

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 31 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

Please provide a statement confirming that the drainage from the recently built structure or the proposed use does not adversely impact the adjacent properties.

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 four 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. We obtained an agricultural exemption for the hay barn at the time and did not realize we were in non-compliance for selling hay from our property or the new barn. 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.

There will be no land development or disturbance of land with this project. We do not have any employees on the property. We currently try to have one of our family members available from 8:00 am until 4:00 Monday through Saturday to help any customers coming to pick up hay.

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(B) Rural Home Occupation.
(1)

This Code was updated prior to your application. You will need to justify based on the new Code. New Code provided as an attachment in EDARP comments. Swap out this section of the letter with the new Code and provide justification based on that.

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.

(2)

Intent. The intent of the more broadly defined rural home occupation is to recognize the unique land use characteristics in low density agriculturally zoned areas and to reasonably accommodate the home-based businesses that traditionally occur in these areas.

(3)

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;
- **Trucking and hauling businesses;**
- Vehicle storage or repair businesses; and
- **Other small businesses which primarily serve a rural agricultural or ranching clientele.**

(4)

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;
- Commercial uses or businesses which do not primarily serve a rural agricultural or ranching clientele (**Colorado Horse Hay definitely serves agricultural & ranching clientele**).
- 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.

(5)

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 set back 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 outside storage areas located on parcels less than 35 acres, and to all outside storage greater than 5000 square feet. (None of these items are an issue with our business.)

(b)

Employees. A maximum of 2 employees are allowed, 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)

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 or agricultural property in manner that protects neighboring properties from extreme

or unreasonable impacts. (I believe this intent provides us the special use we need and I believe all neighbors, even though none are close, are protected from any impacts.)

(2)

Where Allowed. A rural home occupation is allowed as a special use on any parcel or lot that is 5 acres (We have 30+ acres) (including a legally-created 4.75-acre parcel or lot along a section line road) or more in area and is located in a residential or agricultural zoning district.

(3)

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.

(4)

Special Provisions and Allowances.

(a)

Special Use Approval Required. Where a special use approval is required to locate and conduct a rural home occupation, the special use may be approved administratively except where an adjacent property owner objects. In the case where a written objection is filed, the special use shall be referred to the Board of County Commissioners for consideration. (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 definitely gone through the proper procedures. Since we obviously did not know that, we got a letter that we were in non-compliance months after the barn was built and only a week or so after someone from the county came to make sure we were using the barn for agricultural purposes. We were told that an adjoining landowner complained but that information has not been shared with us. This section of the code states if an adjacent property owner does not object to our business in writing, that we would should be able to get the special use permit approved administratively. That would be a real blessing, if that could happen!

(b)

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.

(c)

Special Use Fee. A rural home occupation by special use shall be subject to an application fee of 20% of the standard application fee for a special use.

(d)

Employees and Traffic. A rural home occupation approved by special use may be approved to employ a maximum of 10 employees and generate 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 within 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 no need for public facilities.

Ute Valley Comprehensive Plan is the applicable small area plan for this area. Chapter 4, Land Use encourages low-profile commercial development with minimal sign clutter. You will want to ensure that you are meeting this intent.

This is to say that your proposed use will not create public facility capacity issues; for example, will not create more traffic than the road can handle or require more water or sewer usage than is available. You will need to justify that the hay sales use does not exceed the capacity of these public facilities. You are on a well and septic, so you should state that, as it will prove that you are not impacting any public utility service.

• 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.**

• 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.**

• 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.

You need to specify how you are complying with these issues. Are there any additional or potentially intrusive lights or noise on the property as a result of this business?

Neighbor complaint indicates that trucks block lanes when turning into this property. This may be an important point to address if any lanes are blocked while large trucks are turning into this property. If that is the case, you may need to provide mitigation to accommodate the trucks.