

October 18, 2022
Canterbury Improvement Association, Inc.
P.O. Box 333
Monument, CO 80132-0333

Colorado Pumpkin Patch LLC
18065 Saddlewood Road
Monument, CO 80132

ATTN: John Chapman, Registered Agent

To Whom It May Concern,

Owners of Canterbury Estates properties which surround the Colorado Pumpkin Patch LLC on three sides have contacted our Association about the personal physical and/or emotional distress they are suffering due to your continued operations in violation of the limit of fifty (50) total vehicles on your property.

Your business' non-compliance with county requirements interferes greatly with our residential owners' peaceful enjoyment of their properties and decreases their property values. Additionally, the attached statements from Canterbury Estates owners attest to the personal physical and/or emotional distress you are causing property owners surrounding your illegal operations.

You have previously received complaints about the myriad of problems caused by the Colorado Pumpkin Patch LLC, and the attached statements add to that list. More statements of the physical and emotional distress you are causing will be forwarded to you as they are received by our Association.

As you are aware of the serious problems caused by your violations of legal limitations El Paso County has placed on operations of the Colorado Pumpkin Patch LLC, your continued violations can only be understood as intentionally inflicting physical and emotional distress on your surrounding neighbors.

The immediate response your aggrieved neighbors are requesting is compliance by Colorado Pumpkin Patch LLC with the legal limitations on its operations.



David Ellis
Registered Agent and Board Member
Canterbury Improvement Association, Inc.

Attachments:

1. October 12, 2022 Letter from El Paso County Planning & Development,
RE: File No. CE-22-1006; Violations by Colorado Pumpkin Patch LLC.
2. Four Personal Statements of Physical and/or Emotional Distress Being Caused
by Colorado Pumpkin Patch LLC.



EL PASO COUNTY

COLORADO

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

HOLLY WILLIAMS
CARRIE GEITNER
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

October 12, 2022

Colorado Pumpkin Patch LLC
18065 Saddlewood Road
Monument, CO 80132

Re: File No. CE-22-1006

To Whom It May Concern,

A notice of violation was issued to you by El Paso County Code Enforcement on September 16, 2022 for violation(s) of the El Paso County Land Development Code (LDC) and/or County Ordinances and/or development application approval on the property located at 18065 Saddlewood Road (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:

Development Application Approval

File No. PPR-18-25 (attached)

Land Development Code

5.2.6 Agritainment

(E) Vehicles Limited. The total number of vehicles at any given time shall not exceed fifty (50) unless otherwise approved by the PCD Director. The total vehicle count applies to all vehicles parked on the site, including, but not limited to, all employee, customer, and vendor vehicles associated with the use.

(I) Agritainment As a Special Use. Any proposed agritainment use which does not comply with the provisions of this section shall require special use approval.

(J) Other Applicable Standards. Agritainment shall meet all other applicable standards in this Code unless specifically modified by this Section or as otherwise modified by special use approval.

11.3.1. Unlawful Acts: It is unlawful to use real property or improvements thereon; to develop real property, to erect, construct, reconstruct, remodel, restore or improve a building or structure, or to alter the use of any real property or improvements thereon in any way not in accordance with this Code or with the terms and conditions of any development application approval or development permit, or without first obtaining all development approvals and permits required by this Code.

*****Full text of County Ordinances and LDC provisions is available online at www.elpasoco.com.**

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

WWW.ELPASOCO.COM



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Accordingly, pursuant to 11.3.2 (A) of the Land Development Code, 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 Development Application Approval File No. PPR-18-25 and 5.2.6 Agritainment, and 11.3.1 Unlawful Acts of the Land Development Code as provided by Colorado law.

In accord with 11.3.2 (A), 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 to the email or address provided below. Please note that failure to appear to the scheduled appeal hearing will be deemed a withdrawal of the request for an appeal, in which 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).

Email: pcdappeals@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 Joe Letke, Code Enforcement Supervisor, at 719-520-6309 or at joeletke@elpasoco.com.

Regards,

Kevin Mastin
Interim Executive Director
El Paso County Planning and Community Development Department

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STATEMENT "A" 10/14/2022

Personally Identifiable Submitter
Information Redacted for Presentation
to Colorado Pumpkin Patch LLC

Personal Statement of Physical and/or Emotional Distress Being Caused by Colorado Pumpkin Patch LLC

this is a residential neighborhood and not appreciated when 10-15 vehicles drive down Saddlewood, Canterbury, or Shalara all following each other to go to the Pumpkin Patch. I have had to move off the road on walks in order to dodge vehicles driving by. People behind the wheel are also driving through the neighborhood to see what this area is. The noise wafts all the way to the end of Canterbury from people/kids playing at the patch. Sounds like a football game at times. Too many people are here at any given time. This area is not meant for that at all. Year round.

STATEMENT "B" 10/15/2022

**Personal Statement of Physical and/or Emotional Distress
Being Caused by Colorado Pumpkin Patch LLC**

**I have experienced more than my share of trauma and tragedy
in my life. As a result I am very sensitive to hearing
screams. The screams that I hear all day long, day after
day, from the Colorado Pumpkin Patch LLC property
are extremely distressing to me. These screams affect
me both day and night although the amusement park
is operated only during the day.**

STATEMENT "C" 10/17/2022

Personally Identifiable Submitter
Information Redacted for Presentation
to Colorado Pumpkin Patch LLC

Personal Statement of Physical and/or Emotional Distress Being Caused by Colorado Pumpkin Patch LLC

The Colorado Pumpkin Patch is causing me and my family emotional and physical distress. They are not following the site development plan and have expanded driveways and roads on their property without permits or approval. The driveway is dirt and is causing a health hazard to me and my family. I have had to take my rescue inhaler several times since the Pumpkin Patch opened in September. Prior to this, I haven't had to use my inhaler in over a year. My asthma flare ups are directly caused by the amount of dust the Pumpkin patch is creating on our property. This is affecting my well being, my emotional health and physical health.

The Colorado Pumpkin Patch is also causing emotional distress, because they are allowing over 250+ cars to park on site at any given time. This is creating a very dangerous traffic situation through our neighborhood and we have had several instances where cars have almost hit one of us]. We don't feel it is safe for our kids to ride bikes, or even be outside due to this danger. My children are very limited on when they can be outside and when they do, they are worried for their safety.

STATEMENT "D" 10/17/2022

Personally Identifiable Submitter
Information Redacted for Presentation
to Colorado Pumpkin Patch LLC

Personal Statement of Physical and/or Emotional Distress Being Caused by Colorado Pumpkin Patch LLC

I have suffered from emotional distress caused by the Colorado Pumpkin Patch LLC (CPP) commercial amusement park for the last five years (2018-Present). CPP has not followed their business plan filed with El Paso County and have been non-compliant and dishonest from the start.

Especially during the months of September-October, CPP has hijacked my quality of life with excessive traffic, noise, pollution and great quantities of blowing dirt and dust. The neighborhood is not safe with CPP's hundreds and even over a thousand vehicles speeding through the Canterbury Subdivision on a daily basis. This includes alarming semi-truck deliveries to CPP down our residential roadways.

Due to emotional distress caused by CPP, I have been forced to alter my life and routine. For example:

- 1) Walks/runs must be conducted before 9:00 AM and after 6:00 PM to avoid dangerous traffic, noise and pollution. Although the CPP opens at 10:00 AM and closes at 5:00 PM, their employees *speed* to/from the Canterbury Subdivision to get to work and leave work.
- 2) Depart for errands before 9:00 AM and after 6:00 PM to safely leave my driveway. Especially dangerous is turning onto or from Canterbury Drive to Highway 105.
- 3) Make plans to be away from home all day or all weekend to avoid the chaos caused by CPP.
- 4) Options to flee home or 'lock down' and stay indoors for safety while CPP knowingly terrorizes the Canterbury neighborhood. (My family and I are being held hostage by the pure greed of CPP.)
- 5) One of the most beautiful seasons of the year (and on our property) is ruined by CPP as it is not safe for anyone to be outdoors.

Furthermore, my family and I have witnessed the following disturbing activities caused by CPP participants in front of our home on Canterbury Drive:

continued next page

STATEMENT "D" 10/17/2022

Personally Identifiable Submitter
Information Redacted for Presentation
to Colorado Pumpkin Patch LLC

- 1) Several road rage incidents
- 2) Near (serious) collisions.
- 3) A vehicle careened off the roadway onto our property to cut off vehicles and get through traffic.
- 4) Two vehicles stopped and an altercation ensued.
- 5) Two vehicles pulled over and allowed their children to play on private property.
- 6) Our mailbox was hit and damaged. The vehicle's side mirror and passenger side window shattered leaving behind a trail of debris.
- 7) Litter thrown (including cigarette butts) onto our roadway.
- 8) Wildlife struck and killed on our roadway.

Since 2018 the CPP has knowingly taken extreme advantage of the Canterbury Subdivision with their hundreds if not thousands of cars (daily) through a residential neighborhood. Fully aware of the complaints and dangers they have caused, CPP has made no effort to correct their wrongdoings or scale back to what their business plan actually states. Instead, CPP has expanded their commercial amusement park without the approval of El Paso County. The CPP has continually and willfully violated the county's 50 vehicle limit on their property approaching an order of magnitude. The disturbance to our neighborhood caused by 50 vehicles would be bad enough. When the CPP intentionally exceeds that limit by a factor of five, six, seven or more, the damage and distress caused by the CPP is exponential. Since 2018, CPP's proven unlawful, dishonest and greedy business practices have caused me and my family significant and continuing emotional distress and it gets worse each year.