

# Letter of Intent

## Purpose:

The purpose of this letter is to request a special use permit for Kent & Chipley Gordon's property located at 9730 W. Hwy 24, Green Mountain Falls, CO 80819. The parcel size of the subject property is approximately 30 acres and is located on the north side of US 24 near Green Mountain Falls. It is currently zoned R-T.

## Contact information:

Mailing address – Kent & Chipley Gordon, P.O. Box 72, Green Mountain Falls, CO 80819

Phone - 719-684-3936

Email – [kentg@impactcc.net](mailto:kentg@impactcc.net)

In section 7c below you indicate a maximum of 16 trips. Please update the max. trips so that they are consistent.

## Special Use Request:

We currently have about a dozen quarter horses and occasionally raise some grass-fed beef. We contract hay on two large ranches in Colorado where we store it until time to bring it to the subject property. From the subject property, we haul out a couple loads a day on gooseneck trailers to customers in our surrounding counties. We also have an average of 2-4 customers per day who come and pick up anywhere from a couple to 20 bales at a time. **Our maximum number of trips generated per day is typically around six to eight.**

For the past five years, we have used an existing barn on the property for hay storage. This past April, we built a new hay storage barn (60'x 64') in order to make it easier for unloading and loading. When my wife and I came to get a building permit for the barn, we had no idea we were going to be getting an ag-exemption permit. We were asked what we were building, and we explained it was a hay barn for our horses, cattle, and for hay that we sold.

We were then told we could get an ag-exemption permit since it was an agricultural building. That seemed very nice at the time, but we wish we were informed we were required to have a special use permit in order to sell hay from our ranch. If we would have known that, we would have gone through the proper procedures. A month or two after the barn was completed, we got a letter that we were in non-compliance. We are licensed agricultural dealers with the state of Colorado and always want to do business in compliance with the state and local government agencies.

We would like to request and obtain a special use permit in order to continue selling and hauling hay from our barn and to operate our family business here on our ranch. We are confident we are in compliance with all requirements of both section 5.2.29 (B) for home occupation and for 5.3.2 for the special use as demonstrated in the highlighted comments below.

## 5.2.29. Home Occupations

### (B) Rural Home Occupation.

- (1) **Applicability.** The provisions of this Section shall only apply to parcels within the A-35 zoning district.
- (2) **Rural Home Occupation Defined.** A rural home occupation is an accessory use of property, a dwelling, or a detached accessory structure which otherwise meets the requirements of a residential home occupation except as specifically modified and expanded by this Section.
- (3) **Intent.** The intent of the more broadly defined rural home occupation is to recognize the unique land use characteristics in A-35 (Agricultural) zoned areas and to reasonably accommodate the home-based businesses that traditionally occur in these areas.
- (4) **Minimum Lot Size Required.** A rural home occupation is allowed on any parcel that is 35 acres or more in area. Lots or parcels less than 35 acres shall only be approved by the rural home occupation as a special use provisions of this Code.
- (5) **Allowed Home Occupations.** The following types of uses, in addition to those allowed as a residential home occupation, may qualify as rural home occupations, if the general standards of a rural home occupation are met:
  - Contractor's equipment yards, construction businesses, welding shops;
  - Vehicle storage or repair businesses;
  - Other small businesses which are rural or agricultural in nature; or
  - Other small businesses which the PCD Director determines meet the intent of this Section of the Code.
- (6) **Excluded Uses.** The following types of businesses, among others do not qualify as a rural home occupation:
  - Any heavy industrial, solid waste disposal, solid waste transfer, scrap tire recycling or mineral extraction use;
  - Any use involving significant public occupancy or overnight accommodations other than those uses specifically allowed in the zoning district;
  - Any commercial tower or utility use, not otherwise allowed; and
  - Any outdoor concert, shooting range, race track or comparable use.
- (7) **General Standards for Rural Home Occupation.** Rural home occupations shall conform to the requirements and standards of a residential home occupation with the following specific allowances.
  - (a) **Outside Storage and Work Areas Allowed.** Outside storage, parking and work areas are allowed provided these are setback a minimum of 50 feet from all property lines and are limited in combination to one acre or 5% of the total lot or parcel area, whichever is less. The screening standards of Chapter 6 of this Code shall apply to all outside storage areas. (None of these items are an issue with our business.)
  - (b) **Employees.** A maximum of 2 employees are allowed on the subject lot or parcel per day, who are not family members or principally employed in a use which is otherwise allowed on the lot or parcel. (We have no employees in our business. We have a couple Independent Contractors that haul for us on their own schedule. Our business is mainly a family business run by myself, my 4 sons, and a son-in-law.)

- (c) **Trips Generated by Home Occupation Limited.** The total number of one-way vehicle trips generated by the rural home occupation shall not exceed an average of 20 per day. (The total number of one-way trips generated by the business would very seldom ever exceed 12 per day with a high being 16.)
- (d) **Inoperable Vehicles.** A maximum of 10 inoperable non-agricultural vehicles shall be allowed in conjunction with the rural home occupation. (We would have no inoperable vehicles on the premises.)
- (e) **Environmental Impacts.** The rural home occupation shall not result in any generation of solid waste or hazardous substances or petroleum or excessive noise, vibration, dust, glare, drainage, erosion or other environmental impacts to surrounding lot or parcel owners. (Our barn sets in the middle of our 30+ acres in a very rural setting and does not generate any of the above-mentioned impacts to surrounding property owners.)
- (f) **More than One Home Occupation Allowed.** More than one rural home occupation is allowed on a single property, provided that aggregate impacts are limited to those allowed by this Code.

(C) **Rural Home Occupations as a Special Use.**

- (1) **Applicability.** This Section is applicable to a rural home occupation in the A-35 zoning district not meeting the requirements for a Rural Home Occupation in the A-35 Zoning District or in those zoning districts where a Rural Home Occupation has been identified as a Special Use in Table 5-2.
- (2) **Intent.** The intent of allowing a rural home occupation as a special use is to provide a mechanism by which a business owner or entrepreneur may reasonably establish or expand their home occupation on a large residential, forestry, or agriculturally zoned property in manner that protects neighboring properties from extreme or unreasonable impacts.
- (3) **Minimum Lot Size Required.** A rural home occupation is allowed as a special use on any parcel or lot that is 5 acres (including a legally-created 4.75-acre parcel or lot along a section line road) or more in area.
- (4) **General Requirements.** A rural home occupation by special use shall conform to all standards for locating and operating a rural home occupation except as otherwise modified by these standards and the special use approval.
- (5) **Special Provisions and Allowances.**
  - (a) **Limit of Administrative Approval.** A rural home occupation which receives administrative special use approval shall expire 5 years from the date of approval. The special use may be renewed following the same procedure as the original application.
  - (b) **Employees and Traffic.** A maximum of 10 employees are allowed on the subject lot or parcel per day, who are not family members or principally employed in a use which is otherwise allowed on the lot or parcel. The rural home occupation shall not generate more than a maximum of 50 daily trips. (Operating as a family business, we do not have any employees on the ranch. We do have a few

independent contractors that haul for us on their own schedules with their own vehicles. We average 2-3 customers a day who come and pick up an average of 2-20 bales of hay. We also average 2-3 deliveries a day from our ranch with pickup trucks and flatbed trailers.)

### 5.3.2. Special Use

(A)

**Purpose.** The purpose of the special use process is to address potential impacts of certain existing and allowed uses in the same neighborhood. The special use process considers the design, configuration, intensity, density, natural hazards and other relevant factors pertaining to the proposed use.

(B)

**Applicability.** No special use application shall be considered unless the underlying land is located in a particular zoning district which allows the proposed special use.

(C)

**Criteria.** In approving a special use, the following criteria may be considered:

- The special use is generally consistent with the applicable Master Plan; This seems to be the case for the RT Zoning throughout this area. There are numerous businesses with a mile or two of our property including motel, campground, trailer sales, RV storage, computer repair, fishing club gravel pit, and mini storage, and U-Haul rental.
- The special use will be in harmony with the character of the neighborhood and will generally be compatible with the existing and allowable land uses in the surrounding area; Our property consists of 30 acres and has been a horse property for 45 years. We join other large ranches and a huge chunk of National Forest.
- The impact of the special use does not overburden or exceed the capacity of public facilities and services, or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner; We have our own well and septic and should have no impact for public facilities.
- The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access; We have legal access off Hwy 24 and our business creates very little traffic and no congestion issues. All of our incoming and outgoing traffic is fortunately in the westbound lanes of Hwy 24. Because of the stoplight in Cascade, the westbound traffic coming by our ranch always has a large break in traffic about every minute or two. The semi driver who delivers approximately every week or two, utilizes that break in traffic to make the wide turn into our ranch. We have had semi's deliver hay at our ranch for 4 ½ years and have never had a safety issue during that time. There is well over ½ mile of uphill grade with complete visibility on the section of road before

Per previous comment, please specify how you are meeting the Ute Pass Comprehensive Plan which encourages low-profile commercial development with minimal sign clutter. The fact that there are other businesses along the corridor are not considered a valid justification.

turning into our drive. If there ever were vehicles coming, it would be very obvious that there was a slow-moving semi ahead with flashers and a right-hand signal on. Right hand turns for any truck and trailer require wider turns whether turning in or turning out of a road or driveway. That is the same, even for my horse trailers. There are multiple businesses within a mile of either direction of us, that have way more traffic and big rigs than we ever would. None of those businesses have turn lanes or acceleration lanes. Those include a large campground, trailer storage lot, a gravel pit, mini-storage, and ATV rentals. They all have semi's, huge 5<sup>th</sup>-wheel travel trailers, motor homes, dump trucks, moving vans and other types of trailers that are turning in and out on an hourly basis. Most of the few daily customers that we have come in a pickup truck. My sons, who do the delivering with our gooseneck trailers, also utilize that break in traffic when they are pulling out on 24. In the 4 ½ years we have been receiving and delivering hay, I have never felt we put any customers or those driving on Hwy 24 in any type of danger.

- The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution; We do not create any environmental issues at all. Our business creates no potentially intrusive issues such as lights, noise, or dust.
- The special use will not otherwise be detrimental to the public health, safety and welfare of the present or future residents of El Paso County; and/or
- The special use conforms or will conform to all other applicable County rules, regulations or ordinances.