

## LION'S GATE SANCTUARY

My name is Dr. Joan Laub and my partner is Peter Winney. We are the sole owners and operators of Lion's Gate Sanctuary and have been for the last ten years.

We believe we did not receive a fair hearing from the Elbert County Board of County Commissioners. We believe our property rights were violated.

### **OUR REQUEST AND WHY**

We requested approval for a Use by Special review to re-locate Lion's Gate Sanctuary from its present location in Elbert County to another property in the same county. We own both properties and they are zoned Agricultural and are over 40 acres in size. The Elbert County zoning regulations allow for non-domestic exotic animals in the Agricultural zoning classification as a Use by Special Review. This was not a request for a change in zoning.

The reason for the proposed re-location was due to multiple incidents of flooding in 2015 and 2016. The ongoing flooding, damage, and future risks prevents us from reasonably continuing our operation and caring for our animals at the present location. Mr. Chris Kloster, the CPW Commercial Parks Manager observed the damage and supported a recommendation to the Director of CPW authorizing the move.

### **WHAT HAPPENED**

On February 2, 2017, we received a recommendation from Elbert County Community & Development Services to approve the application. It was approved because the application "met the criteria set forth in the Elbert County Zoning Regulations" and "there are no objections from other governing bodies." These governing bodies included Elbert County Sheriff's Office, Elbert County Office of Emergency Management, Elizabeth Fire Protection District, Elbert County Health and Human Services, Elbert County Engineering, Colorado Parks and Wildlife, United States Fish and Wildlife, Elbert County Community & Development Services, Colorado Division of Water Resources, Elbert County Assessor's Office, Elbert County Mapper, Elbert County Clerk and Recorder, Elbert County Building Department, Elbert County Public Works, Elbert County Treasurer's Office,

Elbert County School District 200, Kiowa Conservation District, Intermountain Rural Electric Association, and Elizabeth Consolidated School District #C-1.

On March 21, 2017, the Elbert County Planning Commission recommended approval of the application.

On April 12, 2017, we had our hearing with the Elbert County Board of County Commissioners - Danny Wilcox, Grant Thayer and Christopher Richardson. We were denied by all three commissioners.

We are profoundly disappointed in their lack of professionalism, the absence of objectivity, and their blatant disregard for the law, the staff report, and the Planning Commissioner's recommendation.

Due process was not achieved at this hearing. The Elbert County Commissioners did not take our application or the plight of our animals seriously. They did not take the safety of Elbert County residents seriously. We told them it was no longer safe to keep the animals at that location and we needed to move. Residents that live around the Sanctuary are just as important as residents that live around the proposed location.

Here are a handful of examples:

- As the chairman, Danny Wilcox did not follow procedure and, as such, did not preserve due process. For example, in the middle of our presentation, a member of the public, Jerry Mavor, whistled loudly and stood up to voice an objection. The commissioners let him speak for several minutes. He objected to the upcoming videos showing horses next to Sanctuary animals. He discredited our expert who was part of our presentation. He accused us of drugging the horses to attain the outcome we were about to show by video. Commissioner Wilcox then arbitrarily limited our expert's part of the presentation to three minutes. Commissioner Wilcox also allowed the Sheriff to speak out of order. If the sheriff wanted to give his opinion he should have done it during the public comment phase of the meeting and been limited to 3 minutes like everyone else.

- Commissioner Thayer repeatedly questioned our veracity and integrity. He accused us of having a hidden agenda that he felt “in his bones.” He went on to say he could fix the flooding problem in three hours with his little back hoe. He refused to recognize or acknowledge our attempts at remediation of the flooding problem. He repeatedly showed disrespect by referring to us as “Prairie Wind” which was the name of the Sanctuary prior to us taking over a decade ago. He completely dismissed and disregarded the video we showed of cattle and horses next to Sanctuary animals for no apparent rational reason. At one point, Commissioner Thayer called one of our supporters out by name and then attributed another person’s comment to him which is yet another example of his disregard for the truth or accuracy.
- The commissioners also appeared to be disinterested in what we had to present to them. For example, a signed letter from Senator Jack Tate was not even publically acknowledged. The commissioners responded to many of our answers with disdain. The same questions were asked over and over indicating they did not like or accept our answers. Commissioner Thayer asked us multiple times how this application was different than the one in 2006. He openly dismissed our answers. Commissioner Wilcox showed a lack of respect for our CPW license when he questioned and challenged our ability to responsibly re-locate our animals. Commissioner Wilcox is certainly entitled to ask about our experience but he ignored the fact that we have an untarnished safety record and 40 years of experience between the two of us.
- Commissioner Richardson cited the lack of a safety plan as a concern and reason for denial. He failed to see that the Sherriff’s Department had no comment as a referral agency. In fact, we initiated discussion of a safety plan and it was going to be a condition of approval. It was a work in progress to be completed if approved.
- There were multiple incidences where Commissioner Wilcox exercised no control over the meeting and therefore, disrespected the process. For example, he allowed heckling and people talking when we or a supporter was at the podium. He repeatedly allowed the public to make comments from their seats and not from the podium. When public comment was over, our neighbor Al Litwak continued to

voice his opposition and he was invited by Commissioner Wilcox to go to the podium. Supporters spoke out in protest saying they also had more to say. It was then, and only then, that Commissioner Wilcox said “no” to Mr. Litwak.

- When supporters were speaking, people opposing us were walking up to the commissioners and handing out information. The commissioners were distracted each time and began reading the hand out rather than listening to the person at the podium.

We were given the opportunity to respond to the neighbor’s lies and mud-slinging and we chose not to. We believed that the Commissioners’ decision would be based on the law and the facts that were presented to them in the presentation and at their site visit. Sadly, the decision to deny our application was made on unsubstantiated lies and unfounded fears. The commissioners made a decision based upon emotion, and not the law. The “not in my backyard” crowd controlled the meeting and the outcome.

As a result, 11 innocent animals paid the price.

In contrast to the commissioners we do take safety seriously. With the start of the flooding again last week we had no other option to protect the safety of the animals and the public. Our animals were humanely euthanized on April 20, 2017.

You can view the entire hearing on You Tube and see for yourselves.

Please understand that the small group with the “mob mentality” that spoke out against us are cowards and do not represent all of Elbert County’s citizens.



## VICTIMS OF ELBERT COUNTY COMMISSIONERS

### ATLAS



**ZURI**





## KENYA



**MINA**



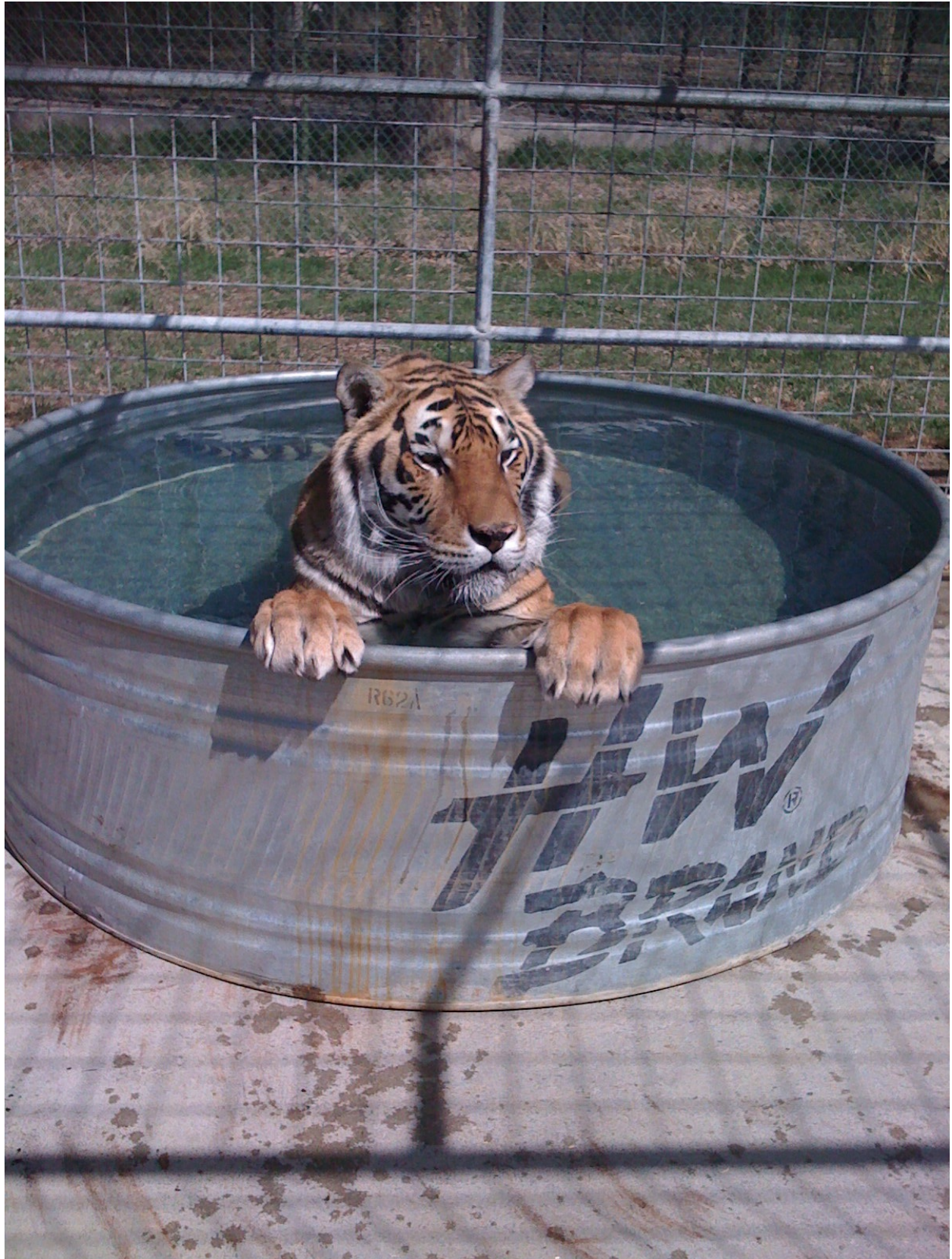


**NATASHA**





**DUKE**





**LORETTA**



**CHOLO**





**JOSIE**



## SCOOTER





**BUBBA**

