



Commissioner Lew Gaiter III
County Commissioner, District I
P.O. Box 1190
Fort Collins, CO 80522-1190
Via: 1st Class U.S.P.S.

November 11, 2016

RE: Larimer County Staff Review-File#16-Z2038.

Dear Commissioner Gaiter:

I have been retained by a group of neighbors with regard to the proposed relocation of W.O.L.F., the (“Applicant”), from their current location in Rist Canyon to the immediate proximity of the Red Feather Highlands and Glacier View Meadows neighborhoods region of Red Feather Lakes (“Neighborhoods”). While we understand and respect the mission of the Applicant, we have serious concerns that the current proposal is inappropriate for the health and safety of the citizens who will be directly impacted. In the interest of full disclosure, this letter is written on behalf of neighborhood families, no area associations have yet formally joined this group.

I look forward to an opportunity to discuss these issues with you personally to ensure both that the communities’ best interest is safeguarded and the spirit of, and the letter of, the law are followed.

The primary concern which stands out is the disruption to the overall health and welfare of the families in the immediately surrounding area due to the inevitable howling and barking by the hybrid animals. This has been a concern which has been raised in their current location and there are considerably more homes in the proposed proximate area than their current location as further detailed below.

Several concerns are also raised by the Larimer County Staff Review titled WOLF II Special Review (“Special Review”). The time and effort that went into reviewing this proposal is appreciated. However, it is our belief that there are several concerns being marginalized or perhaps not being analyzed sufficiently.

First, a primary stated reason in the Special Review for the move is a “history of neighbor issues”. Certainly the Zoning Staff as well as the Commissioners can appreciate the futility and ensuing frustrations produced by transferring problems from one area of the county to another.

Second, as Exhibits A and B (attached) illustrate, there is significantly more density around the proposed location than the current. A fact which is further exacerbated by an additional point in the Special Review: “in this immediate area the level of activity and the general use of the site are consistent with other approved uses in the area (Boy Scouts, Girl Scouts and guest lodges). The level of activity and traffic to this site are similar to and or less than these uses.” The first two sites are 3,400 and 733 acres respectively; that simply does not correlate to the property size being considered under the proposed move at only 180 acres. It is appreciated that the Special Review does recognize and address the Red Feather Highlands and Glacier View Meadows, but it is our concern that the negative impact on those areas is downplayed. Although guest lodges do exist in the vicinity, one has to venture a speculation that if a party were to check-in with a number of hybrid animals in tow that questions and concerns might arise.

Third, the Special Review states “Negative comment based solely on number would not suggest a compatibility issue . . .”. Again, we would argue a large number of negative responses do directly correlate to a compatibility issue. I daresay we are venturing into statistics and physics, but if the property were in fact surrounded by a few large properties the relevant negative comments would be limited; here that is unquestionably not the case.

An Issues Submittal Form submitted to Colorado Parks and Wildlife dated March 26, 2013 specifically states that Ms. Coldiron representing the Applicant requested a modification to “the existing regulations to allow the Applicant to move to a new *less wildfire prone location*” (emphasis added). As we all know all too well the 2012 High Park fire was devastating, notwithstanding the incredible bravery and hard work of all our firefighters, volunteer and paid. However, the Colorado Division of Homeland Security & Emergency Management makes no such distinction between Rist Canyon and the Neighborhoods with regard to fire restrictions and bans. Please see <http://www.coemergency.com/2016/07/map-of-colorado-fire-restrictions-and.html>.

Another concern that we have is that the Colorado Division of Wildlife’ regulations C.R.S. §33-1-102 *et. seq.* governs wildlife sanctuary’s. §33-1-102(52) specifically states that a wildlife sanctuary may not “Use the animal for any type of entertainment”. Precisely what the Applicant appears to be proposing in this case under their current proposal. Colorado law does not specifically define “Entertainment”, however the I.R.S. has determined that “Entertainment includes any activity generally considered to provide entertainment, amusement, or recreation, and includes meals provided to a customer or client.” We would argue that is specifically the stated intent of the Applicant through their arguments of increased tourism, including shopping, paid tours, wedding parties and overnight camping experiences.

Further, it has previously been noted on several occasions that the Applicant failed to either recognize, or acknowledge, the nearby presence of the numerous families surrounding their proposed facility. It is fully appreciated by the Neighborhoods that Mr. Ty Petersburg, Area Wildlife Manager with Colorado Parks and Wildlife in a letter dated August 22, 2016 accurately differentiated to Mr. Helmick of the Larimer County Planning Department the importance of the proposed location as “increasingly important as a wildlife migratory route because in its current state, it is mostly

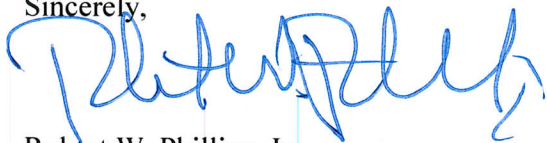
undeveloped". Mr. Petersburg continued to state that "Large residential subdivisions to the west (Red Feather Highlands) and to the southeast (Glacier View) limit migratory route options due to the presence of human activity" (emphasis added). We are concerned as this fact is contradicted in assertions by both the Special Review and by the Applicant.

Finally, at the October 15th meeting last month a drone video, as well as, a digital terrain model, were played for the audience. The drone video very conspicuously was directed away from either of the neighborhood areas in the immediate vicinity and the digital terrain model vertical exaggeration was grossly distorted to alter the appearance of the proposed location to such a degree that as a Colorado native and experienced hiker, backpacker, camper and outdoor enthusiast, I have not seen any such mountains this side of the Grand Tetons.

The families that make up the collective Neighborhoods appreciate many of these factors vary in significance with regard to specific violations of law and regulations, but the entire picture being painted by the Applicant seems to be less than transparent. The criteria used to evaluate the current proposal must include the totality of the concerns, negative impacts and the history of the Applicant in Larimer County. We request that the question be asked by the departments and agencies tasked with protecting their constituents; that if the Applicant's intentions are indeed as noble, honest and straightforward as they want all parties to believe, why make deceptive comments and raise deceptive concerns and issues and produce visuals that greatly distort the reality of the situation?

I invite any and all parties to please feel free to contact me should you have any questions or if you would like to discuss our concerns. It is fully appreciated that the mission of the Applicant is important, as is the health and well-being of the surrounding families. There are many other safety and logistical concerns that we will continue to raise and it is our hope and desire that a resolution can be achieved and a more appropriate home for the Applicant is found. I will be following up with Commissioner Gaiter to request a meeting. Thank you for your time and consideration.

Sincerely,



Robert W. Phillips, Jr.
Attorney-at-Law
Founding Partner

cc: Commissioner Tom Donnelly
Commissioner Steve Johnson
Senator Jerry Sonnenberg, Senate Chair Agriculture, Livestock & Natural Resources
Representative Edward Vigil, House Chair Agriculture, Livestock & Natural Resources
Mr. Bob Broscheid, Director Colorado Parks and Wildlife
Director Western Region U.S.D.A. - APHIS-Animal Care
Ms. Linda Hoffman, L.C. County Manager
Mr. Rob Helmick, AICP, L.C. Planning
Mr. Doug Ryan, L.C. Health Department
Mr. Clint Jones, L.C. Engineering Department