

Wolves Offered Life & Friendship

IRS Tax Exempt Status Under Section 501(c)(3)-FEI #84-1314893
Colorado Nonprofit Corporation-#19951085491
Colorado Tax Exempt Corporation-#98-14028-0000
Colorado Charitable Solicitation Certification-#20033001711
United States Dept. of Agriculture, Licensed Exhibitor-#84-C-0071
Colorado Dept of Agriculture, Licensed Animal Shelter/Rescue-#70-2597-05
Colorado Division of Wildlife, Licensed Wildlife Exhibitor Park-#05CP738
The Association of Sanctuaries, Accredited Member
American Sanctuary Association, Accredited Member
Community Shares of Colorado, Accredited Member



Wolf

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Commissioner Tom Donnelly
Commissioner Steve Johnson
Commissioner Kathay Rennels
Larimer County
Post Office Box 1190
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03 March 2009

Regarding: **Clarification of Fencing Regulations**

Dear Commissioners Donnelly, Johnson & Rennels:

I am writing to you because I am very confused with regard to fencing regulations in Larimer County. Our most recent correspondence from Jeannine Haag (see attached email) would seem to indicate that there are regulations that we are not aware of and cannot find in the code. We ourselves and through our attorneys have tried diligently to resolve this issue in the past and as of yet have received nothing that supports the demands being made of WOLF. We are not real sure how to follow regulations that are not published or available upon request. Thus, I am hoping that you will provide the clarification that we need to proceed.

The Land Use Code is very specific that a Pet Animal Facility (which is how WOLF is categorized) is an Agricultural use and that Agricultural uses are exempted from any sort of fencing permit requirements. Thus, WOLF has been under the impression that WOLF fences are exempt from that requirement. We have now been told that the Land Use Code does not apply because this requirement is a Building Code. Although we have requested a copy of the Code for which we are being held accountable, we still have not received it. My understanding is the Building Code being cited is for Residential Construction, which seems to indicate that it does not pertain to an Agricultural use.

If this Code does somehow pertain to our situation, I can see how our actions may be cause for concern by the Commissioners. However, when we began construction of those enclosures, it was our understanding that there were no regulations that should prevent their construction. Likewise, at the time construction began, we believed that the Amended Special Review would be approved without a problem. The facts that led us to that belief were:

1. WOLF had demonstrated over 7 years of harmonious existence with all of our neighbors as there were absolutely no formal complaints made. When WOLF discussed its expansion request at an informal neighborhood meeting (regarding another issue), we were told by neighbors on our road that they would not oppose our plans.
2. WOLF had demonstrated for over 7 years that it respects and has followed all of the Conditions of the Special Review and had absolutely no violations. Each year's report by the Planning Dept. to the Commissioners was exemplary and indicated full cooperation by WOLF with county officials and that no complaints had been received.

3. WOLF had been through the Planning Department's in depth Concept Technical Review for the Amended Special Review Application and the Planning Department had recommended approval. Certainly these were the folks charged with understanding all the extensive details of our Application (over 180 pages) and their recommendation indicated no problems.
4. WOLF had been through the Amended Special Review 'Neighborhood Meeting' and only one neighboring property owner who attended was opposed. This couple thought captive wolves and wolf-dogs should all be euthanized, but could give no reason why or for their opposition.

WOLF also anticipated that even if the increase in the number of animals was not approved through the Amended Special Review, there would be no issue with expanding the 5-acre area in order to spread out the 30 animals that were at the Sanctuary. This would have allowed some of the smaller enclosures on the original 5 acres to be combined and therefore give animals larger habitats. We cannot fathom how this could present an issue to anyone.

Ms. Haag indicates, in her email, that *"clearing up these two problems should be a simple matter"*. While clearing up the problem of permits on the original enclosures should be simple if we were furnished the building code provisions governing fencing on Agricultural Use lands, the problem of removing the new enclosure is far from simple and places an enormous and unnecessary burden on the WOLF organization.

Building enclosures is a lengthy and expensive process. The new enclosures took over a year and half to complete. Knowing how long they take to build, and in anticipation that our Amended Special Review application would be approved, we proceeded with construction to try to alleviate problems that were coming to a head at our temporary facility in Gilpin County and to accommodate what was in the best interest of those animals. For the reasons stated above, we did not obtain permits before beginning. Thus, on a practical level, it is impossible for us to even attempt to accommodate the county's timeframe to dismantle those enclosures. It will actually take even longer to accomplish than building did.

WOLF appreciated the County granting it the right to have the additional animals that were moved from Gilpin County for the few months that were approved. When you recently denied extending that right, WOLF incurred significant expense again to build alternative enclosures for the four "excess" animals, who were recently moved from WOLF to a temporary location. These enclosures were built in Larimer County – only to find out that there was a new rule, that is not published, which requires temporary sites that house even one animal to be approved through a Special Review. WOLF accommodated this "new rule" and built enclosures again at another temporary site for the animals outside of Larimer County. To care for these animals, at a remote location, is also an extreme burden on our limited resources both financially and in manpower.

As a small nonprofit organization dependent on volunteers, we are very labor-challenged. Based on pine beetle and wildfire concerns in Larimer County, we believe it would be much more prudent to dedicate the volunteer help we receive to forest management priorities than to dismantle the new enclosures. This is especially true when considering that there is absolutely no indication that having the additional enclosures at the Sanctuary property is violating any county ordinance or presenting any nuisance to neighbors.

As a public servant, I respectfully request that you review this situation from another perspective that might not have been considered before. I further respectfully request that whatever regulations are being used as authority for the county attorney's most recent demands be made available to WOLF. Because of the urgency of this matter, we ask that you respond by March 10, 2009, as to whether you are willing to reconsider and allow us to retain the enclosures or reach some other accord. Please feel free to email me at fwendland@wolfsanctuary.net to expedite your response. Thank you in advance for your help with these issues.

Sincerely,

A handwritten signature in blue ink that reads "Frank Wendland". The signature is written in a cursive style with a large, looping initial "F" and a trailing flourish.

Frank Wendland
Cofounder

cc: Rob Helmick, Senior Planner
Frank Lancaster, County Manager
Jeannine Haag, Assistant County Attorney
Doug Konkell, WOLF Attorney