

Special Use Letter of Intent

1. **Owners of the property:**

Beth Olson
4075 Wileys Road
Peyton, CO 80831
(719) 482-5214
etional11@gmail.com

AND:

Susan Tiona
2119 Payton Circle
Colorado Springs, CO 80915
(970) 412-3413
susan.tiona@gmail.com

2. **Applicant – same as owners**

3. **Property Address:**

4075 Wileys Road
Peyton, CO 80831-7253

4. **Property tax schedule number:** 4326002021

5. **Current zoning:** RR-5

6. Criteria specific to approval of a commercial stables as found in the Land Development Code Chapter 5 is indicated in both Tables 5-1 and 5-2 in which commercial stables may be considered in the RR-5 zoning district by special use permit when the property size is 10 acres and when the use complies with the General Accessory Structure and Use Standards (Section 5.2.2) in the Use-Specific Development Standards Section of Chapter 5. Applicable standards in Section 5.2.2 to which this special use permit request are in compliance include: Section 5.2.2(A) – Accessory use to conform to zoning district standards; Section 5.2.2(C) – Accessory uses as found in Table 5-2; Section 5.2.2(D) – Accessory use to be located on the same lot, parcel or tract as principle use; Section 5.2.2(E) – Building permit required unless agricultural structure exemption from the building code is granted (of note, it is still unclear if the barn and shed on this property have been exempted, but such will be pursued to insure conformity with this provision); Section 5.2.2(G) – Accessory uses and structures to meet setbacks and shall not be located within any easement; Section 5.2.2(H) – Accessory uses will meet all applicable development standards in Chapter 5 and Chapter 6 of the LDC; and, Section 5.2.2(K) – square footage of accessory structures not to exceed two times the square footage of the residential structure.

In addition, Section 5.2.32 generally governs Livestock, Barns, Corrals, and Stables (See #9 in this letter).

Regarding the detailed criteria for special use found in Section 5.3.2 of the LDC, we maintain the following:

- a. The special use being requested is generally consistent with the El Paso County Master Plan. Please see #10.
 - b. The special use being requested 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. This neighborhood consists of lots varying from 5 to 35 acres. Many neighbors have livestock on their property, including sheep, goats and horses.
 - c. The impact of the special use does not overburden or exceed the capacity of public facilities and services. There are no public facilities within vicinity of the subject property that could be impacted by the proposed special use.
 - d. The special use being requested will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access. Please see #11.
 - e. The special use being requested will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution.
 - f. The special use being requested will not otherwise be detrimental to the public health, safety and welfare of the present or future residents of El Paso County; and,
 - g. The special use being requested conforms or will conform to all other applicable county rules, regulations or ordinances.
7. There is no applicable overlay zoning, including: CAD-O Commercial Airport Overlay District, GA-O General Aviation Overlay District, RLUP-O Rural Land Use Plan Overlay District, HR-O High-Rise Overlay District, or WSE-O Wind and/or Solar Energy Generation Plan Overlay District.
8. Beth Olson and Susan Tiona recently bought the property at 4075 Wileys Road and it is Beth's primary residence. This property currently has an 8-stall barn with 10 fenced acres, a round pen, and a riding arena. Beth is proposing to use the 8-stall barn for horse boarding, and also to provide horse training and riding lessons on the property. Beth also has her own horses, so the total number of horses on the property at any one time will be between 10 and 15. Beth has a degree from Lamar Community College in Horse Training and Management. In addition, she has owned horses since she was 10 years old and wishes to put her college degree, training and experience, as well as her love of horses, to good use through this land use project request. The zoning for this property allows for private stables, but in order to use her stables for a commercial purpose as described above, a special use permit is required by El Paso County. This property is ideal for the proposed use, since it is already set up for

this purpose and this special use request will not negatively impact the neighborhood in any way. In fact, it will enhance the neighborhood through improved aesthetic appeal of having an active and vibrant working hobby farm which will be well-maintained and appropriately utilized. Manure build-up will be handled through a combination of spreading and hauling offsite in order to mitigate any chance of offensive odors. Traffic patterns will be minimal, as horse owners will have access to the facility that is limited to normal day-time waking hours, and it is very likely that no more than one or two horse owners will be at the facility at any given time. The horses will be fully boarded with turn-out, so all care, feeding, watering, and maintenance will be handled by Beth rather than the horse owners.

9. There is limited information in the Land Development Code regarding definitions of this proposed use or specific use standards for commercial stables. The standards that are broadly applicable include: 1) Agricultural Accessory Uses as found in 5.2.3 through 5.2.5, including a minimum of three design features for the stables (barn breezeway, exterior stalls, and appropriate siding material for weather exposure) and use of the barn and shed exclusively for housing of livestock and agricultural products; 2) Section 5.2.32 generally governing Livestock, Barns, Corrals, and Stables – the accessory buildings on this property comply with Section 5.2.32 regarding location from boundary lines (at least 25 feet) and residential structure (at least 35 feet) and not located over the onsite wastewater treatment system; 3) Section 6.2.1 in which agricultural fences are exempted from this section – notwithstanding, the fencing on the property complies with the height, location, and maintenance provision of this section; 4) Section 6.2.3 governing the physical effects of lighting and the affect that lighting may have on the surrounding neighborhood, to which the exterior lighting on the accessory buildings complies with regard to height, extent and maximum lumens; and, 5) Section 6.2.5 regarding parking, loading and maneuvering standards, stating specifically the number of standard parking spaces and handicap parking spaces which must be present for commercial stables (see #11).
10. This proposed special use is consistent with the El Paso County Master Plan, Water Master Plan, and Parks Master Plan. Horseback riding is encouraged in the Master Plan through reference to the Cheyenne Mountain State Park (CMSP) and its availability of horseback riding. Without boarding stables, in-town horse lovers would not be able to take advantage of what the Master Plan has to offer in this regard, as many horse lovers and even accomplished riders cannot afford land in which to house their own horses. Small boarding facilities, such as the one proposed at 4075 Wileys Road would enhance access to this outdoor pastime.

Likewise, the proposed special use is consistent with the Water Master Plan in that the current plan calls for 300 years of water accessibility through the underground water tables, including the Upper Black Squirrel Creek designated basin. As part of this proposed special use, and by counsel of water attorney Ryan Farr, the irrigation allotment of 16,000 sf will be reduced by 250 sf per horse on the property. This will ensure that the water usage does not hamper the 300-year Water Master Plan as currently implemented.

And finally, the proposed special use is consistent with the Parks Master Plan in that there are no county or state parks negatively impacted by this proposed special use.

Notwithstanding, as discussed above in regard to the El Paso County Master Plan, horse owners having access to boarding facilities would enhance the utilization of the CMSP.

11. There is one entrance to the property at 4075 Wileys Road. Very little impact to the traffic pattern on Wileys Road is anticipated. If, for example, a given horse boarder comes to the facility three times per week on average, and if the facility is full to capacity with eight horses being boarded, then at most 24 extra cars per week will traverse the roads leading up to the property. Beth will also give a few lessons per week – perhaps as many as 10 – so the maximum number of extra cars going to and from the property on any given day will be less than five. In addition, the times at which the boarders and riders will be allowed to access the barn will be limited to normal waking hours.

Please indicate whether or not there will be any proposed structures or land disturbance. If so, please identify the total area.

Please include a statement confirming the proposed use will not adversely impact adjacent properties or existing stormwater runoff patterns.