL SITE PLAN 2nd EXEMPTION, LOT 16B

The purpose of this request is to obtain approval to keep up to 60 small tropical birds in the Toucan (Ramphastidae) family. If approved, the barn will contain 30-35 flights (cages) to house toucans, toucanets, and aracarís. The birds will only be housed inside the barn with no outdoor use.

Toucans, toucanets, and aracarís are members of the Ramphastidae family in the Order of Piciformes. Most of the birds kept will be aracarís and toucanets, which are small birds that are 12-18 inches in length including the bills and tails, and weigh about 100-250 grams. The actual bodies are quite small. I will also keep a few small toucans (4 - 8) that range in weight from 250 to 400 grams and are up to 19 inches in length. They are all quiet, pleasant birds that are not dangerous in any way. Toucans, aracarís and toucanets are often kept as tame pets and are not considered exotic animals.

The birds are kept for my own personal enjoyment, at a significant expense. I want to be clear that this is not a commercial operation. This will be a private facility with no public visitation. Only my personal birds will be housed, with no third party owned birds boarded.

The birds will be kept in pairs and may occasionally breed and raise young. When they do, I typically sell, trade or give them to other breeders. In 2024 for example, I traded one bird to a zoo (Dallas World Aquarium), sold one bird, gave one to a friend, and kept two. I only raise a few young birds per year.

The property is located on Lot 16B, Bears Den Rural Site Plan and is zoned A1. Section 2402.01 of the zoning regulations no more than 8 household pets of more than 4 months of age shall be permitted per parcel. A Use by Special Review is required to allow the proposed number birds on the property.

The proposed Aviary will be located at a 71.5' setback where a 50' setback normally allowed in A1 zone for an outbuilding and by the Bears Den Rural Site Plan. We understand that a Kennel is required to have a 100' setback. While the proposed use is similar in that animals are kept there, the noise levels are not the same and there will be no outside activities. The birds will be in a building and in cages and are not allowed to fly outside. Impacts on neighbors will be very limited. The birds are very quiet. They are not loud like some parrots and only make noise when alarmed, and even then, their voices do not carry far. For example, the birds are currently housed in the backyard of my home in a subdivision developed at a density of ½ acre lots, and some of them have been here for a decade. My neighbor's house is ~50 ft from one of the

aviaries and he has never complained about any noise. The planned location of the barn will be more than 700 ft away from the closest neighboring home. In addition, the building will have retractable glass garage doors that will be opened on warm days for ventilation but could be closed if there was any noise concern. The Aviary is for personal use only and will not be open to the public and will not generate any additional traffic to the area.

The property is located in the West Plum Creek Subarea in the Nonurban Land Use Section of the 2040 Comprehensive Master Plan. The Master Plan discusses development within the Subarea. The property is already developed to allow a residence and outbuildings as a part of the Bears Den Rural Site Plan. The specific uses are not discussed within the Master Plan. As the property is already developed it is in compliance with the master plan.

Toucans are characterized as pets by the US Department of Agriculture, and as legal non-regulated birds by the state of Colorado. Reference links below:

[List of Pet Birds as Defined by the Animal Welfare Regulations | Animal and Plant Health Inspection Service](#)

[Wildlife Aren't Pets | Colorado Parks and Wildlife](#)

Given the limited number and size of the birds I sell per year (low single digit), I am not subject to USDA permitting or inspections.

Since the building will house more than 30 birds, it will require a license as a bird breeding facility by the Colorado Department of Agriculture per the Pet Animal Care Facilities Act (PACFA). I have already been in contact with the lead PACFA inspector to ensure the building meets the licensing requirements.

[Pet Animal Care and Facilities Act | Department of Agriculture](#)

I have an excellent reputation in the avian and zoo community and am a professional fellow member of the Zoological Association of America.

The property is within the Bears Den Rural Site Plan and residential wells are allowed and approved for each property. The water requirements of the birds is minimal and will not require more than the allowed residential well.

Waste treatment for the birds will be handled via a septic system.

Fire protection will be provided as required by the West Douglas Fire Protection District. There is nothing specific required for the Aviary.

There will be no impact to the existing vegetation and or wildlife. The birds will be kept in clean and high-quality living conditions comparable to a zoo. The internal flights will be constructed by a leading contractor to U.S zoos, with double redundancy containment. In addition to the cage doors, there will be a safety corridor through which the cages are accessed, that is also

enclosed. If by chance the birds escaped the cages and safety corridors, they would still be contained by the primary barn structure itself. Since toucans are tropical birds, they would not be able to survive in the local climate, so there is no risk of establishment of a non-indigenous population if any escaped.

The proposed Aviary will have no impact to the air and/or water quality in the area.

There are no specific buffering plans or additional landscaping proposed as all Aviary operations are within the building.

Public Services and Facilities already exist for the development of the property with a residence and nothing more is required for the proposed Aviary.

Comprehensive Master Plan Land Use Reference Map

Comprehensive Master Plan Areas

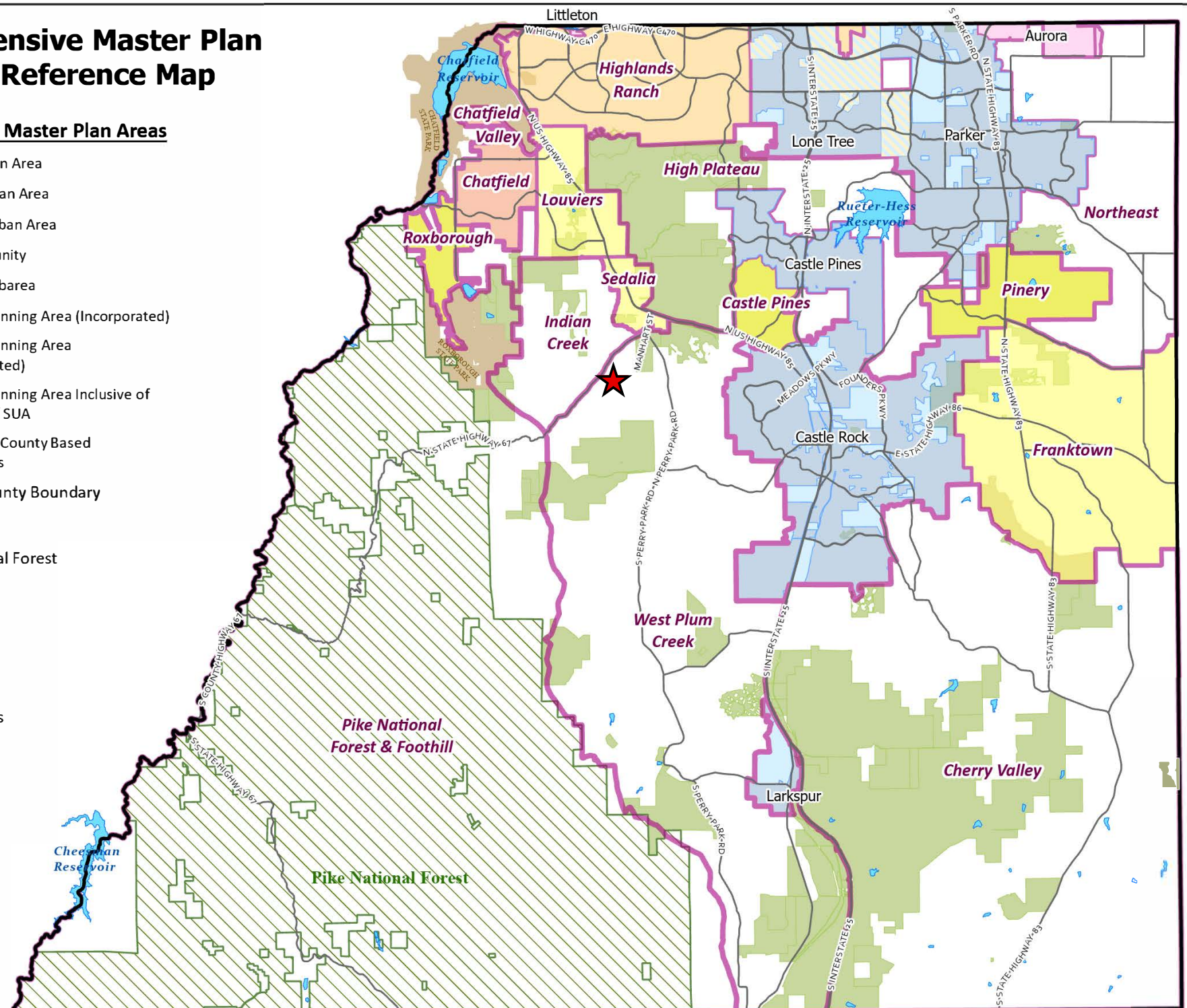
-  Primary Urban Area
-  Chatfield Urban Area
-  Separated Urban Area
-  Rural Community
-  Nonurban Subarea
-  Municipal Planning Area (Incorporated)
-  Municipal Planning Area (Unincorporated)
-  Municipal Planning Area Inclusive of County PUA / SUA
-  Non-Douglas County Based Municipalities
-  Douglas County Boundary

Parks

-  Pike National Forest
-  State Parks
-  Open Space
-  Lakes

Roadways

-  Major Roads

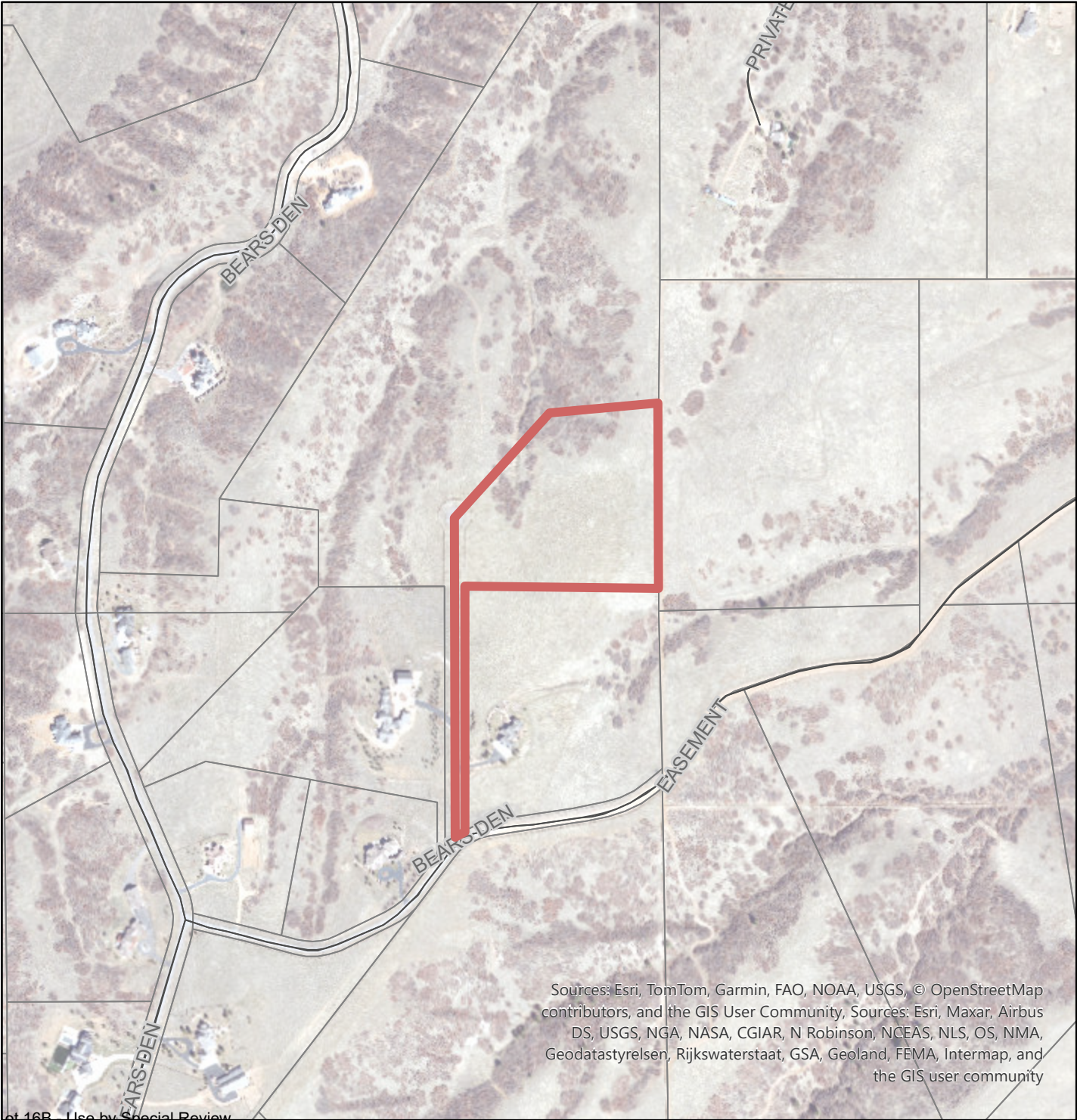


Bears Den Rural Site Plan, 2nd Exemption, Lot 16B

US2025-012
Zoning Map



- LEGEND
- Roads
 - Major Roads
 - ▭ Parcels - PARCELS
 - ▭ A1 - AGRICULTURAL ONE



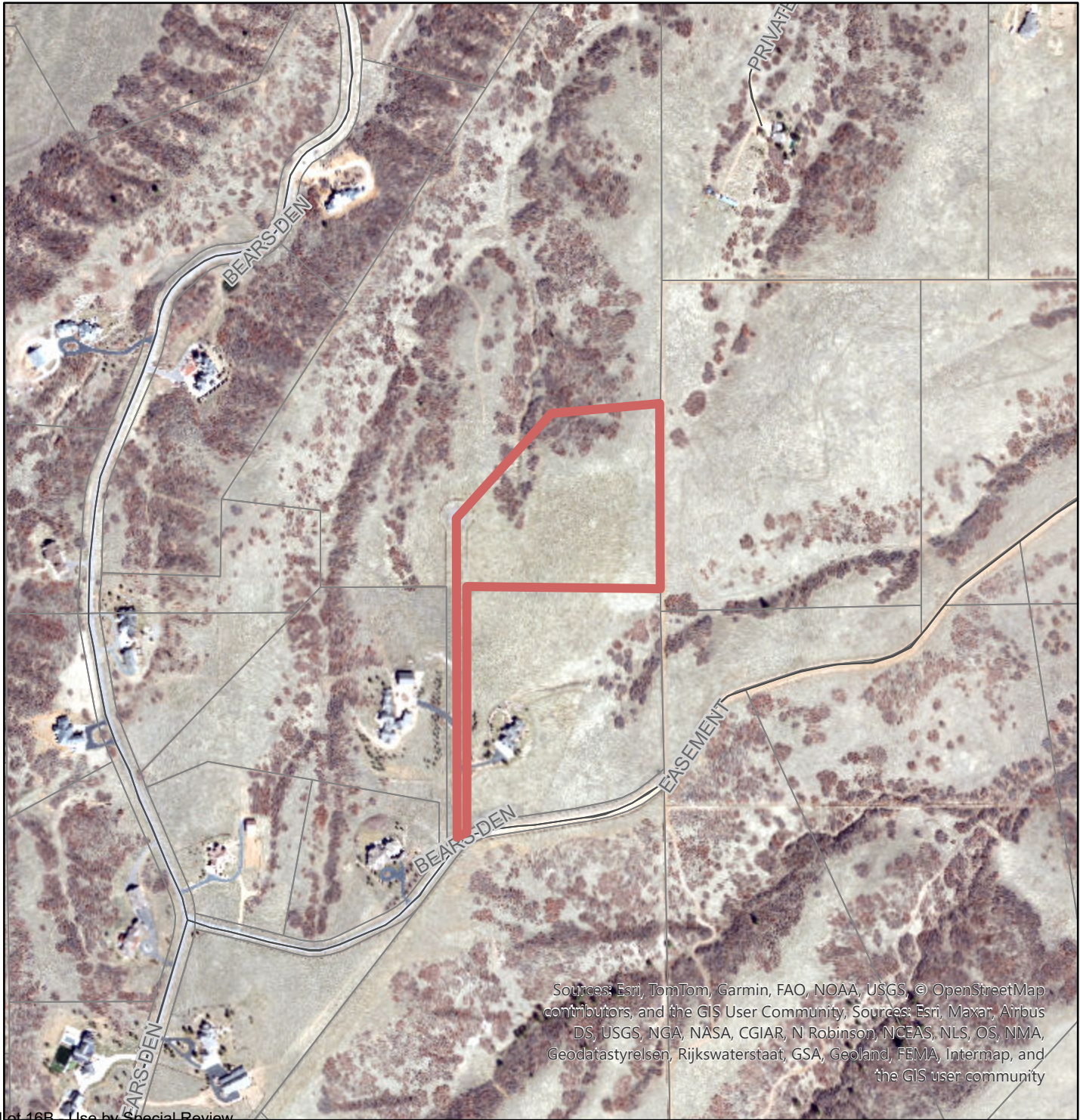
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community

Bears Den Rural Site Plan, 2nd Exemption, Lot 16B

US2025-012
Aerial Map



- LEGEND
- Roads
 - Major Roads
 - ▭ Parcels - PARCELS



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community. Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community

Referral Agency Response Report**Page 1 of 2****Project Name:** Bears Den Rural Site Plan, 2nd Exemption, Lot 16B**Project File #:** US2025-012**Date Sent:** 07/17/2025**Date Due:** 08/07/2025

Agency	Date Received	Agency Response	Response Resolution
Addressing Analyst	07/22/2025	No Comment:	No response necessary
Assessor	07/29/2025	Received: None	No response necessary
AT&T Long Distance - ROW		No Response Received:	No response necessary
Black Hills Energy		No Response Received:	No response necessary
Building Services	07/18/2025	No Comment:	No response necessary
CenturyLink		No Response Received:	No response necessary
Comcast		No Response Received:	No response necessary
CORE Electric Cooperative	08/07/2025	No Comment:	No response necessary
Engineering Services	08/07/2025	Received: Please submit a GESC Plan and OPC	Applicant provided the requested information. It is currently under review by Engineering Services.
Indian Creek Ranch Improvement Association		No Response Received:	No response necessary
Mile High Flood District		No Response Received:	No response necessary
Office of Emergency Management	07/17/2025	No Comment:	No response necessary
Sheriff's Office	07/22/2025	Received: Deputy Jeff Pelle reviewed this request regarding security, keeping Crime Prevention Through Environmental Design (CEPTD) concepts in mind; no comments or concerns were noted at this time.	No response necessary
Sheriff's Office E911		No Response Received:	No response necessary
West Douglas County FD		No Response Received:	No response necessary

Referral Agency Response Report**Page 2 of 2****Project Name:** Bears Den Rural Site Plan, 2nd Exemption, Lot 16B**Project File #:** US2025-012**Date Sent:** 07/17/2025**Date Due:** 08/07/2025

Agency	Date Received	Agency Response	Response Resolution
Xcel Energy-Right of Way & Permits	07/31/2025	Received: Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the application for Use by Special Review for a "kennel" to keep tropical birds as household pets and currently has no apparent conflict. Please be aware PSCo owns and operates existing natural gas distribution facilities along Bears Den Trail. The property owner/developer/contractor must complete the application process for any new natural gas service, or modification to existing facilities via xcelenergy.com/InstallAndConnect . It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. If additional easements need to be acquired by separate PSCo document, a Right-of-Way Agent will need to be contacted by the Designer. As a safety precaution, PSCo would like to remind the developer to dial 811 for utility locates prior to construction.	Information forwarded to applicant.

REFERRAL RESPONSE REQUEST

 Date Sent: July 17, 2025

 Comments due by: **August 7, 2025**

Project Name:	Bears Den Rural Site Plan, 2 nd Exemption, Lot 16B
Project File #:	US2025-012
Project Summary:	The applicant requests approval of a Use by Special Review for a "kennel" to keep tropical birds as household pets. The birds will be kept inside a to be constructed barn and will not be open to the public.

Information on the identified development proposal located in Douglas County is enclosed. Please review and comment in the space provided.

☐ No Comment	
☒ Please be advised of the following concerns: Please submit a GESD Plan and OPC	
☐ See letter attached for detail.	
Agency: PW - Engineering	Phone #: (303) 660-7490
Your Name: Jacob Gabel (please print)	Your Signature: 
	Date: 8/7/2025

Agencies should be advised that failure to submit written comments prior to the due date, or to obtain the applicant's written approval of an extension, will result in written comments being accepted for informational purposes only.

Sincerely,

Trevor Bedford, AICP, Project Planner

Enclosure



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.285.6612
violeta.ciocanu@xcelenergy.com

July 31, 2025

Douglas County Planning Services
100 Third Street
Castle Rock, CO 80104

Attn: Trevor Bedford

Re: Bears Den Rural Site Plan, 2nd Exemption, Lot 16B, Case # US2025-012

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the application for Use by Special Review for a "kennel" to keep tropical birds as household pets and currently has **no apparent conflict**.

Please be aware PSCo owns and operates existing natural gas distribution facilities along Bears Den Trail.

The property owner/developer/contractor must complete the application process for any new natural gas service, or modification to existing facilities via xcelenergy.com/InstallAndConnect. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details.

If additional easements need to be acquired by separate PSCo document, a Right-of-Way Agent will need to be contacted by the Designer.

As a safety precaution, PSCo would like to remind the developer to dial 811 for utility locates prior to construction.

Violeta Ciocanu (Chokanu)
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-285-6612 – Email: violeta.ciocanu@xcelenergy.com

Bears Den Rural Site Plan, 2nd Exemption, Lot 16B

SECTION 27 & 34, TOWNSHIP 7 SOUTH RANGE 68 WEST
OF THE 6TH P.M., DOUGLAS COUNTY, COLORADO.
TOTAL AREA 12.21 ACRES, PERMIT AREA 1.06 ACRES
USR - PLAN EXHIBIT
US2025- 012

Use USR Approval Certificate, Section 2112.04

MANAGEMENT PLAN

NUMBER OF CLIENTS/BOARDERS/PARISHIONERS/ANIMALS:
There will be no clients or ~~boarders~~. There will be 60 small tropical birds in the Toucan (Ramphastidae) family.
boarders The birds are personal household pets of the property owner.

HOURS OF OPERATION:
The Aviary will be in operation 24/7. It will not be open to the public.

NUMBER OF EMPLOYEES:
The Aviary will be operated by the family with no employees.

REQUIRED OUTSIDE STORAGE/PARKING/LOADING AREAS:
There will be no outside parking, storage or loading areas required.

PERMIT REQUIREMENTS FROM OTHER, STATE, FEDERAL AND/OR LOCAL AGENCIES:
Since the building will house more than 30 birds, it will require a license as a bird breeding facility by the Colorado Department of Agriculture per the Pet Animal Care Facilities Act (PACFA).

METHOD OF PROVIDING FIRE PROTECTION:
Fire protection will be as required by the West Douglas Fire Protection District.

OTHER OPERATIONAL ELEMENTS NECESSARY TO ADDRESS POTENTIAL IMPACTS FOR THE SPECIFIC SPECIAL USE
There are no special elements required for this specific special use.

Up to ____ birds may be sold per year.

SITE DATA TABLE		
ITEM	SQUARE FOOTAGE	% OF PERMIT SITE
Lot Area	531,868	
USR Permit Area	46,055	100.0
* PROPOSED ASPHALT	7,515	16.3
* PROPOSED AVIARY	5,049	11.0
HARDSCAPE TOTAL	12,564	27.3
* LANDSCAPE AREA (SEED & MULCH)	32,925	71.5
* PARKING ONE SPOT PROVIDED FOR OWNER USE ONLY		



VICINITY MAP

Scale: 1"=2000'

OWNER:

WAGNER COLORADO RESIDENCE TRUST
15034 CATHEDRAL FALLS DRIVE
CYPRESS, TEXAS 77429

BUILDER

GRAY CONSTRUCTION
7505 VILLAGE SQUARE DRIVE, SUITE 202
CASTLE PINES, CO 80108
DOUGLAS COUNTY, COLORADO.
PHONE: (303)-660-0121

REPRESENTATIVE:

DAVID E. ARCHER & ASSOCIATES, INC.
105 WILCOX STREET
CASTLE ROCK CO 80104
PHONE: (303)-688-4642
FAX: (303)-688-4675

LEGAL DESCRIPTION:

5170 BEARS DEN TRAIL
LOT 16B, BEARS DEN RURAL SITE PLAN
EXEMPTION, 17TH AMENDMENT, DOUGLAS CO

UNCC

CALL UTILITY NOTIFICATION
CENTER OF COLORADO
1-800-922-1987
CALL 2-BUSINESS DAYS IN ADVANCE
BEFORE YOU DIG, GRADE, OR EXCAVATE
FOR THE MARKING OF UNDERGROUND
MEMBER UTILITIES.

SHEET INDEX

SHEET 1 of 4 = TITLE SHEET
SHEET 2 of 4 = SITE PLAN
SHEET 3 of 4 = GRADING PLAN
SHEET 4 of 4 = BUILDING ELEVATIONS

APPROVAL CERTIFICATE

THIS SITE IMPROVEMENT PLAN HAS BEEN REVIEWED AND FOUND TO BE COMPLETE AND IN ACCORDANCE WITH DOUGLAS CO. REGULATIONS.

Engineering Services _____ Date _____

Planning Services _____ Date _____

- Failure to obtain a building permit within three (3) years after the date of SIP approval, as noted on the Notice of Action - Final Status, shall cause the unbuilt portion of this SIP to be null and void, unless an extension was granted.
- Acceptance of site construction drawings by the Douglas County Engineering Services shall be required (as applicable) prior to issuance of building permits. Acceptance of site construction drawings expires three (3) years after the date of signature.
- Signs shown hereon are NOT approved. All signs require approval of a sign permit in accordance with the Sign Standards section of the Douglas County Zoning Resolution.

The undersigned as the owner or owner.s representative of the lands described herein hereby agree(s) on behalf of himself/herself (themselves), their heirs and assigns to develop and maintain the property described hereon in accordance with this approved SIP and in compliance with the Douglas County Zoning Resolution.

Wagner Colorado Residence Trust _____

By: _____

Title: _____

Date: _____

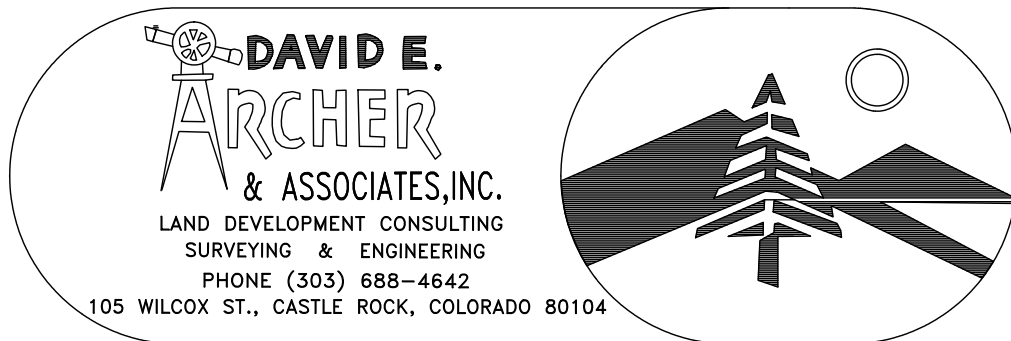
STATE OF COLORADO }
COUNTY OF _____ } SS

Acknowledged before me this _____ day of _____, 20 ____
by _____.

My commission expires: _____

Witness my hand and official seal.

Notary Public _____



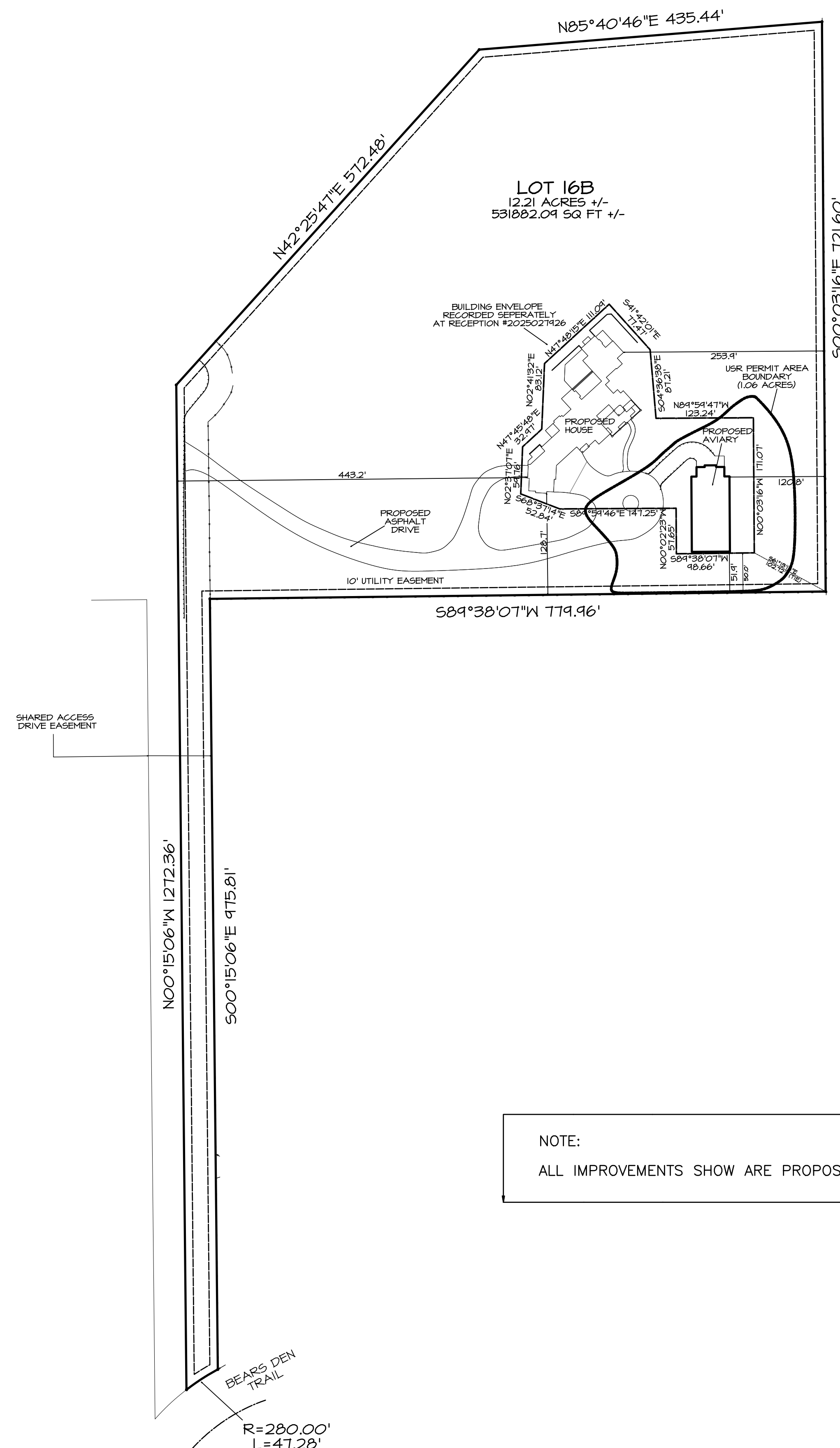
SHEET 1 OF 4

MAY, 2025

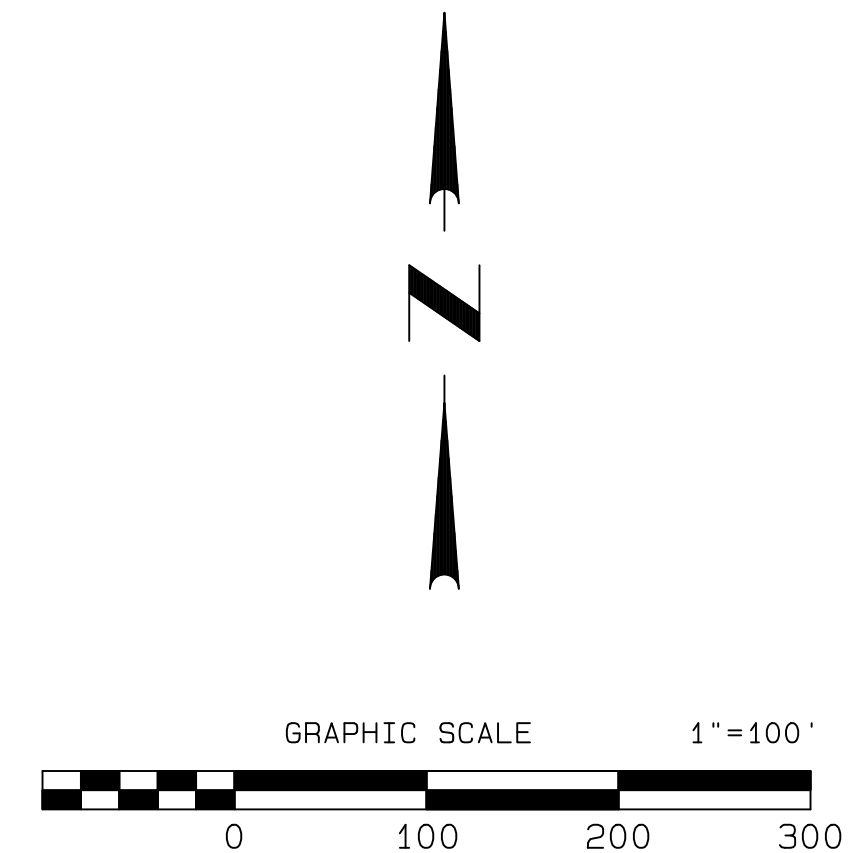
JOB NUMBER 23-0504

REVISIONS

5161 BEARS DEN TRAIL
SECTION 27 & 34, TOWNSHIP 7 SOUTH RANGE 68 WEST
OF THE 6TH P.M., DOUGLAS COUNTY, COLORADO.
TOTAL AREA 12.21 ACRES, PERMIT AREA 1.06 ACRES
USR - PLAN EXHIBIT
US2025-



NOTE:
ALL IMPROVEMENTS SHOW ARE PROPOSED.



Approval Certificate	
Planning	_____
	Initials/Date
Owner	_____
	Initials/Date

SCALE	As Noted	
DATE	07-02-25	
DR'N.	NDS	CKD. KEA
AP'VD.	KEA	
JOB NUMBER	23-0504	
Sheet	2 of 4	



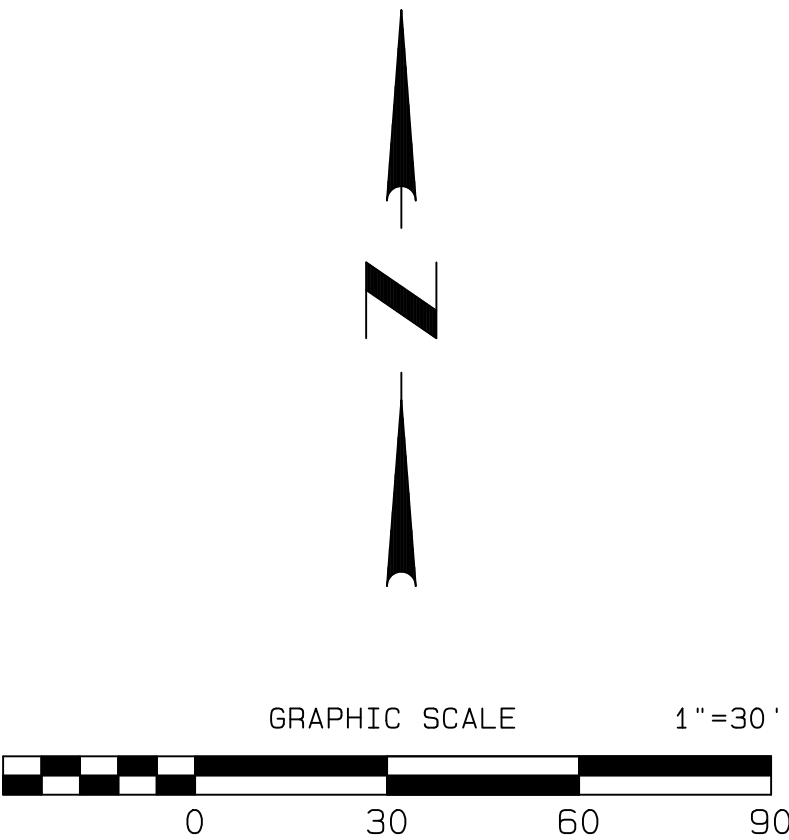
DAVID E.
 **ARCHER**
& ASSOCIATES, INC.
LAND DEVELOPMENT CONSULTING
SURVEYING & ENGINEERING
PHONE (303) 688-4642
105 WILCOX ST. CASTLE ROCK, COLORADO

5161 BEARS DEN TRAIL
SECTION 27 & 34, TOWNSHIP 7 SOUTH RANGE 68 WEST
OF THE 6TH P.M., DOUGLAS COUNTY, COLORADO.

USR - SITE PLAN

USR - SITE PLAN

5161 BEARS DEN TRAIL
SECTION 27 & 34, TOWNSHIP 7 SOUTH RANGE 68 WEST
OF THE 6TH P.M., DOUGLAS COUNTY, COLORADO.
TOTAL AREA 12.21 ACRES, PERMIT AREA 1.06 ACRES
USR - PLAN EXHIBIT
US2025-



- = FINISH GRADES
- = EXISTING CONTOURS

NOTE:
DESC SUBMITTED SEPARATELY
ARE FADDED BACK.

DOUGLAS COUNTY BENCHMARK:
DCBM 2.021081
ELEVATION = 5915.71 (NAVD88)

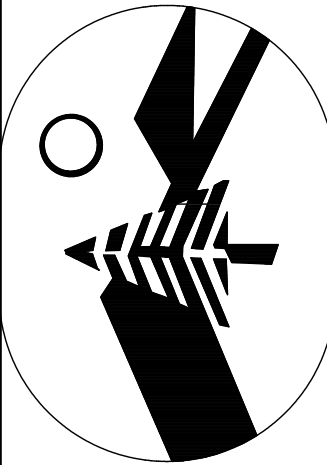
NOTE:
ALL IMPROVEMENTS SHOW ARE PROPOSED.

Approval Certificate	
Planning	Initials/Date
Owner	Initials/Date

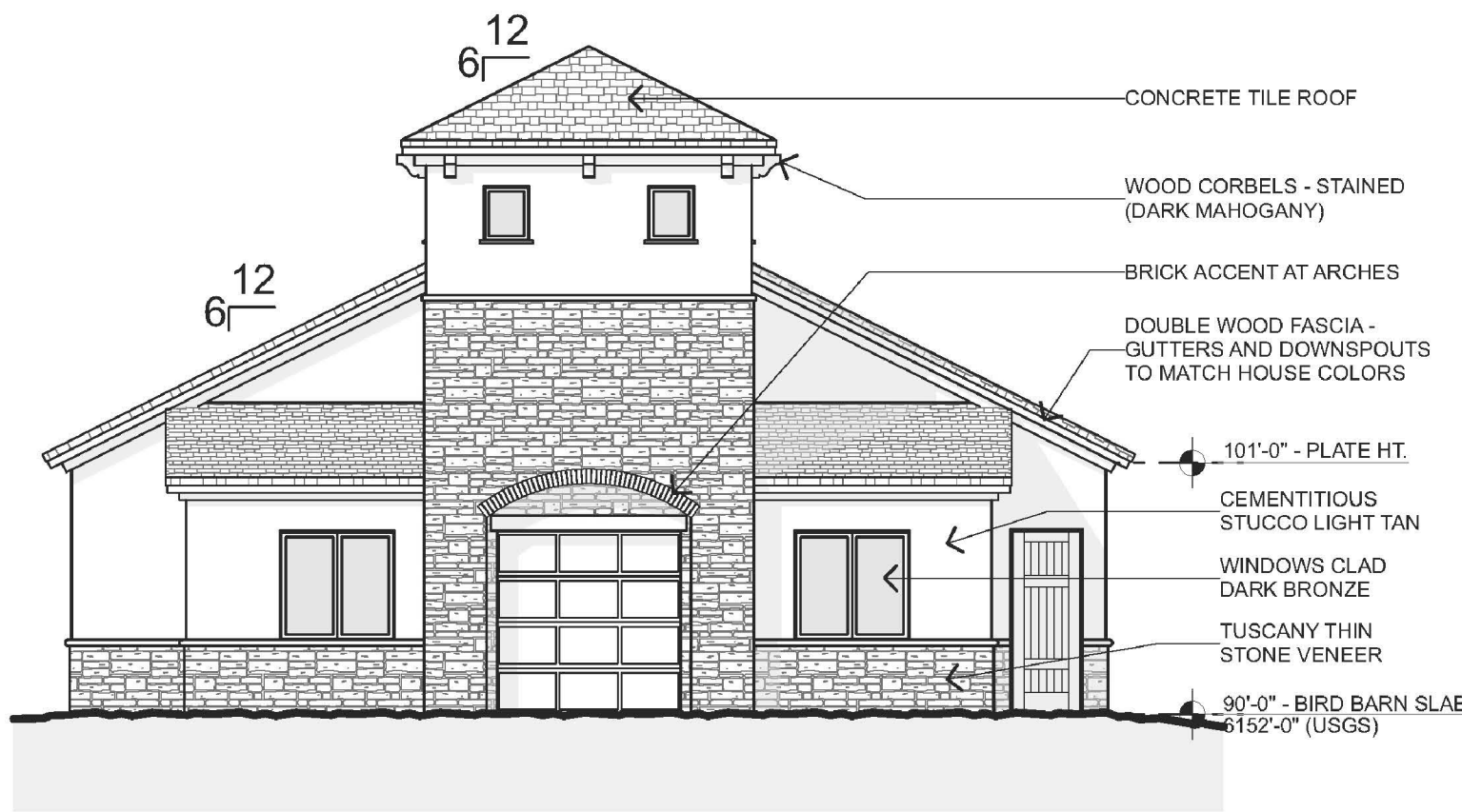
SCALE	As Noted
DATE	07-02-25
DRN.	NDS
AP'VD.	KEA
JOB NUMBER	23-0504
Sheet	3 of 4

5161 BEARS DEN TRAIL
SECTION 27 & 34, TOWNSHIP 7 SOUTH RANGE 68 WEST
OF THE 6TH P.M., DOUGLAS COUNTY, COLORADO.
USR - SITE & GRADING PLAN DETAILS

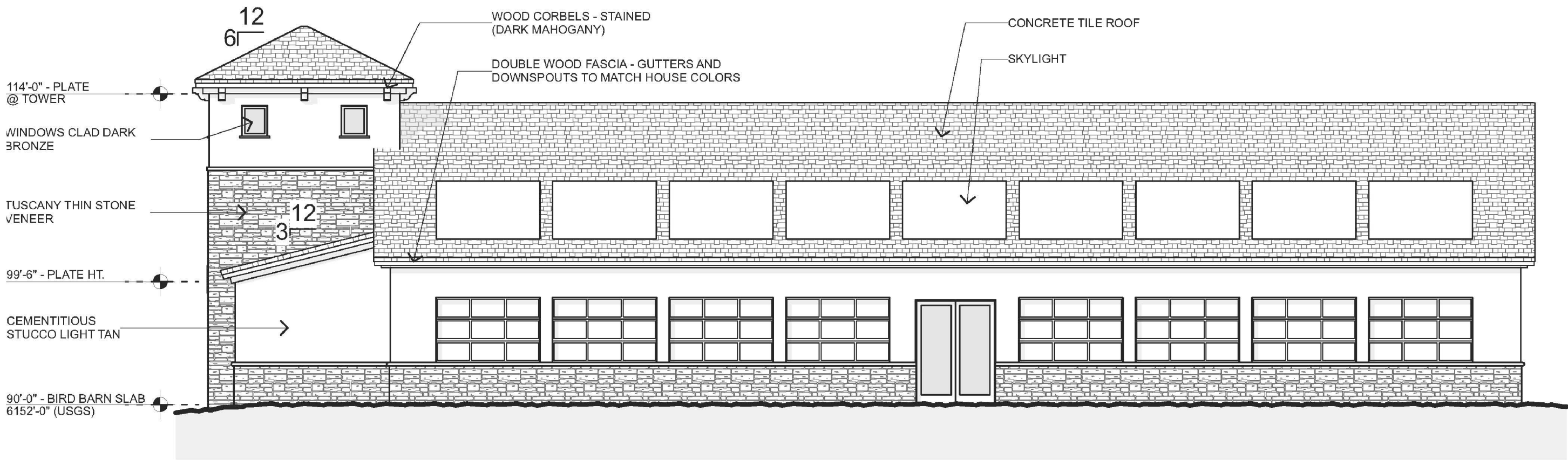
DAVID E. ARCHER & ASSOCIATES, INC.
LAND DEVELOPMENT CONSULTING
SURVEYING & ENGINEERING
105 WILCOX ST. CASTLE ROCK, COLORADO 80104



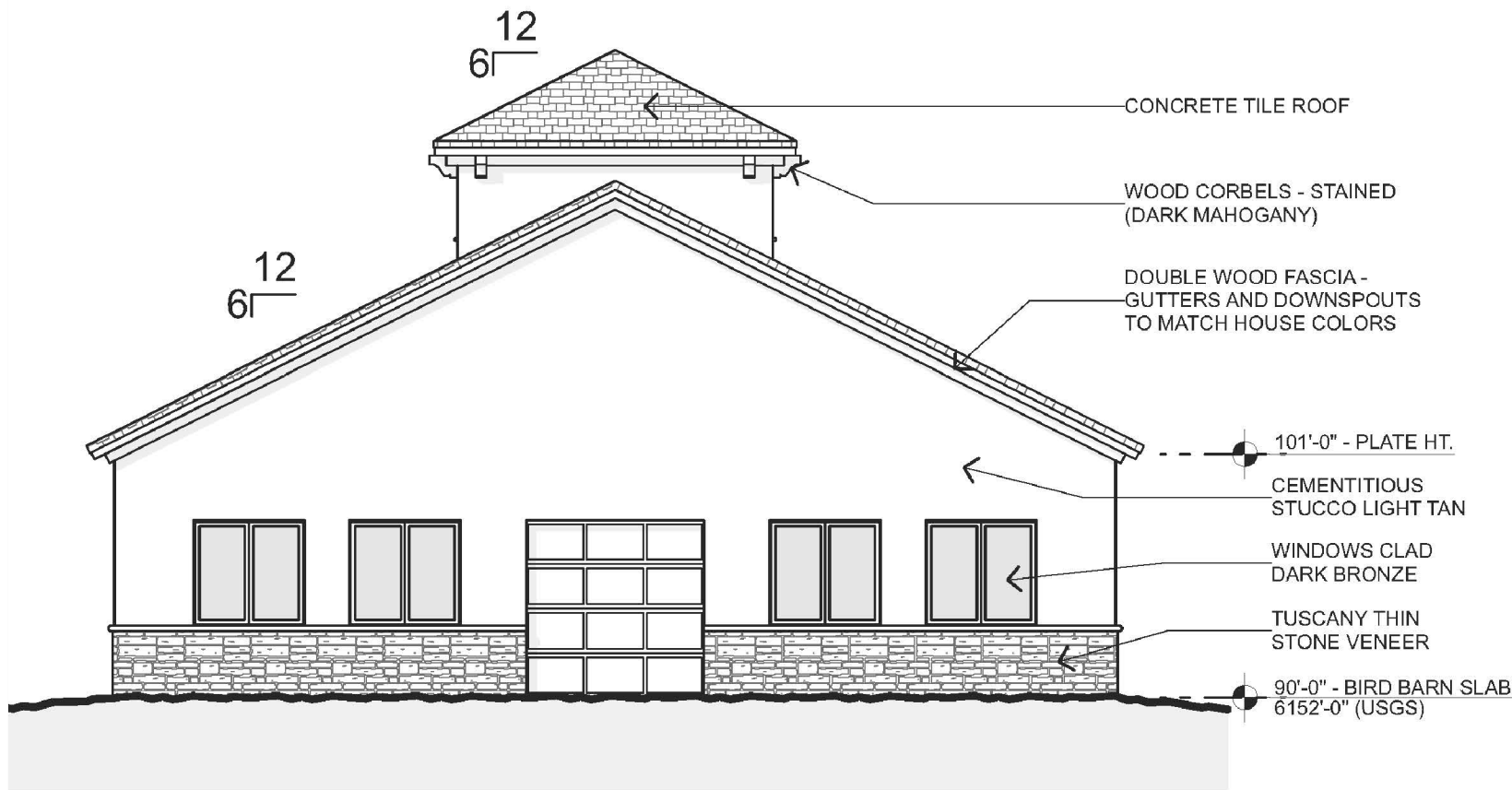
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US2025-



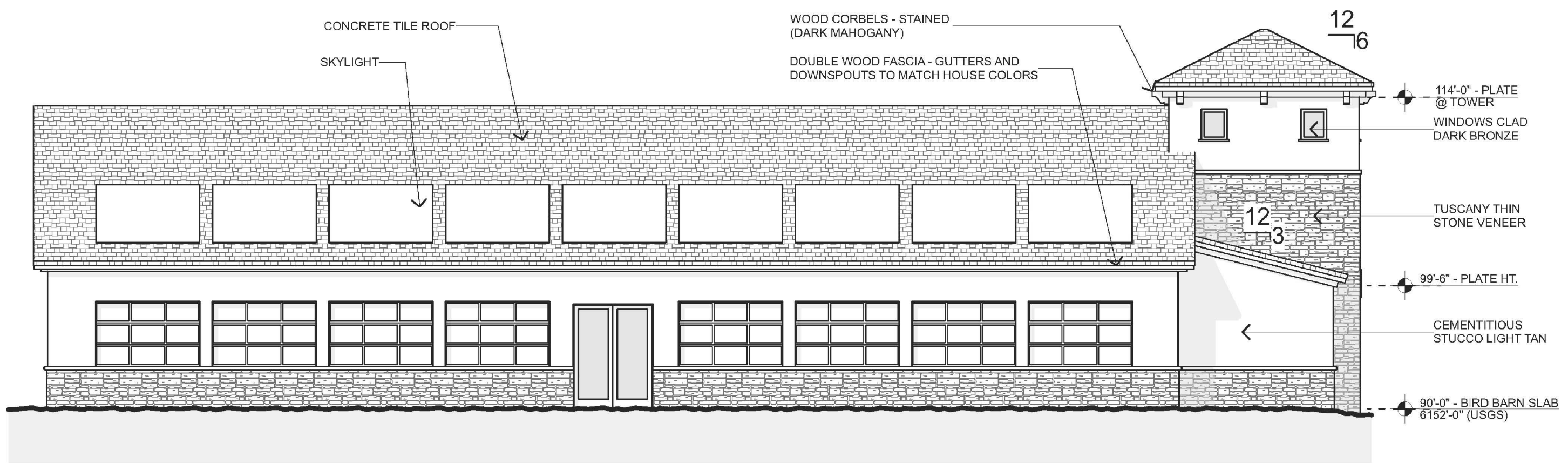
5 Bird Barn - North Elevation
SCALE: 1/8" = 1'-0"



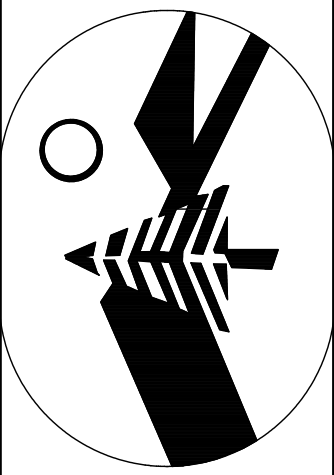
3 Bird Barn - West Elevation
SCALE: 1/8" = 1'-0"



6 Bird Barn - South Elevation
SCALE: 1/8" = 1'-0"



4 Bird Barn - East Elevation
SCALE: 1/8" = 1'-0"



DAVID E.
ARCHER
& ASSOCIATES, INC.
LAND DEVELOPMENT CONSULTING
SURVEYING & ENGINEERING
105 WILCOX ST. CASTLE ROCK, COLORADO 80104

REVISIONS

5161 BEARS DEN TRAIL
SECTION 27 & 34, TOWNSHIP 7 SOUTH RANGE 68 WEST
OF THE 6TH P.M., DOUGLAS COUNTY, COLORADO.
BUILDING ELEVATIONS

Approval Certificate	
Planning	Initials/Date
Owner	Initials/Date

SCALE	As Noted
DATE	07-02-25
DRN.	NDS
APPROV.	KEA
JOB NUMBER	23-0504
Sheet	4 of 4



DAVID E. ARCHER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS & ENGINEERS

105 Wilcox Street * Castle Rock, CO 80104
PHONE (303) 688-4642 * FAX (303) 688-4675 * karcher@davidearcher.com

August 28, 2025

Job No. 23-0504

Trevor Bedford, AICP
Senior Planner
Department of Community Development
Planning Services
100 Third Street
Castle Rock, CO 80104

RE: Use by Special Review for Bears Den Rural Site Plan, 2nd Exemption, Lot 16B –
US2025-012

Response – Referral Comments

Dear Trevor:

We have received the Referral Comments on August, 212025 and we have revised the documents as requested. Our responses to those comments are as follows:

General Comments

1. A Use by Special Review for a Kennel requires a 100' setback to all property lines. The proposed building does not meet this setback. It is possible for the Board of County Commissioners to approve a lesser setback than required. If you wish to request this lower setback, please specifically discuss that in the narrative and explain why you believe the proposed setback is appropriate.

The narrative has been updated to include an explanation.

2. Please use the USR Approval Certificate rather than SIP Approval Certificate. Section 2112.04.

The approval certificate has been updated.

3. Although the number is low, it may be appropriate to mention possible bird sales in the management plan so that it is clear it is allowed. A statement similar to "Up to __#_ birds may be sold per year".

The management plan has been updated.

4. See redlined plan set for minor revisions. Update title on all pages.

The redlines have been addressed as noted on the redlines.

Referral Agencies

Engineering Services

A GESC Plan and the OPC is attached.

Trevor Bedford
August 29, 2025
Page 2 of 2

Xcel Energy

It is understood that Xcel has facilities in the area and it is the owners responsibility to apply for an application to provide natural gas.

All other Agencies had no response or comment on the project

I believe we have addressed the comments provided. Please let us know if there are any additional comments.

Thank you,

A handwritten signature in black ink, appearing to read 'K. E. Archer', with a long horizontal stroke extending to the right.

Kevin E. Archer, P.E.

BEARS DEN RURAL SITE PLAN, 2ND EXEMPTION, LOT 16B
SECTION 27 & 34, TOWNSHIP 7 SOUTH RANGE 68 WEST
OF THE 6TH P.M., DOUGLAS COUNTY, COLORADO.
TOTAL AREA 12.21 ACRES, PERMIT AREA 1.06 ACRES
USR - PLAN EXHIBIT
US2025-012

MANAGEMENT PLAN

NUMBER OF CLIENTS/BOARDERS/PARISHIONERS/ANIMALS:

There will be no clients or boarders. There will be 60 small tropical birds in the Toucan (Ramphastidae) family. The birds are personal household pets of the property owner. Up to 20 birds may be sold per year. All sales by internet with no on-site sales.

HOURS OF OPERATION:

The Aviary will be in operation 24/7. It will not be open to the public.

NUMBER OF EMPLOYEES:

The Aviary will be operated by the family with no employees.

REQUIRED OUTSIDE STORAGE/PARKING/LOADING AREAS:

There will be no outside parking, storage or loading areas required.

PERMIT REQUIREMENTS FROM OTHER, STATE, FEDERAL AND/OR LOCAL AGENCIES:

Since the building will house more than 30 birds, it will require a license as a bird breeding facility by the Colorado Department of Agriculture per the Pet Animal Care Facilities Act (PACFA).

METHOD OF PROVIDING FIRE PROTECTION:

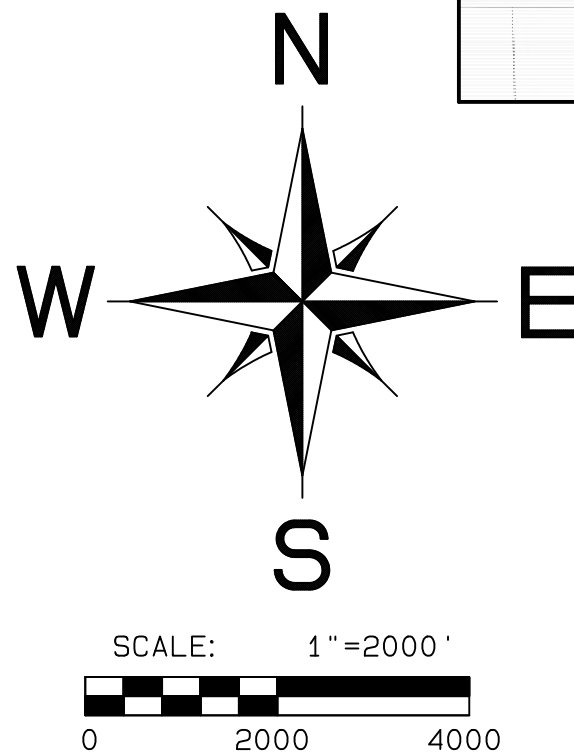
Fire protection will be as required by the West Douglas Fire Protection District.

OTHER OPERATIONAL ELEMENTS NECESSARY TO ADDRESS POTENTIAL IMPACTS FOR THE SPECIFIC SPECIAL USE

There are no special elements required for this specific special use.

SITE DATA TABLE

ITEM	SQUARE FOOTAGE	% OF PERMIT SITE
Lot Area	531,868	
USR Permit Area	46,322	100.0
* PROPOSED ASPHALT/CONC.	9,261	20.0
* PROPOSED AVIARY	4,357	9.4
HARDSCAPE TOTAL	13,618	29.4
* LANDSCAPE AREA (SEED & MULCH)	32,704	70.6
* PARKING ONE SPOT PROVIDED FOR OWNER USE ONLY		



VICINITY MAP

Scale: 1"=2000'

OWNER:

WAGNER COLORADO RESIDENCE TRUST
15034 CATHEDRAL FALLS DRIVE
CYPRESS, TEXAS 77429

BUILDER

GRAY CONSTRUCTION
7505 VILLAGE SQUARE DRIVE, SUITE 202
CASTLE PINES, CO 80108
DOUGLAS COUNTY, COLORADO.
PHONE: (303)-660-0121

REPRESENTATIVE:

DAVID E. ARCHER & ASSOCIATES, INC.
105 WILCOX STREET
CASTLE ROCK CO 80104
PHONE: (303)-688-4642
FAX: (303)-688-4675

LEGAL DESCRIPTION:

5170 BEARS DEN TRAIL
LOT 16B, BEARS DEN RURAL SITE PLAN
EXEMPTION, 17TH AMENDMENT, DOUGLAS CO

UNCC

CALL UTILITY NOTIFICATION
CENTER OF COLORADO
1-800-922-1987

CALL 2-BUSINESS DAYS IN ADVANCE
BEFORE YOU DIG, GRADE, OR EXCAVATE
FOR THE MARKING OF UNDERGROUND
MEMBER UTILITIES.

APPROVAL CERTIFICATE

THE USE BY SPECIAL REVIEW AS DEPICTED HEREON WAS APPROVED BY THE
BOARD OF COUNTY COMMISSIONERS ON _____, 20____.

Director of Community Development

- The use by special review is subject to yearly review, or as otherwise defined by the Board of County Commissioners as part of its approval of the use by special review, to ensure compliance with the approval standards and conditions of approval.
- Construction shall commence pursuant to the use by special review within 3 years from the date of approval, or within the extended effective approval period, or the use by special review shall terminate.
- The use by special review shall terminate when the use of the land changes or when the time period established by the Board of County Commissioners through the approval process expires. The owner shall notify the Zoning Division of a termination of the use. When the Zoning Division is notified of a termination of use or observes that the use has been terminated during the annual review, a written notice of termination shall be sent to the landowner.
- Acceptance of site construction drawings by Douglas County Engineering shall be required (as applicable) prior to issuance of building permits. Acceptance of site construction drawings expires three (3) years after the date of signature.
- Signs shown hereon are NOT approved. All signs require approval of a sign permit in accordance with the Sign Standards section of the Douglas County Zoning Resolution.

The undersigned as the owner or owner's representative of the lands described herein hereby agree on behalf of itself, its successors and assigns to develop and maintain the property described hereon in accordance and compliance with this approved Plan Exhibit and the Douglas County Zoning Resolution

WAGNER COLORADO RESIDENCE TRUST

By: _____

Title: Owner

Date: _____

STATE OF COLORADO }
COUNTY OF _____ } SS

Acknowledged before me this _____ day of _____, 20____
by _____ and _____ as owners.

My commission expires: _____
Witness my hand and official seal.

Notary Public

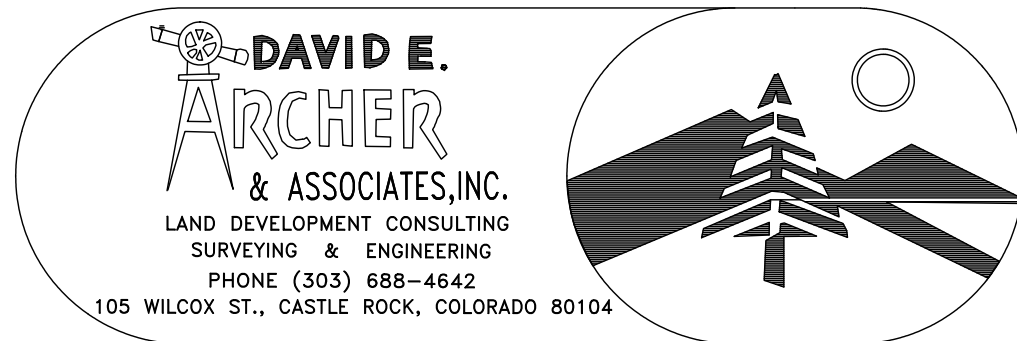
SHEET INDEX

SHEET 1 of 4 = TITLE SHEET

SHEET 2 of 4 = SITE PLAN

SHEET 3 of 4 = SITE & GRADING PLAN DETAILS

SHEET 4 of 4 = BUILDING ELEVATIONS



SHEET 1 OF 4

MAY, 2025

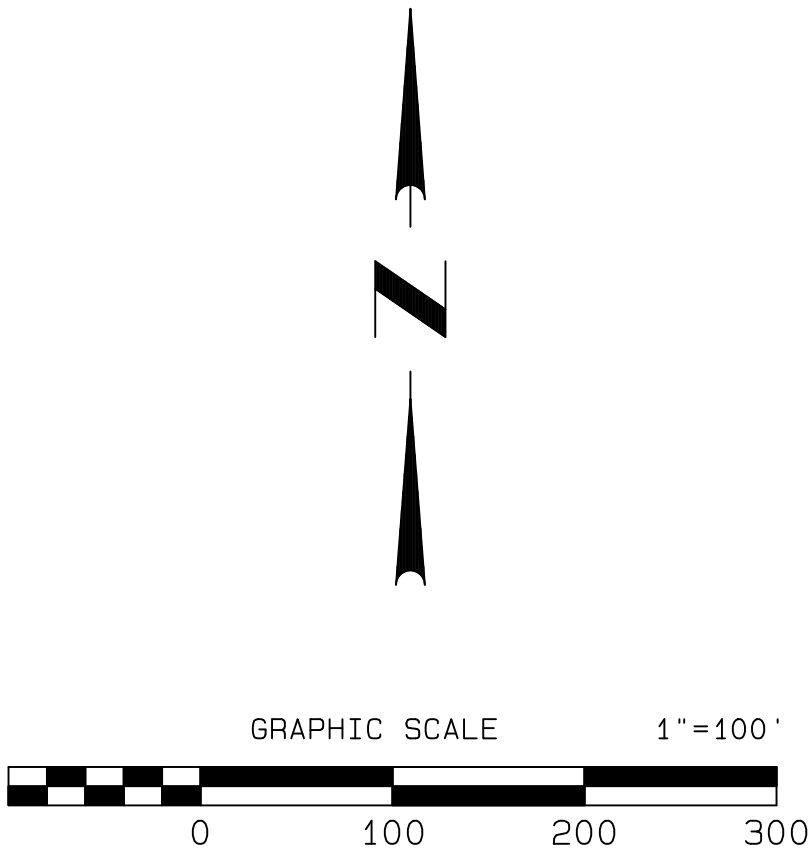
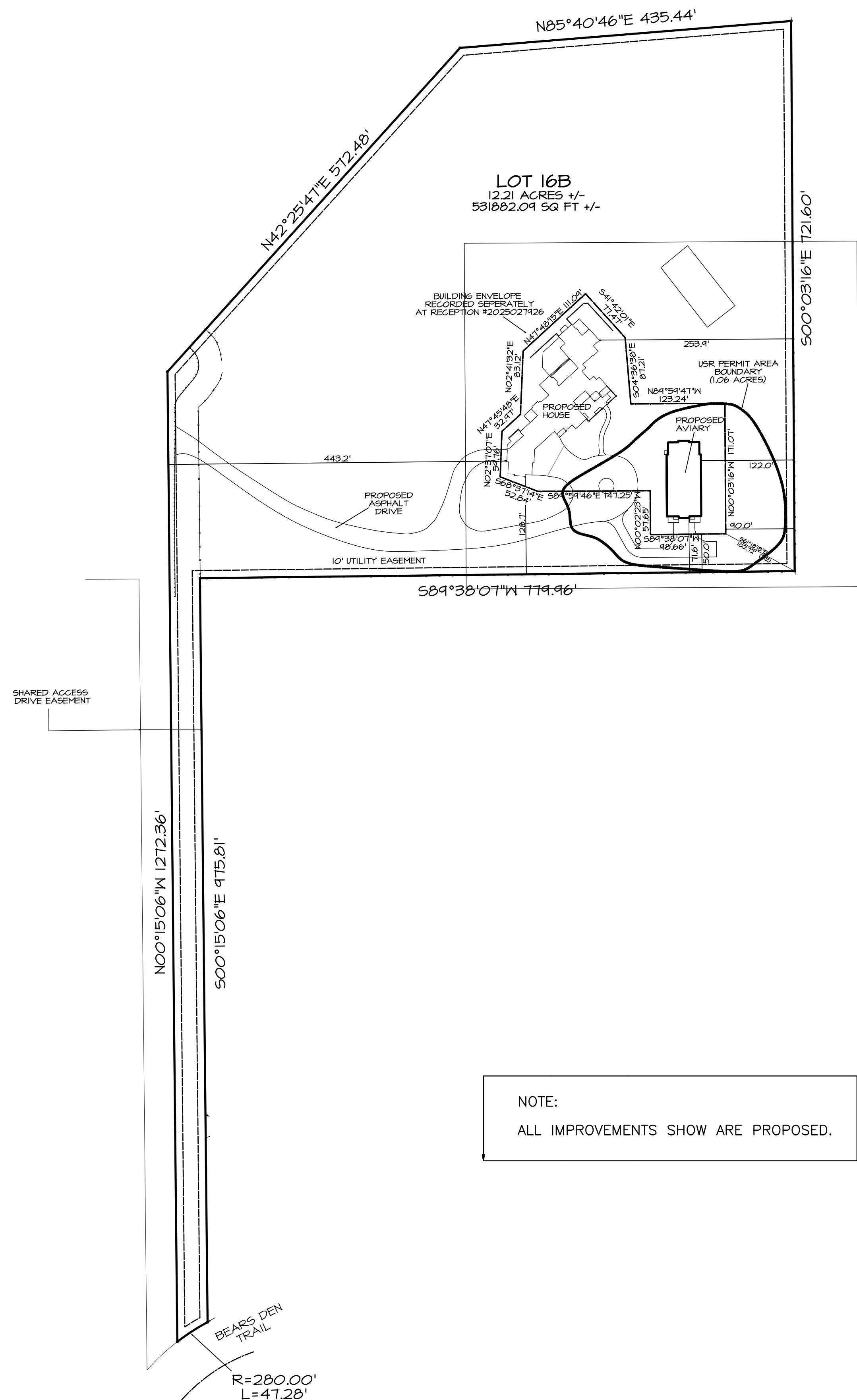
JOB NUMBER 23-0504

REVISIONS

Redline Revisions 08-11-25

Site & Bldg. Revised 9-19-25

BEARS DEN RURAL SITE PLAN, 2ND EXEMPTION, LOT 16B
SECTION 27 & 34, TOWNSHIP 7 SOUTH RANGE 68 WEST
OF THE 6TH P.M., DOUGLAS COUNTY, COLORADO.
TOTAL AREA 12.21 ACRES, PERMIT AREA 1.06 ACRES
USR - PLAN EXHIBIT
US2025-012



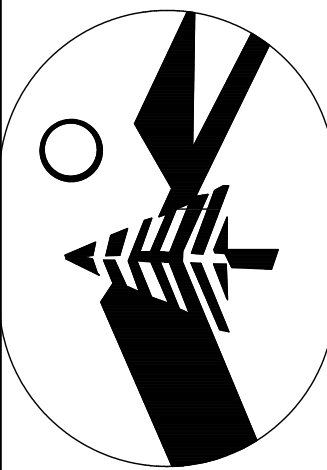
Approval Certificate	
Planning	Initials/Date
Owner	Initials/Date

5161 BEARS DEN TRAIL
SECTION 27 & 34, TOWNSHIP 7 SOUTH RANGE 68 WEST
OF THE 6TH P.M., DOUGLAS COUNTY, COLORADO.
USR - OVERALL SITE PLAN

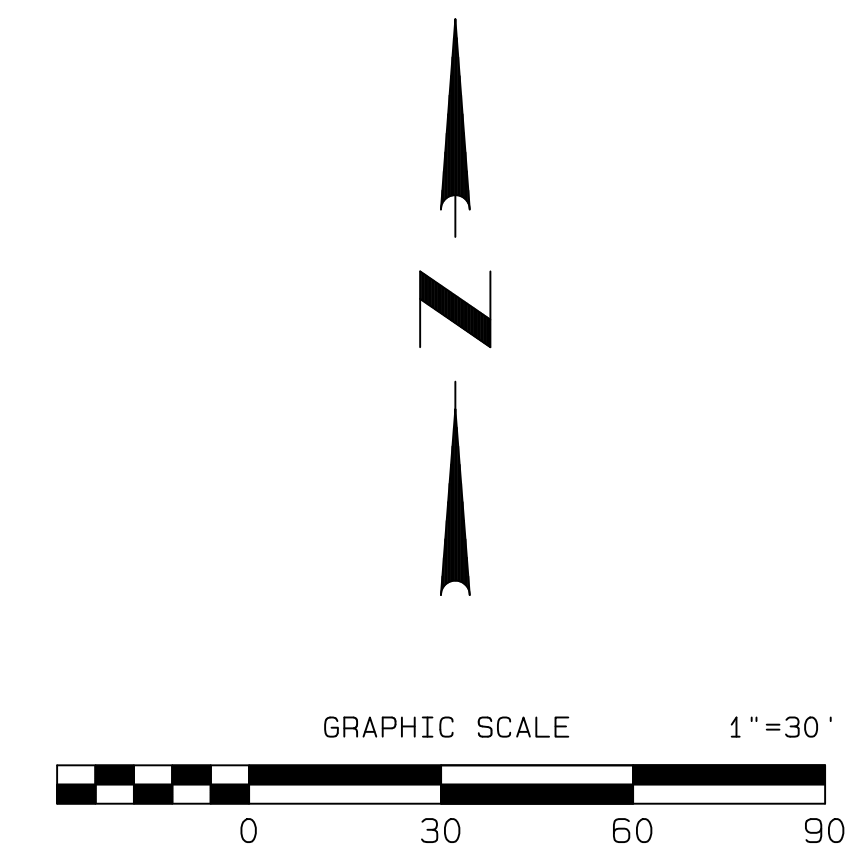
SCALE	As Noted		
DATE	07-02-25		
DRN	NDS	CKD	KEA
APVD	KEA		
JOB NUMBER	23-0504		
Sheet	2 of 4		

DAVID E. ARCHER & ASSOCIATES, INC.
LAND DEVELOPMENT CONSULTING
SURVEYING & ENGINEERING
105 WILCOX ST. CASTLE ROCK, COLORADO 80104

REVISIONS	Redline Revisions	08-11-25
	Site & Bldg.	Revised 9-19-25



BEARS DEN RURAL SITE PLAN, 2ND EXEMPTION, LOT 16B
SECTION 27 & 34, TOWNSHIP 7 SOUTH RANGE 68 WEST
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USR - PLAN EXHIBIT
US2025-012



Legend for the profile view:

- = FINISH GRADES
- = EXISTING CONTOURS

NOTE:
DESC SUBMITTED SEPARATELY
ARE FADDED BACK.

DOUGLAS COUNTY BENCHMARK:
DCBM 2.021081
ELEVATION = 5915.71 (NAVD88)

NOTE:
ALL IMPROVEMENTS SHOW ARE PROPOSED.

Approval Certificate	
Planning	Initials/Date
Owner	Initials/Date



DAVID E.
 **ARCHER**
& ASSOCIATES, INC.
LAND DEVELOPMENT CONSULTING
SURVEYING & ENGINEERING
PHONE (303) 688-4642
105 WILCOX ST. CASTLE ROCK, COLORADO

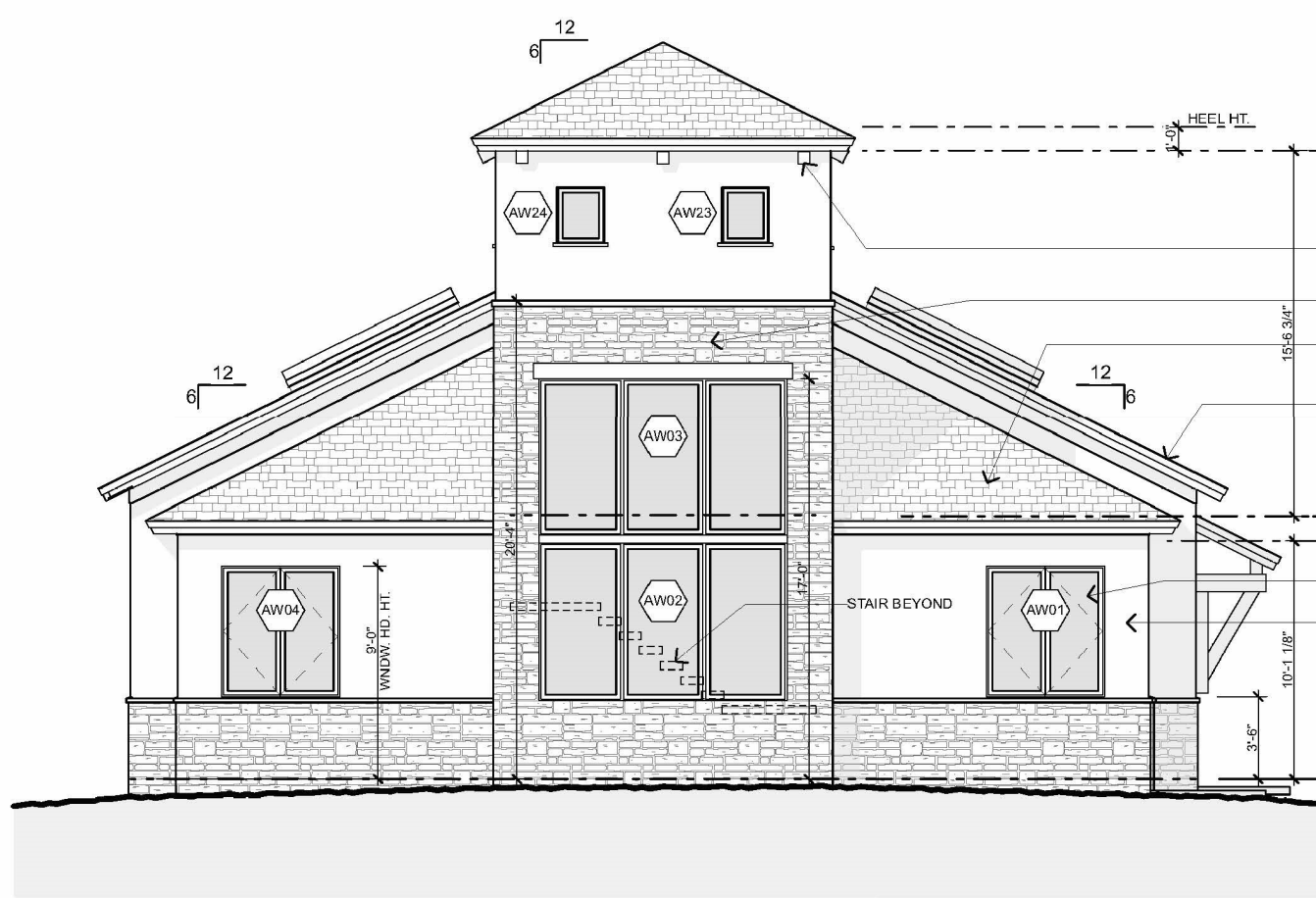
Redline Revisions
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Site & Bldg.
Revised 9-19-25

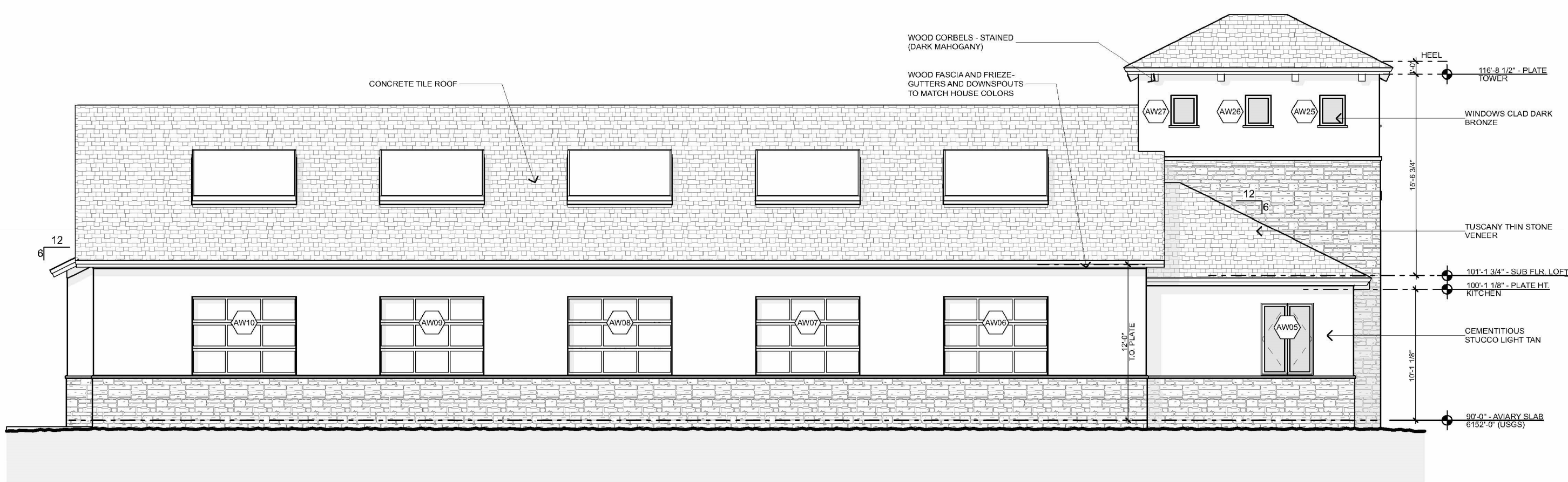
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SECTION 27 & 34, TOWNSHIP 7 SOUTH RANGE 68 WEST
OF THE 6TH P.M., DOUGLAS COUNTY, COLORADO.
USR - SITE & GRADING PLAN DETAILS

SALE	As Noted	
DATE	07-02-25	
R.N.	NDS	CKD. KEA
Q'VD.	KEA	
B NUMBER	23-0504	
Sheet	3 of 4	

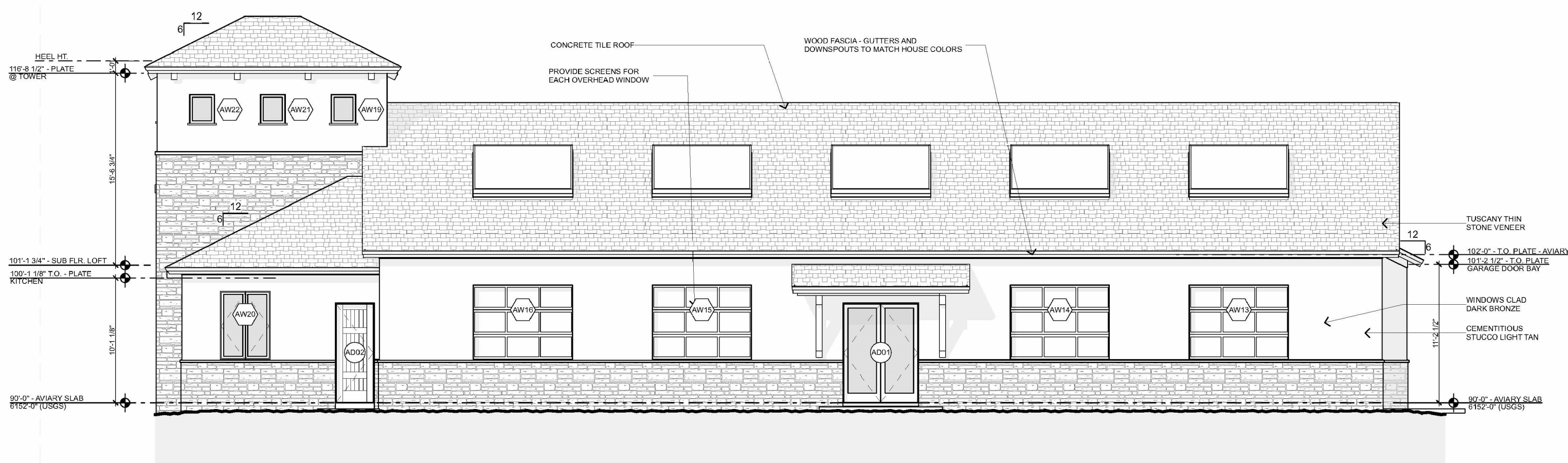
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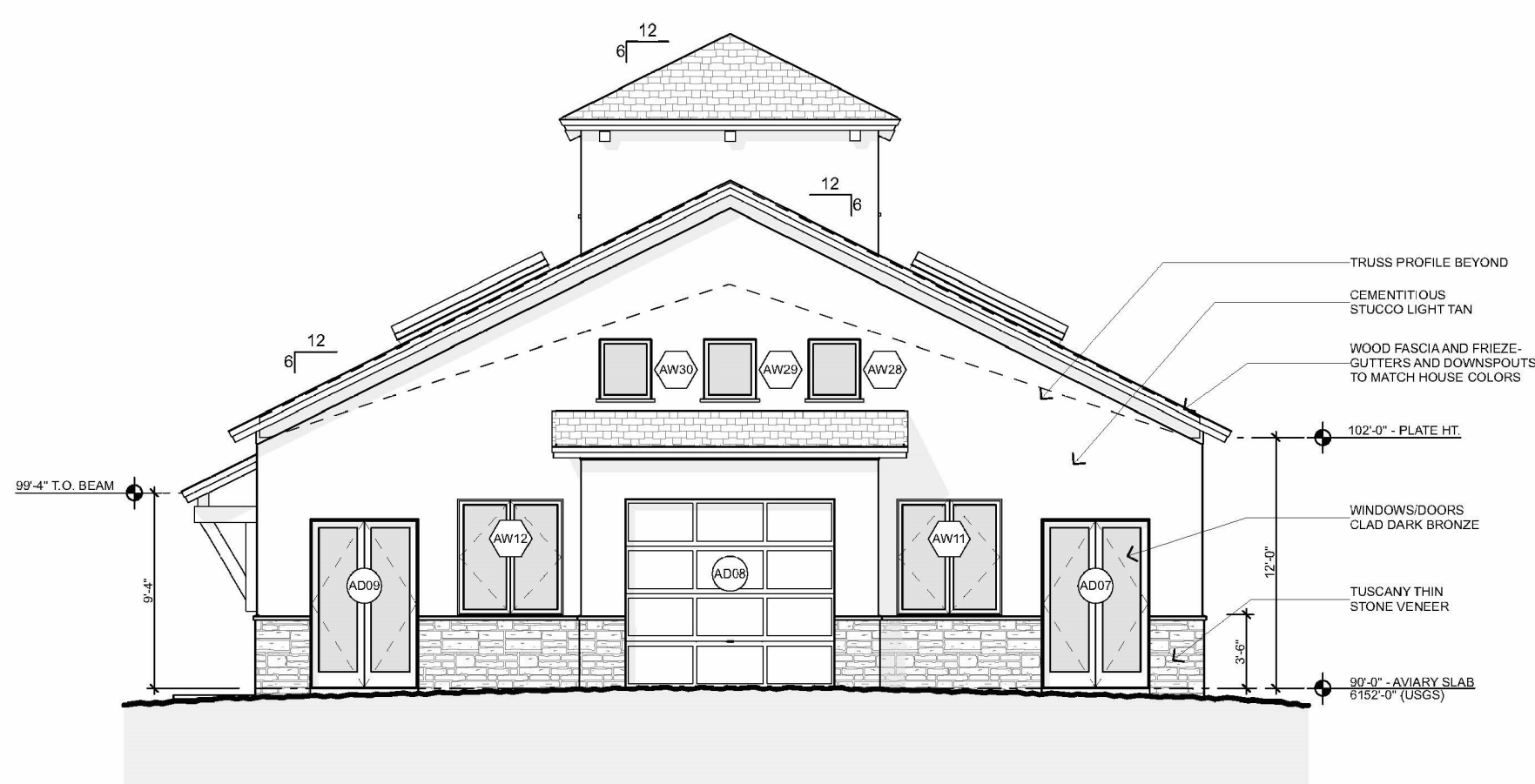
4 Aviary - North Elevation
SCALE: 1"=8.0'



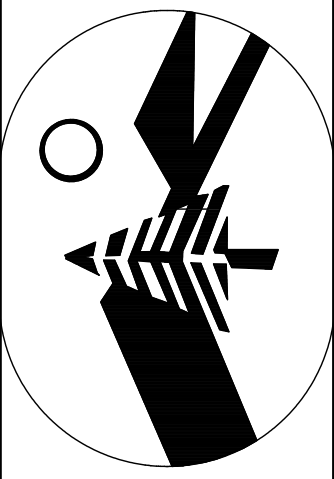
3 Aviary - East Elevation
SCALE: 1"=8.0'



2 Aviary - West Elevation
SCALE: 1"=8.0'



1 Aviary - South Elevation
SCALE: 1"=8.0'



DAVID E.
ARCHER
& ASSOCIATES, INC.
LAND DEVELOPMENT CONSULTING
SURVEYING & ENGINEERING
105 WILCOX ST. CASTLE ROCK, COLORADO 80104

REVISIONS	Redline Revisions	08-11-25
	Site & Bldg.	Revised 9-19-25

5161 BEARS DEN TRAIL
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BUILDING ELEVATIONS

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DR'N.	NDS	CKD.	KEA
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Sheet	3 of 3		