

To: El Paso County Colorado Planning and Community Development Department

From: Celia Canaan, 18285 Canterbury Drive, Monument, CO 80132

Date: 09/06/2023

NUMBER AL2217 OPPOSITION TO SPECIAL USE APPLICATION BY
COLORADO PUMPKIN PATCH LLC

Please see my comments and concerns (in blue text) regarding the Colorado Kids Ranch request for a Special Use permit to operate the Colorado Pumpkin Patch and other events at 18065 Saddlewood Road Monument Colorado 80132 (parcel 6116000001)

LAND DEVELOPMENT CODE COUNTY OF EL PASO, COLORADO

Published in 2021

5.3.2. Special Use

(A)

Purpose. The purpose of the special use process is to address potential impacts of certain land uses on existing and allowed uses in the same neighborhood. The special use process considers the location, 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;

El Paso County Master Plan:

Reference:

<https://epcdevplanstorage.blob.core.windows.net/project/d9c8fab6-3e79-4d33-9127-1e4ffa274d37/963947c6-f6b1-4c02-b89c-7e67f70a504b.pdf>

The special use is **not consistent** with the current El Paso County Master Plan. Reference the Master Plan Approved on May 26, 2021 and signed by Tracey Garcia, Executive Assistant, Secretary, El Paso County Planning Commission.

The Master Plan “focuses primarily on place rather than land use as an initial building block”. 18065 Saddlewood Rd Monument CO 80132 is not the place for the CPP. The CPP is destructive to the property and community as well as the safety of the community. The overall character of the “Minimal Change: Developed” categorization of the area cannot be maintained within the already developed “Large Lot Residential” subdivision of Canterbury Estates. The Master Plan identifies Canterbury Estates and parcel 6116000001 as “Large Lot”. The primary use is Single Family Detached. Less prevalent supporting land use includes agriculture, commercial retail, commercial service, parks and open space. The Master Plan for this area **does not include** Mixed Use, Tourism, or Entertainment and Arts. All of which are being requested by, or on behalf of, John Chapman to operate the Colorado Kids Ranch, Colorado Pumpkin Patch, and numerous other entertainments, mixed use, tourism, and commercial events utilizing a special use permit. Reference below graphic from the El Paso County Master Plan:

PLACETYPES	Agriculture	Farm/Homestead	Estate	Single-Family Detached	Single-Family Attached	Multifamily	Mixed Use	Restaurant	Commercial Retail	Commercial Service	Tourism	Entertainment and Arts	Office	Light Industrial/Business Park	Heavy Industrial	Military Operation	Parks and Open Space	Natural and Paleontological	Institutional	Utility
Rural	●	●	○														●		○	
Large-Lot	○			●				○	○								○			

The Colorado Pumpkin Patch (CPP) is in violation of all previous site plans they have submitted. For five years they have been in violation. Based on past behavior and actions, any requirements and/or restrictions imposed on the special use permit will be ignored.

Additionally, the El Paso County Master Plan identifies Nina Ruiz as the Planning Manager of Planning & Community Development. Nina is now representing the Colorado Kids Ranch and/or Colorado Pumpkin Patch and John Chapman as a consultant (VERTEX Consulting Services Attn Nina Ruiz) to get a special use permit approved for 18065 Saddlewood Rd Monument CO 80132, to operate many year-round events on the property. Numerous complaints (CE191205, CE20866, CE21971, and CE22867) were submitted since 2019 regarding the Colorado Pumpkin Patch. The complaints were identifying violations being committed by the CPP pertaining to the approved for the Colorado Pumpkin Patch. These complaints were not addressed and closed without resolution, encouraging the CPP to continue operations while in violation of the Agritainment permit. The concern I have with this is: Nina Ruiz was illegally helping the CPP to remain operational even though they were in complete violation of Agritainment regulations since 2018. Now, Nina Ruiz is representing the CPP as a consultant to get the special use permit approved. This situation is unethical at a minimum. How long was she consulting to help the CPP?

- 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;

CPP is not harmonious with the character of the neighborhood:

1. The neighborhood is a rural equestrian community. The roads have no shoulders and speed limits are 25 MPH. During all CPP events horseback riding, walking, and bicycling are extremely dangerous because of the thousands of high-speed vehicles (reference All Traffic Solutions Extended Speed Summary) traveling on Canterbury Dr., Charros Loop, and Saddlewood Dr.
 2. Dust pollution created from the CPP property and dirt roads (Saddlewood and Charros Loop) is intolerable and unhealthy during Colorado Kids Ranch and CPP events.
 3. Traffic noise is excessive.
 4. Excessive noise from the event itself with constant screaming of adults and children is unnerving.
- 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;

The CPP and all other activities hosted on the property will absolutely overwhelm the response and access for emergency services. CPP and all activities/events being hosted on the parcel are accessed using one single-lane driveway. In the event of a wildfire, active shooter, or tornado emergency first-responders would experience long delays and dangerous situations to access the property: On a typical busy day, if 325+ vehicles had to evacuate the property they would use the one, and only, one-lane driveway access on Saddlewood Dr. At the same time 85+ vehicles (reference residence 15 min video) would still be inbound to access the property. Traffic will back up on Saddlewood Dr and potentially Canterbury Dr south bound while traffic on north bound Canterbury Dr would be a constant flow exiting the property then would have to stop at highway 105. This intersection already gets very congested during CPP and other Colorado Kids Ranch events. Canterbury Dr and the intersection of Canterbury Dr and Saddlewood Dr are heavily wooded and have no shoulder. These conditions would create a catastrophe and lead to excessive delays for emergency and first-responder vehicles to access the property.

- The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access;

Unmitigated traffic congestion and traffic hazards in the surrounding area are continuous and very hazardous to Canterbury residence. CPP and all other events being held on the property are creating dangerous traffic conditions in the area. Canterbury does not have the needed road/traffic structure to support the large-scale entertainment events/amusement park being conducted on the Chapman's property. The CPP initially installed illegal roadside signs to attempt to mitigate known traffic congestions and hazards. In addition to being illegal i.e., blocking access to Charros Loop and one residence driveway, placing advertisement signs on Canterbury residence private property, and posting an employee at the intersection of Charros

Loop and Canterbury Dr to redirect traffic, the illegal mitigations did not work and only created more traffic hazards. CPP patrons have tried to access the CPP property by off-roading through residence private property. Additionally, the employee stationed at Charros Loop and Canterbury Dr intersection is told to direct traffic to make an immediate U-turn on Charros Loop, rather than continuing to safely turn around via the cul-de-sac at the end of Charros Loop. The U-turn frequently involves a multipoint turn around in the middle of Charros Loop and often vehicles use the front yard of a Canterbury resident to execute the U-turn. The situation is not only dangerous for horseback riders, walkers, and cyclists but also for residence, their children, and grandchildren trying to enjoy their own property.

Traffic congestion at the intersections of Rollercoaster Road and Highway 105, Highway 105 and Canterbury Dr, Canterbury Dr and Saddlewood Dr frequently become congested and experience substantial traffic delays (reference google maps while events are in progress).

- The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;

As mentioned previously, the air pollution created by the CPP is extreme. The dust created by thousands of vehicles entering and exiting the CPP, the Hay Ride, Motorized Train Ride and excessive traffic on Saddlewood Dr and Charros Loop is extreme. The natural vegetation and grass have been destroyed throughout the CPP property and CPP has done nothing to mitigate this problem. This also applies to “harmony with the character of the neighborhood”. The “meadow hay land” as documented in the parcel description has been destroyed by the CPP. The destruction to the natural vegetation will also adversely affect rain runoff potentially further destroying the grassland and altering the floodplain present on the property.

- 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 CPP and other events held on the property are extremely detrimental to the public health, safety, and welfare of the present and future residents of El Paso County. Wildfire is a real and persistent threat to all of us in this area. Late summer and early fall are extremely dry in this area and high winds and gusts are common. Parking/idling hot vehicles on dead, dry grass is dangerous. Reference earlier this year, a police car stopped in a field near the airport started a grass fire. CPP borders dense forest and grass land. In addition to the potential of a vehicle igniting a wildfire the amount of risk created by such large public events is exponentially adding to the risk of wildfire. CPP event patrons frequently throw un-extinguished cigarette butts and/or flick ashes from the windows of their vehicles. Not only on the CPP property but all along Canterbury Dr and Saddlewood Dr. The entire length of Canterbury Dr to Saddlewood Dr is heavily wooded with pine, evergreen shrubs, and grass. Slash and pine needle on the roadside are in abundance and are extremely flammable. One cigarette butt or flicked ash could easily ignite another Black Forest fire. Surrounding El Paso County neighborhoods, to include Bent Tree and Kings Deer are also at high risk from this treat. Another fire threat to the community is the substantial increase of CPP pickup trucks pulling large trailers with dragging safety chains.

As described before, the dust and noise are also detrimental to public health, safety and welfare of Canterbury residence and surrounding El Paso County neighborhoods.

- The special use conforms or will conform to all other applicable County rules, regulations or ordinances.

The CPP operated the majority of 2018 without an approved property plan and has never complied to the approved plan. CPP has operated in violation of the approved Agritainment plan since 2018 and continues to do so. The 2023 requests for Special Use, Agritainment, and/or temporary use will continue to be in violation of county rules, regulations and ordinances as defined by El Paso County Planning and Community Development. Complaints indicating and document the violations were submitted in 2019, 2020, 2021, and 2022. The Commercial Stable Facility, Colorado Pumpkin Patch, Church, Farm Camp, Tulip Festival, and Watermelon Festival are operating illegally and have been since inception.

Property specifics

1. The Driveway/Road setbacks from neighboring properties do not meet county requirements
2. The parcel is divided as follows:
 - a. SINGLE FAMILY RES. 10.52 Acres
 - b. SPECIAL PURPOSE 10 Acres
 - c. MEADOW HAY LAND 20 Acres
 - d. A portion of the property also includes a 100-year floodplain.
3. The property is currently being used for (mixed use, entertainment events, tourism, commercial sales, commercial services, recreational camp, and a residence):
 - a. Colorado Pumpkin Patch
 - b. Residence
 - c. Commercial sale and distribution of Pumpkins
 - d. Commercial horse boarding facility
 - e. Church
 - f. Farm Camp
 - g. Tulip Festival
 - h. Watermelon Festival

Additional discrepancies: The 2022 site plan for CPP overlaps the residential area and the Horse Boarding Facility. The Horse boarding facility is shown on the Horse Boarding Facility Site Plan as encompassing the entire residential area. The CPP Site Plan shows the commercial boarding area as “Private Residences Zone”. Additionally, the commercial boarding facility also has daily traffic identified on the letter of intent “2 daily trips per day for traffic use and does not overburden the facility”. This is referencing the same access/driveway used by the CPP. There are no other approved permits for the Church, Farm Camp, Tulip Festival, and Watermelon Festival. All of these additional events will add to the CPP request. Additionally, actual setbacks and parking lot mitigations on the property are not met per the site plan or El Paso County regulations.

(D)

Limits of Approval. Issuance of a special use permit shall authorize only the particular use and activity for which it is issued, for the time period, if specified, and in accordance with the permit conditions imposed. The special use permit runs with the land. The special use is based upon the parcel size stated in the application. A reduction or increase in parcel size is considered a substantial modification of the special use unless specifically provided for in the approval. The special use permit does not relieve the owner from compliance with any other permits, standards and regulations of this Code. No building permit shall be authorized to implement the use until the special use permit is approved.

The Board of County Commissioners may impose time restrictions on the approved special use permit as a condition of approval as it deems necessary.

(E)

Performance Guarantees and Financial Assurance. Sufficient performance guarantees and financial assurance may be required to ensure implementation of and compliance with the conditions imposed. The terms or any required guarantees and financial assurance shall be made part of a development agreement.

(F)

Public Facilities and Services. Special use permits shall be subject to the terms and requirements of the applicable development standards and regulations relating to the provision and financing of necessary public facilities and services. Determinations concerning the adequacy and efficiency of the provision of necessary public facilities and services, and the financing of the same, shall be based on standards and criteria adopted by the BoCC and may include a requirement that the applicant for a special use permit agrees to contribute a fair and equitable share of the costs of the public facilities and services through the payment of development impact fees, special assessments, participation in a local improvement district or special district, or other similar mechanism for the provision and financing of adequate public facilities and services.

Sufficient financial assurance may be required to ensure the timely completion of any public improvements needed to address potential impacts of the proposed use. The terms and conditions regarding the provision of public facilities and services shall be made part of the development agreement.

(G)

Limited to Approved Special Uses. Any land on which a special use permit is approved shall be limited to those uses and structures enumerated within the special use permit and no more than one principal allowed use.

CPP is using existing structures and property for multiple events and uses.

(H)

Administrative Approval Authorized. Any special use may be acted upon by the PCD Director, except for those related to a CD request or mineral and natural resources extraction, which includes processing. The PCD Director, in his sole discretion, is authorized to elevate a special use application to a public hearing.

(I)

Post Approval Requirements.

(1)

Site Development Plan or Site Plan Review Required. Site development plan review or site plan review is required before an application for a building permit can be authorized by the PCD. Site development plan or site plan review may be concurrent with the special use permit process; however, the final site development plan or site plan shall be modified by the applicant to reflect the conditions of approval.

CPP has never been IAW their site plan yet they have operated for 5 years.

(2)

Conditions Included in Development Agreement and Filed for Recording. Conditions may be included in the development agreement signed by the applicant and the County. The development agreement shall be filed for recording by the applicant with the Clerk and Recorder.

Summary; CPP and all other events hosted on the property are not in compliance with Agritainment, do not meet Section 5.3.2. Special Use requirement for a Special Use Permit, are not compatible with surrounding neighborhoods or the parcel itself and is dangerous to the surrounding community.