


**EL PASO COUNTY**  
**COLORADO**

**COMMISSIONERS:**  
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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**To: Board of County Commissioners**  
**Stan Vanderwerf, Chair**

**From: Mindy Madden, Strategic Services Manager**  
**Craig Dossey, Executive Director**

**Re: APPCE-21-004**  
**Parcel No.: 24180-01-003**

**Subject: Appeal of a decision made by the Executive Director of the Planning and Community Development Department to issue an executive determination to authorize the Office of the County Attorney to proceed with litigation.**

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Tara M. Heinze 24215 State Highway 94 Calhan, CO 80808	Tara and Allen Heinze 24215 State Highway 94 Calhan, CO 80808

**Issue:**

An appeal by Tara and Allen Heinze of a decision made by the Executive Director of the Planning and Community Development Department (PCD) to issue an executive determination authorizing the Office of the County Attorney (OCA) to proceed with litigation pursuant to Section 6 of El Paso County Ordinance No. 18-02: Prohibiting the Accumulation of Rubbish and Section 11.3.2 (A) of the El Paso County Land Development Code. The ten (10) acre property is zoned A-5 (Agricultural) and is located approximately 0.39 miles east of North Ellicott Highway on the south side of State Highway 94. (Parcel No. 24180-01-003) (Commissioner District No. 4).

**Procedure:**

Staff shall first present the item and provide testimony and evidence. The appellant(s) shall then be given an opportunity to address the Board of County Commissioners

2880 INTERNATIONAL CIRCLE, SUITE 110  
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127  
 FAX: (719) 520-6695

("Board") and present any testimony and/or evidence. The Board may then ask any final questions of staff or the appellant(s) prior to rendering a decision.

The Board, in considering the testimony and evidence presented by both staff and the appellants shall either:

- Move to deny the appeal, thus affirming the decision of the PCD Executive Director; or
- Move to approve the appeal, thus overturning the decision of the PCD Executive Director.

**Executive Summary:**

On November 21, 2017, the Board approved amendments to El Paso County Ordinance No. 18-02: Prohibiting the Accumulation of Rubbish removing the requirement for a show cause hearing before the Board prior to authorizing the OCA to pursue legal action. The amendments instead allow for the PCD Executive Director to issue an executive determination to authorize the OCA to pursue legal action. The amendments provide procedures for appeals of the executive determination to be heard before the Board.

Section 6.5 of the Ordinance states:

The PCD Director shall mail the executive determination to the owner in the same manner as the notice of violation. The executive determination shall specify the nature of the violation and provide ten calendar (10) days after the date of the executive determination for the owner to request an appeal, at no cost to the owner, to the Board prior to the County Attorney's Office pursuing remedies under Sections 9, 10, or 11 of this Ordinance.

The executive determination shall state that the owner may appeal the Director's decision to the Board. The owner must submit an appeal in writing to the Director. Any written appeal must be received by the Director within ten (10) calendar days after the date of the executive determination. Any such appeals received beyond ten (10) calendar days shall be deemed untimely.

**Background:**

Complaints regarding accumulation of rubbish and inoperable vehicles were submitted to Code Enforcement in March 2021. Code Enforcement was unable to verify the rubbish complaint until early June when an El Paso County Sheriff's deputy submitted pictures that were taken during a call for service to Code Enforcement. The pictures

confirmed the rubbish complaints, and a notice of violation was issued on June 4, 2021. Code Enforcement staff could not confirm the presence of inoperable vehicles on the property at the time the notice of violation was issued, and inoperable vehicles were not included on the notice.

Since the date of the notice of violation, Code Enforcement staff has had numerous discussions with the property owners via phone, email, and in-person regarding the rubbish violations. The property owners made little to no progress to correct the violations and made claims that items Code Enforcement classified as rubbish, such as restaurant booths and tires, would be used for agricultural purposes.

Code Enforcement conducted an onsite inspection of the property on September 1, 2021 and noted minimal progress had been made to remove the rubbish. On September 14, 2021, an Executive Determination was issued for the continuing rubbish violations. On September 24, 2021, a request for an appeal of the executive determination was received from the property owners. In their request for an appeal, they stated that the property is exempt from the Ordinance because the property is zoned A-5 (Agricultural).

Section 3.3 of the Ordinance states:

This Ordinance shall not apply to industrial tracts of ten (10) or more acres nor to agricultural land, as such terms are defined in this Ordinance.

Section 4 of the Ordinance defines Agricultural Land as:

Any parcel of land presently classified as agricultural use by the El Paso County Assessor's Office, as defined and subject to the restrictions contained in C.R.S. 39-1-103(1.6).

While this property is zoned agricultural, it is not classified as agricultural use by the El Paso County Assessor's Office. According to the El Paso County Assessor, this property is classified as "single family residential" and is therefore, not exempt from the Ordinance.

**Recommendation:**

Staff recommends the Board deny the request for an appeal and affirm the decision of the PCD Executive Director to issue an executive determination to authorize the OCA to proceed with litigation.

**Attachments:**

Vicinity map

Chronology Report

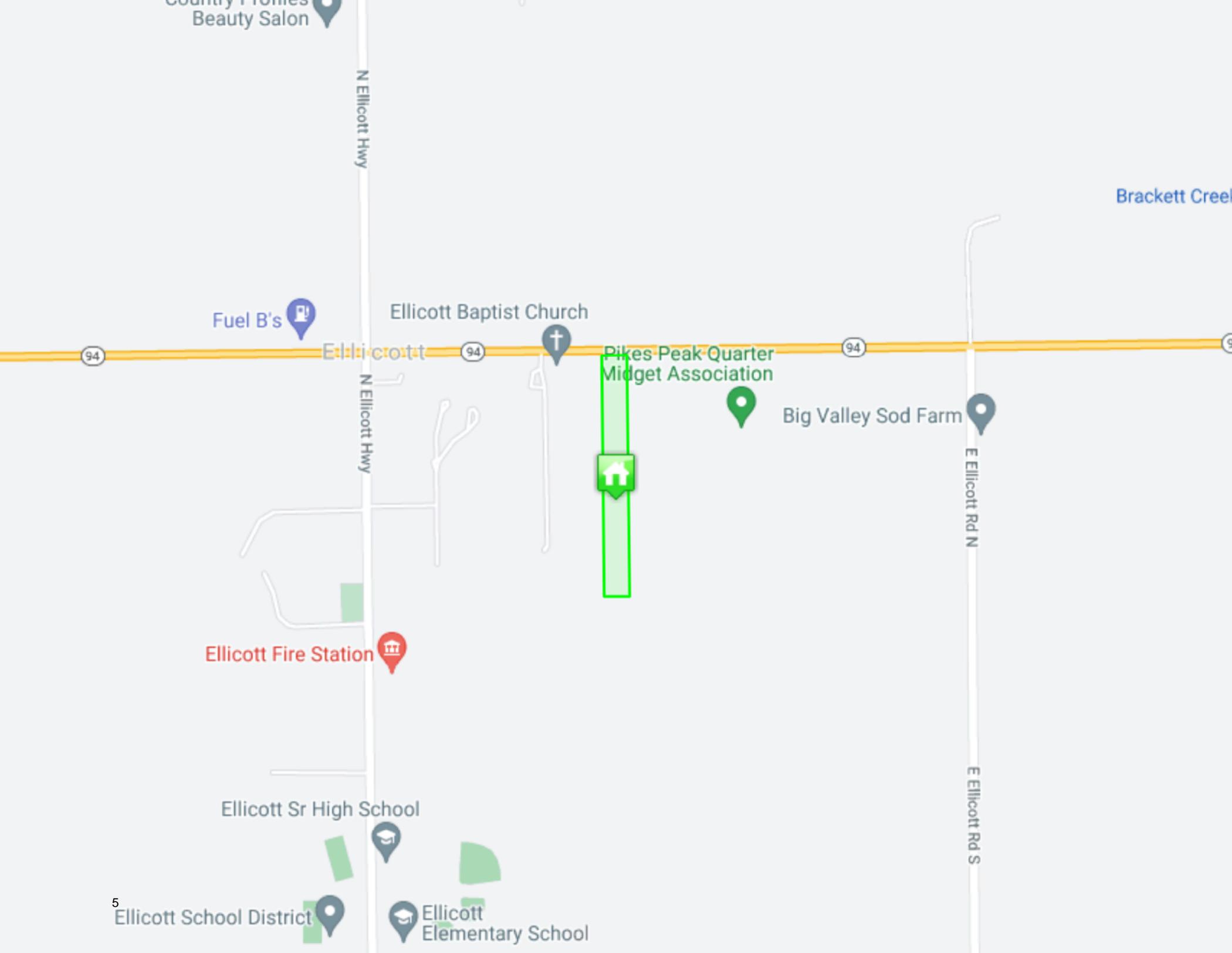
Executive Determination

Appeal Request

Notice of Hearing

El Paso County Assessor Information

Other



Country Homes  
Beauty Salon

N Ellicott Hwy

Brackett Creek

Fuel B's

Ellicott Baptist Church

Ellicott

Pikes Peak Quarter  
Midget Association

Big Valley Sod Farm

N Ellicott Hwy

E Ellicott Rd N

Ellicott Fire Station

Ellicott Sr High School

E Ellicott Rd S

5  
Ellicott School District

Ellicott  
Elementary School

# Code Enforcement

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## Details

**File Number** CE21197  
**Ordinance Violations** Accumulation of Rubbish;  
**Land Development Violations** Inoperable Vehicle; Home Occupation;  
**Code Enforcement Officer** Mindy Madden ( mindymadden@elpasoco.com )  
(719) 520-6304  
**Created** 3/18/2021 3:56:52 PM

## Property

**Address** 24215 HWY 94  
Calhan, CO 80808  
**Parcel** 2418001003  
**Owner** WIGTON AILEEN R  
34205 STATE HWY 94  
YODER, CO 80864-9523  
**Zone** A-5  
**Legal** LOT 3 ELLICOTT LUMBER

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## Inspections (48)

**Status:** Executive Determination Appealed

**Followup:** Due 11/1/2021

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Date	Comment	User	Status
10/25/2021	Met with David Sifford to obtain photos from the other side of the property. Insulation was observed hanging from the bottom of the mobile home and had blown into David's property. Additional photos showed no improvement in the area directly behind the house.	C Carlisle	
10/25/2021	Photos taken from anonymous complainant showing a mobile home on running gear in the rear of the property and additional building materials deposited in the front yard.	C Carlisle	

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10/25/2021	Email sent to Allen that the appeal hearing is scheduled for 11/16 and I will send a letter with more details of the meeting closer to this date.	M Madden
10/20/2021	Information received from David that Allen brought out a dilapidated mobile home about two weeks ago and placed it at the back of his property. David said the insulation from the mobile home is blowing around. I told David that CEO Carlisle will need to look at the mobile home to see if we are able to classify it as rubbish or if a new NOV is needed for the mobile home.  David said he is still getting trash blowing onto his property and Allen has also brought out more junked vehicles.  I also explained to David the appeal hearing that will be scheduled. I told David I will let him know once it has been scheduled.	M Madden
10/20/2021	Spoke with the additional anonymous complainant to reschedule the inspection to Monday, October 25 at noon.	C Carlisle

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10/14/2021 My response to Allen is below and also attached.

M  
Madden

Hi Allen!

Even if you appeal, your property is still in violation. The appeal consists of a public hearing before the Board of County Commissioners. The Commissioners would decide whether or not to uphold or overturn my Director's decision to issue the Executive Determination letter. If they uphold the determination, then we proceed with enforcement action. If they overturn the decision, staff would follow whatever recommendation the Board makes.

If you withdraw your request for an appeal, we can certainly discuss an extension; however, if the property is not in compliance at the end of the extension, we proceed with enforcement action and there is no other opportunity to appeal.

We can certainly discuss any items that we have an impasse on. If we cannot come to an agreement on matters, we would proceed with enforcement action.

Please let me know if you have any questions or would like to talk over the phone to discuss further. As a FYI- I received an anonymous complaint about junk piles on your property this week. It was not from David (from what I could tell).

Thank you,

Mindy Madden

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10/13/2021 Below email, also attached, received from Allen.

M  
Madden

Mindy,

Sorry for the delay. I actually didn't see this originally, Tara brought it up this evening. What happens if we withdraw the appeal? It reverts back to a violation? A warning? I don't think we'll need a site visit for the violation, if we withdraw. I suppose if there's an impasse, we can address at the end of the extension (appliances for the outdoor kitchen). Most of the items that are a nuisance will be used for, or in the, AG buildings. What would the extension date be? We recently had a death in the family and might be headed to the midwest for family. Please advise.

Thank you,

Allen Heinze

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10/12/2021	Anonymous complaint received regarding junk piles on the property. Code Enforcement to follow up with the anonymous complaint to take pictures from their property.	M Madden
10/4/2021	<p>Return email sent to Allen.</p> <p>Hi Allen,</p> <p>I am willing to work with you on the violations. If you wish to withdraw your request for an appeal, I will need an email from Tara stating as such. If you would like for me to meet at your property to go over the violations, please let me know. We can discuss an extension as well at that time. Please let me know how you would like to proceed.</p> <p>Thank you,</p> <p>Mindy Madden</p>	M Madden
9/30/2021	<p>Below email, also attached, received from Allen.</p> <p>Mindy- not realizing you're closed on Friday I'll make sure to upload the paperwork before your return on Monday. My plan was to bring it down today (Thursday) but had to bump it to Friday. I know you said it needed to be in this week- my weeks run mon-fri, so hopefully that'll suffice.</p> <p>An afterthought, perhaps we should try again on the supposed code violations? The original complainer and I have buried the hatchet so to speak. Not to say things won't be an issue in the future, but you and I will be dealing with each other quite a lot over the next few years. I typically try to get along with everyone opposed to disagreeing at every turn.</p> <p>Thanks, Allen</p>	M Madden
9/29/2021	<p>I sent Allen an email that I have not received his affidavit for the AG exemption and that I even had staff check the Clerk and Recorder's database and they could not find the affidavit under the address or Tara's name. He told him he could email me a copy of the recorded documents and I would be happy to upload those into the system for him.</p>	M Madden

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9/27/2021 My response to the owners email dated 9/24 is below and attached.

M  
Madden

Good morning!

I am happy to get this appeal scheduled before the Board of County Commissioners; however, I would like to clarify Ordinance No. 18-02 (the rubbish ordinance).

Section 3.3 of the Ordinance does state that this Ordinance shall not apply to agricultural land as defined by this Ordinance. Under the definitions of the Ordinance, agricultural land is defined as "any parcel of land presently classified as agricultural use by the El Paso County Assessor's Office...".

Your land is certainly zoned agricultural, but your land is not classified as agricultural by the El Paso County Assessor. I have attached a printout of your land details from the El Paso County Assessor's site. Your land is classified as single family residential. I've also attached a printout of another property that is classified as agricultural so that you can see the difference.

Your land is not classified as agricultural so the rubbish ordinance does apply to your property. If you would like to change the classification of your property, you will need to contact the El Paso County Assessor. How your land is classified for taxing purposes does not impact your zoning.

If you would still like to pursue an appeal, I will get it scheduled. I am also still waiting on the affidavit for your agricultural structure exemption. This file will be administratively closed if the affidavit is not received by the end of the week. If you have any questions, please let me know.

Thank you,

Mindy Madden

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9/27/2021	<p>Additional email correspondence with Allen attached.</p> <p>Allen stated they have sent and filed the affidavit twice now. Allen also continued to state that this property is exempt the rubbish ordinance because of the use. Allen asked what rubbish is the "culprit of the violation". I pointed out rubbish I saw in the pictures taken at the last inspection "trash, tires, miscellaneous metal debris, furniture, pile of clipboards, appliances, cardboard, plastic containers, etc." Allen claimed these items were agriculturally related and said I was interfering with is agricultural operation.</p> <p>I replied that I am happy to do an onsite inspection with him, but I do not believe we would come to an agreement as to what is rubbish. I told him I will get the appeal scheduled.</p>	M Madden	
9/24/2021	<p>Below email, also attached, received from the property owner(s).</p> <p>Request for an appeal: Allen and Tara Heinze, residing at 24215 sh-94 calhan co 80808, request a hearing before the EPCBCC. We do not agree with the charge of "accumulation of rubbish" and furthermore are exempt from the ordinance by the general assembly's plain and ordinary meaning of the term "agriculture property". Ordinance 18-02 clearly states this ordinance "shall not apply to agriculture properties". The planning zoning department has been made aware of this conflict and state that something extra needs to be filed. The intent of the general assembly is very clear by their choice in words and the defining of "agriculture property".</p>	M Madden	Executive Determination Appealed
9/14/2021	<p>Executive Determination issued.</p>	M Madden	Executive Determination issued
9/1/2021	<p>Met with Tara to perform an on-site inspection. Some of the items have been removed, but more trash, building materials, tires, and other rubbish have been brought into the property, the inoperable truck remains unrepaired, and the overall condition has not improved. The only explanation given is that they don't have enough manpower to clean everything up and that it can't be done in a day.</p> <p>I also delivered the letter to Tara to notify them of the deadline to submit the affidavit for the agricultural exemption. Tara stated that she had already submitted it and was concerned that it had been lost after she took it to get recorded. I asked her to try resubmitting again, but that she should reach out to Mindy to make sure it's done properly.</p>	C Carlisle	Executive Determination Requested

8/25/2021	<p>COMPLAINANT: Ordinance Violations: Accumulation of Rubbish; Land Development Violations: Inoperable Vehicle; Home Occupation; Description: New complaint received under the wrong address (CE21892):</p> <p>This property has all kinds of junk stored on it. If anything it should be Temporary use, but this place has been a junk hole ever since Allen Heinz move in. He is running multiple businesses out of that property. It is an eyesore and needs to be cleaned up. Reported by: ANONYMOUS</p>	SYSTEM
8/25/2021	Spoke with Alan and the meeting was rescheduled to Thursday, 08/25. He advised that he would call back with a good time.	C Carlisle
8/18/2021	Spoke with Alan and set a meeting for next Wednesday at 11:00am.	C Carlisle
7/15/2021	<p>Email sent to Alan with attached site plan:</p> <p>"Good afternoon Alan,</p> <p>Per our conversation, here is the stamped copy of the approved site plan. Please let me know if there's anything I can do to further assist, but this should be all that's needed.</p> <p>Thank you, Charles Carlisle"</p>	C Carlisle
7/15/2021	<p>Phone call received from Alan. He was seeking clarification about the ag assessment exemption from rubbish and the allowed usage for the parking and storage of inoperable vehicles on the property. I explained each, and advised that obtaining an ag assessment would exempt all included areas from the rubbish ordinance, but that he may still be required to clear out the rubbish before the assessment is granted. He also asked about obtaining a copy of the stamped site plan for the ag structure, as there was an apparent technical issue with accessing it on the public side. I found the stamped copy and agreed to send it to him after the phone call. He seemed satisfied with the answers and the call was concluded.</p>	C Carlisle

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6/29/2021 Email sent to the address on file for the Ag exemption with the photos Alan requested of the trash seen along the fence line. Only two photos could be included in the email, so more were offered if requested. C  
Carlisle

"Good afternoon Tara,

Mindy and I spoke with Alan this morning to go over some of the existing violations after our meeting with the neighbor. This is the email we have on file for the agricultural exemption. One of the things we noted was some loose trash blowing across the fence and Alan asked me to forward those pictures over to him. I've attached a few of them to this email for your reference; all we ask is that the loose trash along the fence and next to the RV be secured to prevent it from blowing around and getting into the other property.

Unfortunately I'm only able to include a couple in each email, but I do have more close-up photos if you'd like them. Please let me know if you have any questions!

Thank you,  
Charles Carlisle  
719-520-6449"

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6/29/2021 Spoke with Mr. Sifford and gave him the timeline for when each item was supposed to be taken care of. He seemed satisfied with the requirements for the property owners and understood that we could not address any of the other vehicles that do not appear inoperable. I explained what is and isn't allowed to be stored inside the ag building and that I would perform an inspection before final approval is given. C  
Carlisle

I also inquired about the items he has stored by the blue building on the east side of the property, which he agreed to clean up. He stated that the grill no longer works and would be moved into his scrap pile, and would properly dispose of everything else. When asked about the vehicles, he stated that one runs (he did not specify) and that the other two would be sent to the scrapyard as soon as he can find someone to haul them off. He could not give a specific timeline to have this done, but I asked that he try to complete it within a month.

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6/29/2021 Call placed to Alan to discuss this case and his application for AG exemptions from the Building Code. M  
Madden

In discussing his application, I made Alan aware that he has not received approval and his application is still under review. I received clarification from him that in the description for one of the structures, the shed supplies are referring to supplies for his livestock and gardening. I told him I would add that information to his application. I also discussed with Alan that he will not

be able to park a vehicle inside a structure that obtains an exemption as he relayed to CEO Carlisle he would be doing. I told him that information was provided for on his application so I do not need to make any adjustments. I told him if he wishes to park a vehicle inside one of the structures, then he would need to pursue a building permit for that structure.

I discussed the exposed garbage and loose trash on his property next. Alan seemed to discuss these claims until I told him I personally witnessed the exposed trash and trash along the fence line. Alan said the exposed trash the chickens were getting into has already been removed and he will keep a better eye on this from now on. I expressed to Alan that the trash is my main concern and that he needs to monitor this daily. Alan expressed disbelief about trash along the fence line and asked for pictures. CEO Carlisle to email Alan pictures taken during last week's inspection.

Regarding the logs, Alan said the logs are to be used for firewood and other needs. I told him we do not regulate firewood, but if the wood will be used for other purposes, I told him we would consider that to be rubbish if the wood is left unused for an extended period of time. I explained that this is also the case with building materials that are left to accumulate without use. Alan said the building materials will be used for the construction of the barn and the rest of the supplies will be stored inside the barn (used for livestock shelter, fencing, and similar uses).

I also spoke to Alan about the appliances on the back porch. Alan said there are freezers he uses to store meat that will be left on the porch, a washer, dryer, and stove that will replace the appliances inside the one (the old ones to be sold or scrapped), and 2 water heaters that will be removed. Alan said there is a commercial stove that will be used for his outdoor kitchen/patio as well.

Regarding inoperable vehicles, Alan said the RV is operable and he only has one inoperable vehicle, a truck, that he has discussed with CEO Carlisle. I asked Alan for his plans to repair the vehicle which he said he has plans to, in addition, to may other plans. Alan said it would take a couple days to repair once he starts work on it. As for the other rubbish, restaurant booths, etc., I told Alan these items must also be addressed. Alan said there is a load of vinyl siding that will be removed soon.

I told Alan that we must establish deadlines and with his case, I find it best we start with the construction of the barn (if the exemption is granted) so that the building materials, especially the insulation, are taken care of. Alan said he intends to use the materials so that the insulation/plastic does not piece off. He anticipates 60-90 days on the structure. I told him that because this is an enforcement case, we do need to see progress regularly. Once the structure

is completed, we will discuss a deadline to have the inoperable vehicle fixed and the remaining rubbish removed. In the meantime, I asked Alan to keep and trash under control and to remove other rubbish, such as the water heaters, when possible. I encouraged him to send CEO Carlisle pictures of any progress.

Alan expressed concerns that this case was brought on because his neighbor made a complaint out of retaliation. I explained our process and told him we would look into the complaint he had on his neighbor. Alan said he had their attorney send Mr. Sifford a cease and desist letter. I told him if he ever needs a copy of our report to contact me to complete a CORA request.

CEO Carlisle to follow up on the removal of the loose trash. If the AG exemption is granted, we will monitor the property for completion of that structure and removal of the building materials. Once that is complete, we will set deadlines for correction of any remaining violations.

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6/28/2021	Spoke with Alan and asked him about the concerns addressed with Mr. Sifford. There were a few statements that I could not confirm at the time of the conversation, such as his assertion that the new ag exemption application that he had recently submitted was approved, and that he had already cleared the sale of hay from his property with John Green. Both of these will need to be verified.	C Carlisle
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He and I spoke more about a timeline for removing the other rubbish items, which he insisted would all be used for agricultural purposes, including booths that he may use for outdoor seating or converted into an implement for milking goats, construction materials to be stored for use in animal pens later, and implied that the F750 may be stored inside the building as a farming implement since he doesn't plan to have it repaired until after the building is put up. I explained that these items could not be stored outside indefinitely, and that I would be performing a final inspection of the ag building once it's up to ensure that only ag-related items would be stored within it.

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6/24/2021	Message left for Alan requesting a call back regarding the ag exemption. I will follow up with him on the other concerns when he returns the call.	C Carlisle
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6/24/2021 Met with Mr. Sifford to go over his concerns regarding the inoperable vehicles, the rejected ag exemption, and the rubbish. C  
Carlisle

During the inspection, litter was observed blowing onto Mr. Sifford's property and an open bag of household garbage was seen on the front porch with fowl rummaging through it. We also discussed concerns over the inoperable vehicles, but none except the white F-750 in the front yard could be identified as inoperable. Mr. Sifford alleged that the piles of hay were being commercially sold to customers who were coming onto the property, which I agreed to look into.

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6/24/2021 Spoke with Mr. Sifford to confirm the meeting for today and requested that we meet earlier. He agreed and stated that he'd be home all day anyways and only asked that we call ahead of time so that he can be ready. C  
Carlisle

He also asked if we had received a call from the fire marshal regarding a meeting they're supposed to have to address some fire hazard concerns, and I informed that I had not heard anything but would keep an ear out.

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6/22/2021 Call returned to David (he left a message on 6/21). David said the condition of the property is 3x worse than it was before. He said the neighbor has been bringing loads of wood/logs and trash continues to blow over onto his property. David said the neighbor's cows got out again and they are destroying his fence. David said the condition of this property are bringing down his property values and he will call anyone he needs to in order to get this property cleaned. M  
Madden

I told David I would like to meet him on his property to discuss further. Onsite inspection set for 6/24 @ 1pm.

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6/17/2021 Met with the property owners to inspect the property. The only area of rubbish was located behind the house and consisted of wooden beams and boards that they plan to use in future building projects, restaurant furniture, tiles, unmounted doors, plastic, metal, etc. No raw trash or litter was observed, but I explained that we likely would continue to receive calls so long as there was general "clutter" in the yard. I requested that they keep any dump slips for items they transport to the landfill, or to take pictures of anything they remove so that I can confirm that progress is being made.

Lastly, they gave me permission to walk towards the back of the property to verify the complainant's reports of items being stored along the fence. Only two rolls of metal agricultural fencing and some wooden beams were observed on this property, but on the complainant's side of the property I saw a grill placed on its side, metal tubing, a roll of metal agricultural fencing, what appeared to be a dilapidated shelter for some sort of animal stacked up on cinderblocks with scrapped wood and other items placed on top of it, bricks, siding, window panes, bricks, pallets, etc. Photos taken for documentation purposes. The property owners did not wish to file a complaint against the neighbor.

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6/15/2021 Call received from Tara, who requested to meet with me at the property. Meeting set for 2:00pm on Thursday, 06/17. C  
Carlisle

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6/9/2021 Call received from Alan regarding the NOV he received today. I explained the violations (rubbish) and he noted that CEO Carlisle told him there were no violations. I explained that the building materials are considered a violation is left as is, but CEO Carlisle was working with them because of their plans to build a barn after applying for an AG exemption. I explained that we received pictures of the property from an EPSO Deputy that shows other rubbish and the NOV was issued based on the information received from the Deputy. Alan said those pictures were taken of the back of his property after he allowed the Deputy on his property who was there about his cow getting out. M  
Madden

I suggested to Alan that he contact CEO Carlisle to set up an onsite inspection to go over what needs to be cleaned up. Alan was open to complying and said he will call CEO Carlisle.

I spoke to Alan about his AG exemption application which was returned to him for corrections. He said he will submit tonight. I asked when he anticipates building if the AG exemption is approved and he said the building costs \$27,000 and will be built as soon as possible.

CEO Carlisle to follow up as planned after the NOV expires if he does not hear from Alan sooner.

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6/7/2021	<p>Call received from David. David asked what we are able to do to help him with the condition of this property. I explained to him that we were able to send a NOV on rubbish based on the pictures I received from Deputy Reed. David said he understands that CEO Carlisle issued a citation last week and he appreciates that. I explained the NOV process and that Code Enforcement does not issue citations.</p> <p>David expressed concerns over a RV that is parked up against his property that creates a snow drift. I explained to David that we do not have setbacks for parking a RV and that we cannot require the owner to move the RV. David said he will go all the way to the Colorado General Attorney if he has too.</p> <p>I told David that I did receive an application for an agricultural structure exemption from the Building Code for this property. David wanted to know about the structural requirements. I told him that the exemption would exempt the structure from the building code requirements and we would not have structural requirements (other than the design requirements). I told him I would approve the application is the requirements for the exemption are met and if the owner violates those requirements then I could pursue revocation. David said the owner told him he would be storing the cars inside of the structure. I told David I could not deny the application based on that, but could revoke the exemption if the structure is not used for agricultural purposes.</p> <p>David expressed concerns over the fall in his property values and said it is because of this eyesore. I told David we cannot enforce on speculation and only what we can confirm is a zoning/ordinance violation. David said he knows Code Enforcement can only enforce what is in our capacity to enforce and that our hands are tied on some things. He said he will continue to call anyone that may be able to help and he will keep calling until something is done.</p> <p>CEO Carlisle to follow up with David after the 14 days of the NOV expires for an inspection from his property.</p>	M Madden	
6/7/2021	Message left for David to call me back to discuss this case.	M Madden	
6/4/2021	NOV issued. See attached.	C Carlisle	Notice of Violation issued
6/3/2021	I missed two calls from David while I was in meetings. I left a return message for David letting him know a NOV will be sent tomorrow.	M Madden	

6/3/2021	Application for an Agricultural structure Exemption from the Building Code received. The application was not accepted and was sent back for corrections.	M Madden
6/3/2021	Attached pictures received from EPSO Deputy Reed on 6/2/21. After reviewing with CEO Carlisle, he stated the rubbish seen in these pictures were not visible from the road or from David's property. The rubbish seen in the pictures were items such as tires and not debris that looks like it would blow around the property. CEO Carlisle to send a NOV for rubbish based on Deputy Reed's pictures. CEO Carlisle will likely need to request an onsite inspection from the owner at the time of re-inspection.	M Madden
6/3/2021	Return message left for David to call me back.	M Madden
6/2/2021	Voicemail received from David. David was very angry regarding the trash blowing from the neighbor's property. He said I better get off my ass and do my job or the next time he talks to me will be with the Sheriff's Office in tow.	M Madden
6/2/2021	Inspection performed. No rubbish items were observed from the highway, and the building materials are contained to the east side of the property, opposite the shared property line of the complainant. The previously noted inoperable vehicle appears to have been repaired. While performing the inspection, I saw the property owners interacting with a Sheriff's Deputy in the rear of the property, and the only rubbish items I observed were on the complainant's side.	C Carlisle
5/20/2021	Attempted to contact Mr. Sifford, but received no answer and was unable to leave a voicemail.	C Carlisle
5/19/2021	Message received from David that the neighbor's trash is blowing onto his property. Message forwarded to CEO Carlisle to call back.	M Madden

3/30/2021	<p>Call placed to David in response to his conversation with CEO Letke.</p> <p>David said that the owners have vehicles and storage all along the fence line and not 25 feet back from the property line. I explained to David that there is no setback requirements for vehicles or storage and that setback requirements apply to structures. David said he must have misunderstood from CEO Carlisle.</p> <p>David said he was also told by CEO Letke and CEO Carlisle that he can fence off the driveway and prevent the neighbor from accessing it. I told David that Code Enforcement would not speak to whether or not he has the right to fence off his driveway because that is a civil issue and not a zoning matter. David said he may have misunderstood CEO Carlisle, but he believes he heard it right.</p> <p>David and I also spoke about the property owner possibly pursuing an agricultural structure exemption from the Building Code. David asked if there was any way I could prevent or delay the owner from getting an exemption. I explained the exemption to David and told him if the owner meets the requirements for the exemption, then it will be granted.</p> <p>I told David that this case is still open and that CEO Carlisle will monitor. I asked David to call us if he has further concerns to report.</p>	M Madden
3/29/2021	Text message received from the complainant advising of items that this property owner had placed against the fence. The only items I could see against the fence were on the complainant's property. No further action taken.	C Carlisle
3/24/2021	Additional inspection performed due to the snow melting. As I arrived at the property, Tara approached and I explained that I had received additional complaints about items being hidden by the snow, and asked to take pictures. She agreed, and after asking about any inoperable vehicles, she advised that one of the trucks was missing an engine and that it would be fixed "whenever it gets done." I advised that this was still a violation and that it would have to be corrected, but I was unable to see any other rubbish placed on the property. A Notice of Violation will be issued for the inoperable vehicle.	C Carlisle
3/18/2021	<p>COMPLAINANT:</p> <p>Ordinance Violations: Accumulation of Rubbish;</p> <p>Description: Complainant called to inquire about a property line dispute, and advised that the new property owners have several piles of rubbish in their yard along with allegations of setback violations.</p> <p>Reported by: David Sifford ((719) 648-9092)</p>	SYSTEM    New investigation

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3/16/2021

Met with Mr. Sifford at his property to discuss the issues he reported. I directed him to the County Clerk and Records office to inquire about getting a copy of the PLAT map, but advised that I could not help to determine any property lines. He began citing "gentlemen's" agreements and laws from the 1980s, and I again asserted that I could not make any determinations but could enforce any rubbish or land use violations that may exist.

C  
Carlisle

Under  
investigation

He allowed me to take photos from his property of building materials in several piles around the backyard and he advised that they were planning to put up a new building in the backyard without a permit. I was unable to see any rubbish items, but informed Mr. Sifford that I would take a look through my photos to identify any violations that may exist.

As I was leaving the property, the property owner, Tara (719-640-4622), came outside to speak with me about the issues. I advised that I couldn't do anything with the property lines, and when pressed for a good "place to start" in establishing the property lines, I stated that the only advise I could give is to speak with an attorney. I inquired about the piles of building materials, and she stated that they are planning to build a barn as an ag structure. She stated that they were familiar with the ag exemption process and would be submitting for one soon. I also asked her if any commercial businesses were being run at the property. She advised that the sign for the feed store was there before they moved in, and that all plumbing activities are performed off-site.

At this time, no violations can be identified due to the snow coverage potentially obstructing the view of any rubbish items that may be at the property. A re-inspection will be set for three weeks from today in anticipation of inclement weather and an ongoing abatement at another property.

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

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**EXECUTIVE DETERMINATION  
AUTHORIZING LITIGATION**

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September 14, 2021

Tara M. Heinze  
24215 Highway 94  
Calhan, CO 80808

Re: File No. CE-21-197

Property Owner,

A notice of violation was issued to you by El Paso County Code Enforcement on June 4, 2021 for violation(s) of the El Paso County Land Development Code (LDC) and/or County Ordinances on the property located at 24215 Highway 94 (the "subject property"). It has come to my attention that the violation(s) have not been corrected within fourteen (14) calendar days after the date of the notice of violation and an approved extension of time has not been granted. These violations continue to exist on the subject property. The violation(s) are as follows:

**Ordinance 18-02 Prohibiting the Accumulation of Rubbish**

**Section 5: Unlawful Acts.** It shall be unlawful for any owner to allow the accumulation of rubbish on any lot, parcel, or tract of land in the County under such owner's control, possession, or ownership, or upon any alley or sidewalk adjacent to such lot, parcel, or tract of land.

***\*\*\*Full text of County Ordinances and LDC provisions is available online at [www.elpasoco.com](http://www.elpasoco.com).***

Accordingly, pursuant to Section 6.4 of Ordinance No. 18-02, be advised I am issuing this executive determination to authorize the El Paso County Attorney's Office to pursue litigation in order to bring the subject property into compliance with Ordinance No. 18-02 as provided by Colorado law. Such remedies may include, but are not limited to, El Paso County seeking an administrative entry and seizure warrant to gain entry onto the subject property, abate the violations, and place a lien on the subject property for costs of abatement.

In accord with 6.5 of Ordinance No. 18-02 you have the right to appeal my decision to the El Paso County Board of County Commissioners.

Requests for an appeal hearing before the El Paso County Board of County Commissioners must be received by my department, in writing, within ten (10) calendar days after the date of this executive determination. If a written appeal is not received by the El Paso County Planning and Community Development Department within ten (10) calendar days after the date of this executive determination, then this executive determination shall be final and the County Attorney's Office may proceed with litigation to seek available legal remedies to abate the violation(s).

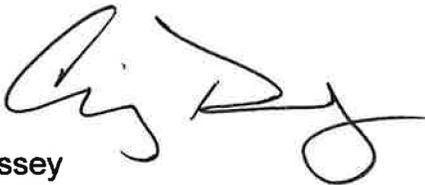
If you wish to appeal this executive determination, you can do so by either emailing or mailing an appeal request to the El Paso County Planning and Community Development Department at the following:

Email: [appealspcd@elpasoco.com](mailto:appealspcd@elpasoco.com)

Mailing Address: Planning and Community Development  
Attn: Code Enforcement Supervisor  
2880 International Circle, Ste. 110  
Colorado Springs, CO 80910

If you have any questions, please contact Mindy Madden, Strategic Services Manager, at 719-520-6309 or at [mindymadden@elpasoco.com](mailto:mindymadden@elpasoco.com).

Regards,



Craig Dossey  
Executive Director  
El Paso County Planning and Community Development Department

## Mindy Madden

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**From:** Colorado Plumber <coplumbpro@gmail.com>  
**Sent:** Friday, September 24, 2021 10:13 PM  
**To:** Mindy Madden  
**Subject:** Heinze appeal

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Request for an appeal:

Allen and Tara Heinze, residing at 24215 sh-94 calhan co 80808, request a hearing before the EPCBCC. We do not agree with the charge of "accumulation of rubbish" and furthermore are exempt from the ordinance by the general assembly's plain and ordinary meaning of the term "agriculture property". Ordinance 18-02 clearly states this ordinance "shall not apply to agriculture properties". The planning zoning department has been made aware of this conflict and state that something extra needs to be filed. The intent of the general assembly is very clear by their choice in words and the defining of "agriculture property".

**EL PASO**  **COUNTY**  
**COLORADO**

COMMISSIONERS:  
STAN VANDERWERF (CHAIR)  
CAMI BREMER (VICE-CHAIR)

LONGINOS GONZALEZ, JR.  
HOLLY WILLIAMS  
CARRIE GETTNER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

November 4, 2021

Tara and Allen Heinze  
24215 State Highway 94  
Calhan, CO 80808

Re: APPCE-21-004

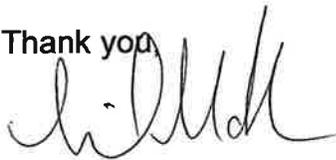
Property Owners,

This letter confirms your request for a hearing before the Board of County Commissioners to appeal a decision by the Executive Director of the Planning and Community Development Department to issue an executive determination authorizing the Office of the County Attorney to proceed with litigation pursuant to Section 6 and Section 7 of El Paso County Ordinance No. 18-02: Prohibiting the Accumulation of Rubbish.

The appeal hearing is scheduled for the November 16, 2021 Board of County Commissioners meeting. The meeting starts at 1:00pm at Centennial Hall which is located at 200 South Cascade Avenue in Suite 150.

If you have any questions, please contact me at 719-520-6304 or [mindymadden@elpasoco.com](mailto:mindymadden@elpasoco.com).

Thank you,



Mindy Madden  
El Paso County  
Strategic Services Manager



**EL PASO COUNTY - COLORADO**2418001003  
24215 HIGHWAY 94Total Market Value  
\$126,363**OVERVIEW**

Owner:	<b>HEINZE TARA M</b>
Mailing Address:	<b>24215 STATE HWY 94 CALHAN CO, 80808</b>
Location:	<b>24215 HIGHWAY 94</b>
Tax Status:	<b>Taxable</b>
Zoning:	<b>A-5</b>
Plat No:	<b>5475</b>
Legal Description:	<b>LOT 3 ELLICOTT LUMBER</b>

**MARKET & ASSESSMENT DETAILS**

	Market Value	Assessed Value
Land	<b>\$67,600</b>	<b>\$4,840</b>
Improvement	<b>\$58,763</b>	<b>\$4,200</b>
Total	<b>\$126,363</b>	<b>\$9,040</b>

**RESIDENTIAL - RANCH (1)**Market Value **\$58,763**

Assessment Rate	<b>7.15</b>	Above Grade Area	<b>1,397</b>
Bldg #	<b>1</b>	First Floor Area	<b>1,397</b>
Style Description	<b>RANCH</b>	Above First Floor Area	<b>0</b>
Property Description	<b>FRAME FAIR QUALITY</b>	Lower Level Living Area	<b>0</b>
Year Built	<b>1975</b>	Total Basement Area	<b>-</b>
Dwelling Units	<b>1</b>	Finished Basement Area	
Number of Rooms	<b>5</b>	Garage Description	<b>-</b>
Number of Bedrooms	<b>3</b>	Garage Area	<b>-</b>
Number of Baths	<b>1.00</b>	Carport Area	<b>-</b>

**LAND DETAILS**

Sequence Number	Land Use	Assessment Rate	Area	Market Value
1	SINGLE FAMILY RES.	7.150	10 Acres	\$62,600
2	WELL AND SEPTIC	7.150	0	\$5,000

**SALES HISTORY**

	Sale Date	Sale Price	Sale Type	Reception
+	03/05/2021	\$200,000	Good sale	221043896
+	10/22/2013	\$80,000	Good sale	213131321
+	05/16/2011	\$0	-	211047956
+	07/10/1991	\$20,000	Good sale	2046642
+	05/15/1990	\$0	-	1927698
+	07/14/1988	\$0	-	1724365
+	06/30/1988	\$12,500	-	1719298
+	12/31/1986	\$0	-	1504038
+	04/06/1982	\$0	-	-

# TAX ENTITY AND LEVY INFORMATION

County Treasurer Tax Information

Tax Area Code: **KB4** Levy Year: **2020** Mill Levy: **53.165**

Taxing Entity	Levy	Contact Name/Organization	Contact Phone
EL PASO COUNTY	7.755	FINANCIAL SERVICES	(719) 520-6400
EPC ROAD & BRIDGE (UNSHARED)	0.330	-	(719) 520-6498
ELLCOTT SCHOOL NO 22	31.673	MIKAELA COPELAND	(719) 683-2700
PIKES PEAK LIBRARY	3.855	MIKE VARNET	(719) 531-6333
ELLCOTT FIRE PROTECTION	8.496	CHRISTY MALONE	(719) 683-7211
UPPER BLK SQUIRREL CRK GROUND WATER	1.056	TRACY DORAN	(719) 510-0780
ELLCOTT METROPOLITAN	0.000	GEORGIA MCREA	(719) 683-4190
EL PASO COUNTY CONSERVATION	0.000	PAMELA DAVISON	(719) 632-9598



## Disclaimer

We have made a good-faith effort to provide you with the most recent and most accurate information available. However, if you need to use this information in any legal or official venue, you will need to obtain official copies from the Assessor's Office. Do be aware that this data is subject to change on a daily basis. If you believe that any of this information is incorrect, please call us at (719) 520-6600.



10.25.2021 13:01



10.25.2021 13:01



10.25.2021 13:01



10.25.2021 13:01



10.25.2021 13:01



10.25.2021 13:02



10.25.2021 13:02



10.25.2021 12:37