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Board of County Commissioners
Holly Williams, District 1
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Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

SUMMARY MEMORANDUM

TO: El Paso Board of County Commissioners
FROM: Planning & Community Development
DATE: 9/14/2023
RE: AL2217, Colorado Kids Ranch, "Colorado Pumpkin Patch"

Project Description

A request by Colorado Pumpkin Patch, LLC, for approval of a Special Use on 40.52 acres to allow agritainment activities with additional conditions in the RR-5 (Residential Rural) district. The property is located at 18065 Saddlewood Road. Agritainment is a permitted use by right in the RR-5 zoning district; however, agritainment which does not comply with the provisions of the Land Development Code shall require Special Use approval. (Parcel No. 6116000001) (Commissioner District No. 1) The request was heard at the September 7th, 2023, Planning Commission Hearing as an incomplete application where staff comments are still outstanding to be addressed. The "Pumpkin Patch" has an advertised opening of September 16th, 2023, and has an open Code Enforcement case due to the expansion over 50 vehicles. Steps toward resolving the violation before the fall opening is the reasoning behind the partially complete project going forward to PC and BoCC. Additional documentation, such as the revised Letter of Intent was submitted after the packets went to the Planning Commission.

Notation

Please see the attached *Draft* PC Minutes for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions. An additional timeline and notes are provided in the Staff Presentation.

Planning Commission Recommendation and Vote

The request was heard at the September 7th, 2023, Planning Commission Hearing. Ms. Brittain Jack moved and Ms. Meriam seconded to recommend approval of the Special Use, Colorado Kids Ranch Pumpkin Patch, utilizing the resolution attached to the staff report with four (4) conditions and three (3) notations, that this item be forwarded to the Board of County Commissioners for their consideration. This motion was made **without modification** to the staff's recommended conditions. The motion to approve **failed by a 2-5 vote**, resulting in a **recommendation for denial**. The item was heard as a regular agenda item.

Discussion

Six citizens spoke in support of the application. Eleven citizens spoke in opposition to the application. The benefits of Agritainment were discussed in-depth. Those citizens in favor spoke of how their children worked there and it was good for the community. Citizens also spoke of the positive effect that the Pumpkin Patch has on the local children and those throughout the County. The citizens speaking against described the danger of speeding cars on unpaved rural roads designed for an equestrian community. They also spoke to dust clouds, noise generated from the traffic volume, and additional fire hazards in a community without fire hydrants. Citizens identified that this no longer meets the definition of "agritainment."

The denial of the deviation for access to Hwy 105 was discussed. Mr. Smith asked if all avenues had been exhausted for the deviation. The applicant's representation had a differing opinion than what the ECM states, that denial of deviations are elevated to the ECM Administrator (County Engineer). Traffic and safety impacts to the neighborhood due to the usage were discussed. The approved allowance for "agritainment" is 50 cars at a time, the request by the applicant is for an allowance of 325 at a time. Mr. Moraes questioned the appropriateness of classifying the expanded uses as "Agritainment." Concerns about a limit on the number of weekends and days allowed for this Special Use were identified by the citizens and the Planning Commission.

Attachments

1. Draft PC Minutes.
2. Signed PC Resolution.
3. PC Staff Report.
4. Draft BOCC Resolution.
5. Additional Documentation. (Public support/opposition, updated Letter of Intent, & misc. documents from the applicant.)

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, September 7, 2023
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: SARAH BRITTAIN JACK, JAY CARLSON, BRANDY MERRIAM, ERIC MORAES, BRYCE SCHUETTPELZ, WAYNE SMITH, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: JIM BYERS.

PC MEMBERS ABSENT: THOMAS BAILEY, BECKY FULLER, JEFFREY MARKEWICH, KARA OFFNER, AND TIM TROWBRIDGE.

COUNTY STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, JOSHUA PALMER, GILBERT LAFORCE, KYLIE BAGLEY, CARLOS HERNANDEZ MARTINEZ, DANIEL TORRES, ED SCHOENHEIT, ASHLYN MATHY, MIRANDA BENSON, AND LORI SEAGO.

5. REGULAR ITEMS

A. AL2217

HOWSER

SPECIAL USE COLORADO KIDS RANCH PUMPKIN PATCH

A request by Colorado Pumpkin Patch, LLC for approval of a Special Use on 40.52 acres to allow agritainment activities with additional conditions in the RR-5 (Residential Rural) zoning district. The property is located at 18065 Saddlewood Road. Agritainment is a permitted use by right in the RR-5 zoning district; however, agritainment which does not comply with the provisions of the Land Development Code shall require Special Use approval. (Parcel No. 611600001) (Commissioner District No. 1).

STAFF PRESENTATION

Mr. Carlson asked if the applicant could still operate the pumpkin patch with a 50-car limit if this proposal is not approved.

Mr. Kilgore confirmed. They may need to adjust the site plan, but it would remain approved.

Mr. Carlson stated the tulip festival was retroactively denied.

Mr. Kilgore confirmed and clarified that a future tulip festival could be approved with a 50-car limit. The presentation continued.

Mr. Carlson asked if the property had access to Hwy 105.

Mr. Kilgore stated it does not. Traffic gains access through the subdivision. Presentation continued.

Mr. Moraes asked if access to Hwy 105 would have been allowed if they were proposing a subdivision.

Mr. Torres answered that it would not likely meet the requirements of the ECM, but a deviation request would need to be submitted to analyze the specific details. There is a subdivision just north of this location that has temporary access to Hwy 105. That plat identifies that Hwy 105 access shall be closed once access is provided from another road to the northeast.

Mr. Moraes stated the western red line on the presentation image looks like it is covering something.

Mr. Torres stated it's an existing driveway that does not connect to Hwy 105. Presentation continued.

Mr. Carlson clarified during presentation of the conditions/notations that PCD could retract approval of the Special Use if the applicant is found to be in violation.

Mr. Kilgore stated that would be at the discretion of the BOCC. PCD could not directly rescind approval, it would need to go through a process.

Mr. Moraes asked how long that process takes. Is it a longer timeframe than these events occur?

Mr. Kilgore answered that he doesn't have an exact amount of time because it involves the Code Enforcement procedure. Once a complaint is received, the officer goes out to observe, issues a notice of violation, and they give the property owner time to remedy the situation. If it's not resolved, the Executive Director issues a letter, which escalates to the BOCC. It takes time.

Mr. Moraes commented that the agritainment events are short-term.

Mr. Kilgore agreed and noted the background slides of the presentation did show that multiple Code Enforcement cases were closed because the event had discontinued during that process. Presentation continued.

Mr. Whitney clarified that the applicant could host their events with 50 cars today. (Mr. Kilgore confirmed.) Mr. Whitney further clarified that the current request is to host their events with up to 325 cars. (Mr. Kilgore confirmed.) Mr. Whitney asked what effect the 120-day requirements outlined in the proposed conditions of approval would have on hosting this year's pumpkin patch event.

Mr. Kilgore answered that his understanding is that the applicant is requesting approval of this proposal prior to hosting this year's pumpkin patch event so they can operate under this Special Use approval of 325 cars and work on the necessary improvements (Site Development Plan and screening improvements) in a tiered system afterwards to get where they need to be for the following season.

Mr. Whitney clarified that approval of this proposal with the existing conditions/notations would take effect for the 2024 season. This year's pumpkin patch event would proceed with 325 cars and no improvements. By next year, they will need to meet the outlined conditions.

Mr. Kilgore confirmed and made note of condition 4; roadway improvements prior to 9/1/2024.

APPLICANT PRESENTATION

Mr. Moraes asked how the number of 325 was decided as the maximum number of cars.

Ms. Ruiz, with Vertex Consulting, answered that they evaluated the highest number of cars they experienced recently (275) and added a buffer.

Mr. Carlson pointed out that it was mentioned several times during the presentation that events are only currently taking place for 6 weeks and 2 weekends during the year. He asked if the applicant could host events at the proposed capacity throughout the entire year if this proposal is approved.

Ms. Ruiz stated that could be correct; theoretically, they could be in operation all year.

Mr. Carlson asked if there is anything keeping people from parking on the public roads and walking into the event if the event meets the capacity of 325 cars.

Ms. Ruiz answered that terms within the LDC for Special Use specify that all parking must be on-site. Off-site parking could result in revocation of the approval.

Mr. Kilgore stated that they would expect people to park on-site.

Mr. Carlson proposed a scenario where people may be turned away from the parking lot due to the set limit. If that family then parked on the public road and walked into the event, what would happen? That could happen because there's nothing to keep people from parking on the road.

Mr. Kilgore stated he would defer to Code Enforcement to answer that question.

Mr. Moraes asked if the traffic generation table during the applicant's presentation was using the assumption of 325 vehicles. (Ms. Ruiz confirmed.) He then asked how May 15th relates to the annual tulip festival.

Ms. Ruiz answered that it may fluctuate depending on when the bloom occurs, but May 15th is typically the first weekend of the tulip festival.

PUBLIC COMMENTS IN SUPPORT

Ms. Margaret Weishuhn is concerned that the cars may be limited to 50. There are workers at every amenity. After employee parking, that wouldn't leave many spaces for visitors. Limiting parking would shut down the pumpkin patch. There are pros and cons to the location but it should be in the country. People know about the pumpkin patch and travel to it every year. The Chapmans run Awana and help neighbors. She stated the pumpkin patch is good for families.

Mr. Chris Jeub stated that traffic and congestion were commonly mentioned in the letters of opposition, but he didn't observe any problems on his frequent travels to Denver while taking Hwy 105. He thinks trust should be put in the traffic studies. He mentioned the Master Plan and stated it encourages agricultural business like the pumpkin patch. He stated the sacrifice the Chapmans are presenting to maintain this type of business is encouraging to him. He urged the PC to "make this work" through the bumps in the road and to approve the 325 parking spots for the limited time it would be used to keep the pumpkin patch as part of the County.

Mr. Matt Dunston stated the pumpkin patch is a key feature of the area. He stated that parties with musicians at Limbach Park in Monument have more than 50 cars gathered. When thinking of the region, he thinks about Monument Academy, churches, golf courses, and the YMCA. He thinks the pumpkin patch is in the perfect location. He spoke about the background of the property. The pumpkin patch honors agrarian roots. He referenced Ms. Ruiz' comments regarding the BOCC adopting the 50-car limit. He stated the past BOCC acknowledged that some could exceed that 50-car limit when it makes sense and meets the criteria. He stated PC and BOCC typically review land-use items that deviate from what has historically been there, but he thinks this proposal (to allow up to 325 cars) keeps what has historically been there. He added that it may not be for the PC to discuss, but \$750,000 (the applicant's estimated cost of improvements) is a lot of money. He thinks the County should help with that cost.

Ms. Barb Kunkel stated she supports investing in kids, teenagers, and the future. She stated the pumpkin patch is important to the kids in the community. She likes the hands-on learning and environment. She has a tradition that all families from her martial arts school go to the pumpkin patch together. Their group alone would exceed 50 cars. The Chapmans are looking for a solution that sustains the business and the farm with a win-win to the community and their family. The pumpkin patch has become a local tradition for many people of all ages.

Ms. Pam Resner is disappointed that a solution was not agreed upon before getting to this point. She works at the pumpkin patch. She mentioned that the Master Plan addresses tourism, which the pumpkin patch increases. People come from surrounding towns and cities. The business trains future workers who then go out in the community and share their experience. Kids learn service and community interaction. She stated it's a healthy, safe place to gather for teens. She stated the Master Plan identifies employment in the area should be promoted. She stated youth programs, schools, and businesses gather at the pumpkin patch to strengthen connections, which promotes the health, safety, and wellness of the community.

Ms. Heather Tiffany shared that her daughters both work at the pumpkin patch and love being there. She referenced a moment earlier in public hearing where a woman was opposed to the subdivision of 40 acres near her; Ms. Brittain Jack stated that the owner of the 40 acres can use it how they want. She stated the Chapmans are choosing to use their land in this way and they should be able to use it how they'd like.

PUBLIC COMMENTS IN OPPOSITION

Mr. Mike Provencal stated that this neighborhood is an equestrian residential neighborhood. He doesn't understand how a business license was issued within a residential neighborhood. He has observed their business growing and a changed limit in their parking. He stated that he sees this as a company wanting to make more money at the neighborhood's expense. He stated that while he was walking his dog on Canterbury Dr last pumpkin patch season, he encountered a friend and her daughter riding horses. The traffic disregarded the speed limit and ignored the pedestrians and horseback riders so that they had to go into the shoulder to avoid being hit. He doesn't think a business like this belongs in their neighborhood.

Mr. Alton Gansky stated the Canterbury Dr is a narrow winding road with many hills. There are inadequate shoulders and steep drop-offs. When there is two-way car traffic, it becomes very dangerous for anyone walking dogs or riding horses. He stated there is a need for dust control and mitigation. Dust can linger in the air for up to 10 days. He researched articles on carcinogens caused by traffic. Traffic needs to slow down. He stated there are 4 entrances to the neighborhood that lead to Canterbury Dr which was not meant for heavy two-way traffic. He thinks someone is going to get hurt. Spraying water on the road to mitigate dust is going to cause the wells to run dry. All 4 roads within the subdivision would need to be paved, or the pumpkin patch would need to be given access to Hwy 105. He can't go outside when they are having events.

Ms. Vicki Davis stated she no longer feels safe walking down her own street. The children can no longer ride their bikes and neighbors with horses can no longer ride on the roads. She stated the pumpkin patch is an amazing thing, but they're not taking the neighborhood and families into consideration. They have never followed the existing 50-car limit and have not been held accountable. She doesn't believe they will follow a 325-car limit or keep events limited to 6 weeks and 2 weekends as they declare.

Mr. Cory Town lives at the intersection of Canterbury and Saddlewood. He supports the activities promoted by the pumpkin patch but he stated that the effect it's having on his property during the events is terrible. He does not oppose the agritainment permit as it exists with a 50-car limit because that is what he believes to be reasonable when they only have access through the residential community. He understood traffic would increase when this began 5 years ago, but the limit has been exceeded many times. He is concerned for the safety of children and people walking or riding horseback in the community. He mentioned the excessive amount of dust caused by traffic on dirt roads that are not meant for the high volume of use. He also mentioned the fire risk; there is only one entrance/exit on a small dirt driveway with no access to Hwy 105. There are no fire hydrants in the Canterbury subdivision. He observed people littering trash, and once saw someone flick a cigarette butt from their car window as he was blocked from exiting his

driveway. He stated cars already park along Saddlewood (as was discussed earlier in the hearing). He stated that he has continuously had to pick up trash on his property along Saddlewood.

Mr. Bryan Canaan (Gave presentation, slideshow attached.) Topics included argued compatibility with the Master Plan: large-lot residential should preserve the rural aesthetic, businesses should not be located on a rural residential dirt road, and there should be compatibility with the character of the existing developed area. Semi-trucks deliver pumpkins to the property because they're not grown on-site. Topics also included the quantity and scale of commercial-style events (year-round), the high number of people visiting the property, not meeting the State's definition of "agritourism", and attractions not being agricultural in nature as defined by State legislation.

Mr. Jake Van Pelt (Gave presentation, photos attached.) Topics included: Traffic putting their kids in danger, the dust causing hazardous breathing conditions, and the events overburdening the community infrastructure and environment.

Ms. Rikki Van Pelt (Gave presentation, photos attached.) Topics included how she believes the application does not meet 2 Special Use criteria of approval; number 2, 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; and number 6, 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. The community is a quiet equestrian neighborhood. The dust caused by the high volume of traffic on the dirt road is affecting her health. Events held on the property have not been following the existing regulations. The scale of traffic is causing unsafe conditions.

Ms. Melanie Sweet (Gave presentation, photos attached.) Topics included: The existing roads being used for the high volume of traffic, the safety of pedestrians, and the safety of her family. The traffic and street parking blocked access to her own property. She supports agriculture, but the reality of what is taking place on the subject property is dangerous. Livestock were once allowed to open graze. The current use is not preserving the land.

Mr. Joe Baran stated he was almost hit by cars twice on Canterbury Drive last fall during weekday pumpkin patch events. After that happened, he counted 51 cars traveling south and 29 cars traveling north on Canterbury within 15 minutes. He stated it's unsafe within his neighborhood.

Ms. Janet Schulte stated she was disappointed by the applicants' failure to address the safety measures that they will take moving forward. She reiterated that the applicant has not complied with the initial agritainment permit. She doesn't have confidence that the proposed 5-year public improvement mitigation plan will be followed. The traffic issue makes it unsafe for residents. There is no screening proposed along the east side of the property.

Mr. Steve Clark (on the phone) mentioned that most letters received in support are not residents that have to live with the excessive traffic in their covenant-controlled subdivision. He stated this type of proposal would not be allowed within other covenant-controlled subdivisions like Broadmoor. He reiterated the discussion regarding unsafe traffic. He stated the proposed fencing for mitigation would destroy the open, rural aesthetic. Without Hwy 105 access, he is opposed to the application.

DISCUSSION

Mr. Craig Dossey, with Vertex Consulting, addressed the public comments. He stated that the neighborhood being described as a residential equestrian neighborhood is “categorically wrong” because the LDC does not limit the use to residential or equestrian. He stated it is not a residential equestrian neighborhood. He addressed the agritainment use within the neighborhood and mentioned that the State made sure to define agritainment as a land-use type. He stated the Chapmans are not exceedingly profitable. They cannot control the behavior of traffic, but they are proposing safe improvements. He disagrees with County staff’s traffic improvement assessment because he thinks the intersection is already functioning at an acceptable level of service. Dust caused by cars would be addressed when the road improvements are completed, and he stated the dust being caused by the activities is less than it would be if they were farming the land. Addressing the concerns that high levels of traffic for events will be year-round; it could be. He stated that anyone who runs a business and is expected to put in the financial investment that the County is requiring would need to host events year-round to see a return. He stated he’s not sure horses should be allowed on the neighborhood roads. They’re public-maintained roads. Mr. Chapman tried to get access off Hwy 105 but the County denied the deviation. He disagreed that the Master Plan calls for businesses to gain access off a major roadway because it specifically says, “located on”, not “accesses onto”. The business is adjacent to Hwy 105. Access points onto arterial roads are limited. He stated agritainment is more in-line with the character of the area than single-family development because agriculture predates residential. Regarding the allegations of disregard for the rules, he stated that Mr. Kilgore’s timeline showed a history of compliance and that litigation for non-compliance was never initiated. He stated County staff gave the Chapmans bad information and once Mr. Chapman realized his business needed to grow and that he was not in compliance, he realized he needed to make improvements. He stated that residents set out speed and counting strips and found that speeding was not an issue. Screening was not proposed on the east side of the property because a fence would not block anything due to topography. The homes on the east side are higher in elevation and it would take a taller structure than a standard fence to be effective, which would increase the cost to Mr. Chapman. He mentioned that the neighbor across the driveway from the Chapmans sent in a letter of support. He then reiterated comments made by those in support of the agritainment use. He stated the modified conditions that they proposed in their presentation make a compromise that the applicant can meet. He stated the Chapmans would never be able to afford the road improvements if they were limited to 50 cars.

Ms. Merriam asked if a partnership with law enforcement to address traffic was explored.

Mr. Dossey stated Mr. Chapman didn’t anticipate his business growing like it did. There’s no way to anticipate the number of cars each day. He thinks Mr. Chapman would be open to hiring law enforcement, but that depends on cost.

Mr. Whitney asked for Mr. Dossey’s rebuttal to the assessment that the events are no longer agricultural in nature, no longer agritainment, but are more of an amusement park.

Mr. Dossey answered that he doesn't think there's a great definition of agritainment. He stated that when agritainment was drafted in the LDC, they looked to the State for a definition but that wasn't a lot of help. He stated that not every accessory land-use is going to be captured explicitly in the definitions, but that doesn't mean it's not compatible with the principal use. A pumpkin patch by itself may be boring. Some of the attractions are necessary to maintain the business, however there's a fine line between what is necessary for the business and it turning into something else. That's why the site plan is reviewed.

Mr. Whitney stated that was his understanding from the comments of opposition; while it began with the right idea, it has morphed into something different.

Mr. Dossey replied that it happens with Variance of Use and Special Use applications; a slide into something different. However, the site plan and the letter of intent are enforceable documents. If it's not within those documents, it's not allowed on the property.

Mr. Moraes asked if there's an admission fee for the events on the property.

Mr. Dossey verified with the applicant that there is an admission fee.

Mr. Moraes then stated that the use seems to be sliding into the "Amusement Center, Outdoor" definition from the LDC. There are several similarities. He thinks there can be a case that it falls under outdoor amusement center when it goes from a fall festival and a tulip festival to year-round events to make money.

Mr. Dossey stated that applicants depend on PCD staff to determine what the use is.

Mr. Moraes commented that a citizen could go to PCD staff and say it's not agritainment anymore. If PCD staff agrees, it could become a Code Enforcement issue.

Mr. Smith asked if the pursuit of access to Hwy 105 had been exhausted. He asked if there was a way to appeal the denial of access.

Mr. Dossey answered that when he was the Planning Director in the past, it was his belief that any decision he made should be able to be appealed to the BOCC. He then stated that when they asked if they could appeal the engineering department's denial, they were told no. He stated there is no avenue for them to appeal.

Ms. Herington added that the County Engineer is in attendance and can give more information of the reasoning behind not allowing for access off Hwy 105. Things have changed since Mr. Dossey was the PCD Director. Planning and Engineering both used to report under the PCD Director. Now, the County Engineer and Engineering staff are under Public Works.

Mr. Dossey offered correction and stated that he did not oversee the County Engineer when he was Director and he could not override the County Engineer.

Mr. Carlson reminded the audience that the PC decision is a recommendation to the BOCC and not a final decision.

Mr. Moraes asked what PCD staff thought of the applicant's proposed conditions of phasing.

Mr. Carlson asked if there were now 10 conditions of approval.

Mr. Kilgore clarified that the applicant's representation has proposed 10 conditions. PCD staff's 4 recommended conditions are the compromise between the applicant's request and what is required by Code. He stated the application is still going back and forth with review comments and Ms. Ruiz just submitted a revised Letter of Intent (that is before the board). He stated the application has not been addressed to PCD staff's satisfaction.

Mr. Moraes noted that the limit of 325 cars is not listed in the 4 conditions on the resolution.

Mr. Kilgore stated that could be added. Normally there is a condition of approval that refers to the letter of intent, but that hasn't been finalized at this point.

Mr. Moraes agreed that it normally refers to the letter of intent, but the conditions presented refer to the site plan, which he does not see limiting the cars to 325. He referred to the rebuttal comment that the applicant can't control the behavior of the drivers and comparisons to traffic in other areas of Colorado Springs, but a major difference in this area is the lack of sidewalks. Canterbury Dr and Saddlewood Rd are local roads, not arterials or collectors. When he looks at the ECM definition for local roads, it says, "accesses shall not be allowed to compromise the safety, health or welfare of roadway users." The roadway users are vehicles, pedestrians, and, in this area, horseback riders. The applicant spoke on levels of service, which is all about traffic and turning movements, but nothing about safety. The criteria of approval for Special Use talks about hazards. He reiterated that the Special Use request is about increased cars over 50, not agritainment. The applicant's rebuttal was mostly about the agritainment, not the increase in cars. He stated that he reads the criteria of approval by replacing the term "special use" with "more than 50 vehicles". For example, will *more than 50 vehicles* create traffic hazards in the surrounding area? He wonders if the increase in the number of cars can be allowed incrementally. For example, allow up to 100 cars to see how it is going, or the increase in allowed vehicles will only be permitted until a certain date and then will be reevaluated. He suggested increments for if more events are added and the requested 325 cars is no longer 6 weeks of the year but 30 weeks of the year. As it is presented now, it's going from 50 allowed cars to 325 allowed cars on the property, which he thinks is too far regarding safety on a local roadway.

Mr. Whitney clarified that Mr. Moraes would read the fourth criteria of approval as, "The allowance of 325 cars will not create unmitigated traffic congestion or traffic hazards in the surrounding area...".

Mr. Moraes answered that he would use the phrase, "anything more than 50" because that's what is already allowed.

Ms. Merriam asked again if law enforcement should be guiding people during events. Is law enforcement the proper use for public safety?

Mr. Moraes responded that the idea is doable but hasn't been part of the plans submitted by the applicant. Providing law enforcement as a mitigating solution has not been included or offered in the application. The concern is not Hwy 105, but after the traffic is in the neighborhood.

Ms. Merriam asked if PCD staff considered law enforcement.

Mr. Kilgore answered that PCD cannot compel the applicant to hire off-duty law enforcement. He wasn't part of PCD when this project began, but he usually suggests to applicants that it would be in their best interest to involve law enforcement when hosting major events.

Mr. Carlson asked Ms. Seago what the PC should consider as the request because he sees different language in paperwork in front of him, including differing conditions and notations.

Ms. Seago answered that she understands the focus of the discussion has been a limit of 325 cars, though that is not part of the conditions. PC can add that to the conditions. The PC is considering agritainment under added parameters.

Mr. Carlson clarified that the added parameters are the conditions and notations.

Ms. Seago confirmed. The conditions and notations are up to the PC.

Mr. Carlson sought clarification on what is being requested.

Ms. Herington added that it's difficult because there is no approved site development plan. The number 325 came from the traffic study, which triggered the roadway improvements needing to be installed. The County is not recommending a limit of 325 cars, just saying that the number 325 was used in the traffic study to determine roadway improvements. The site development plan will show how many parking spots on-site are being requested, which drives the limit of vehicles. She suggested that if the PC wants to add a condition of approval to include a limit to the number of vehicles, PCD staff would need to have a site plan to look at to determine that possibility.

Mr. Kilgore agreed and added that Ms. Seago or the PC can come up with added recommended conditions for the BOCC.

Mr. Schuettpelz added that in addition to the potential limit on the number of vehicles, the PC is also considering the conditions regarding the timeline of the required improvements. PCD made recommendations and the applicant has come back with a suggested 5-year span. He compared the situation to when other developers come in with proposals; they're not given negotiated timelines to make improvements.

Mr. Moraes stated he didn't think the request was ready for "prime time". He referred to the PCD recommended conditions of approval. The applicant didn't seem to have objections to number 1, but there is no site plan presented. How can they vote on the recommendation if they don't have a site plan in front of them?

Ms. Herington answered that a site plan as referenced in condition number 1 is included with the packet and shows the general location of fencing, etc. Condition number 2 specifies that a site *development* plan is required within 120 days. The site development plan gives more specific details.

Mr. Moraes understood.

Mr. Carlson clarified that if they approve of what they have presented before them, it would be after this year's pumpkin patch before improvements are made.

Mr. Kilgore advised that the BOCC will consider this application on 9/14/2023 at 1:30 p.m.

Mr. Dossey clarified that the site development plan doesn't get reviewed by the PC or BOCC. The site plan is tied to the Special Use and is reviewed by the BOCC, and the site development plan is reviewed administratively. Regarding the discussion of hiring officers or off-duty law enforcement as traffic mitigation, he stated the County told them it was not a viable option and physical improvements to the roads were still required. He stated they've tried to mitigate the traffic impact but can only work within what the engineers and regulations tell them to do.

Ms. Brittain Jack mentioned a previous project that had multiple agencies collaborating.

Mr. Dossey mentioned that part of the solution for that project was to lease parking space from another nearby business. He stated that he discussed with the applicant, and Mr. Chapman is agreeable to setting the parking limit at 325 and delineating the spaces so the County can verify.

Mr. Whitney stated he would feel better about having a defined number included in the conditions instead of leaving it open to anything over 50 vehicles.

Mr. Josh Palmer, the County Engineer, spoke with Ms. Merriam to clarify what she meant when suggesting uniformed traffic control.

Ms. Merriam clarified that law enforcement has its own definition of public safety, and since public safety is listed in the LDC criteria, she is unsure if the County has a definition of public safety and if PCD needs to coordinate with law enforcement.

Mr. Palmer gave details about the discussion that took place between his department and the applicant. He stated they had discussed the possibility of using a temporary work zone as an alternative to the requirement for turn lanes or other improvements to Hwy 105. When Mr. Dossey mentioned that the idea was shot down, it wasn't done to dissuade uniformed traffic control as a mitigation factor to the neighborhood. They only denied using work zone conditions as an alternative to the requirement to install turn lanes on Hwy 105. His primary concern regarding any improvement in the area is its impact on Hwy 105 because it is an arterial roadway. He listed types of concerns that are evaluated. He mentioned that something not considered within the discussion on level of service was the traffic already using the two-lane road. He stated there are no turn lanes or shoulders, so as traffic is leaving or turning into the neighborhood, it backs up and causes delays. He explained that depending on how far the back-up goes, it could cause site-distance issues and cause accidents. Part of the discussion with the applicant included work zone conditions (flaggers, traffic control, etc.) but it was not appropriate. He stated that uniformed traffic control may still be an option that could be pursued further, but it's more applicable to the safety concerns (speeding, parking, unsafe driving, etc.).

Ms. Merriam asked if Mr. Palmer is indicating there are other options that have not been evaluated.

Mr. Palmer stated he does not recall if uniform traffic control was specifically discussed but it could be an option. He does not see it as a viable option to get around the requirement for intersection improvements on Hwy 105. He added that the County is open to additional traffic control measures within the neighborhood (signage, reinforcement, etc.). One of those options could be uniformed traffic control but he's unsure of their availability.

Ms. Brittain Jack mentioned another area on Hwy 105 that has no traffic control and asked about its mitigation.

Ms. Seago questioned the relevance of the issue.

Ms. Brittain Jack clarified that she's asking about access off Hwy 105.

Mr. Palmer answered that it would be mitigated by installing turn lanes.

Ms. Brittain Jack further clarified that there are other instances along Hwy 105 where access has been granted and she wonders if the rules apply the same to everyone.

Ms. Seago responded that because her example involves a school, it was not required to go through the same site development plan process with the County. She added that if they had been required to go through the same process, Ms. Brittain Jack may not be experiencing the traffic situation she described.

Mr. Palmer agreed and added there is a project in the works on Hwy 105 to mitigate traffic issues.

Mr. Carlson reiterated that the applicant has agreed to an added condition limiting the vehicle count to 325. If applicable, he reminded anyone making a motion to include that detail if they choose.

(A motion was made with no modification to the County's recommended conditions or notations)

Mr. Moraes agreed that the pumpkin patch is great for the community and the County, but he is considering the application as it has been presented. He believed the incremental conditions suggested by the applicant were reasonable. He would have liked to see an incremental gain in the number of vehicles allowed to see how it works, especially with the history of violations. Though they are discussing the intersections, they are not focusing on the safety within the Canterbury neighborhood. He is not in support of the motion.

Mr. Whitney clarified that Ms. Brittain Jack did not include an added condition of approval to limit the number of parked vehicles at 325. (She did not.)

Mr. Carlson explained that the way the motion was made, they would be recommending approval of the Special Use to allow more than 50 cars. They would not be recommending a limit on the number of vehicles or anything else.

PC ACTION: BRITAIN JACK MOVED / MERRIAM SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM NUMBER 5B, FILE NUMBER AL2217 FOR SPECIAL USE, COLORADO KIDS RANCH PUMPKIN PATCH, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FOUR (4) CONDITIONS AND THREE (3) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION FAILED (2-5), RESULTING IN A RECOMMENDATION FOR DENIAL.

IN FAVOR: BRITAIN JACK AND MERRIAM.

IN OPPOSITION: CARLSON, MORAES, SCHUETTELZ, SMITH, AND WHITNEY.

Ms. Merriam stated she believes that both sides have another way to address the issue but there's an answer in there. She stated that she voted in support of the motion because she thinks there needs to be more options available than were discussed.

Mr. Schuettzelz stated that in addition to earlier comments, he disagreed with the timeframe proposed to make the necessary improvements. The applicant stated they wouldn't be able to complete the improvements in the recommended time, but he believes 5 years is too long. He doesn't think the discussion of turning traffic adequately addresses the nature of the problem. Regarding the criteria of approval, he stated the added traffic *does cause* an undue burden.

Mr. Carlson agreed that the pumpkin patch is fantastic for the community, but it is causing a negative impact on the neighborhood. He doesn't think the BOCC or State intended that a venue should be routed through a residential neighborhood when they promoted agritainment. Other pumpkin patches that he can think of are more remote and when people are exiting, they have easier access to major roads. He hopes they can find a solution but thinks that directing the proposed number of people through a neighborhood will be tough to get done.

B. NON-ACTION ITEMS - NONE.

MEETING ADJOURNED at 3:09 P.M.

Minutes Prepared By: Miranda Benson

SPECIAL USE (RECOMMEND APPROVAL) - ***This motion failed, resulting in a recommended denial.***

Brittain Jack moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. AL-22-017
COLORADO KIDS RANCH PUMPKIN PATCH

WHEREAS, Colorado Pumpkin Patch, LLC, did file an application with the El Paso County Planning and Community Development Department for approval of a special use to allow agritainment with additional conditions within the RR-5 (Residential Rural) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on September 7, 2023; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. For the above-stated and other reasons, the proposed special use is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, Section 5.3.2.C of the El Paso County Land Development Code (as amended), the Planning Commission and Board of County Commissioners may consider the following criteria in approving a special use:

1. The special use is generally consistent with the applicable Master Plan;
2. 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;
3. 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;
4. The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access;
5. The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;
6. 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
7. The special use conforms or will conform to all other applicable County rules, regulations, or ordinances.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends approval of the requested special use submitted by Colorado Pumpkin Patch, LLC, to allow agritainment activities with additional conditions within the RR-5 (Residential Rural) zoning district with the following conditions and notations:

CONDITIONS

1. The Special Use shall be limited to the agritainment use as shown on the site plan. Any subsequent addition or modification to the agritainment use beyond that as shown on the site plan shall be subject to administrative review, and if it is the opinion of the Planning and

Community Development Department Director that it constitutes a substantial increase, then such addition or modification shall be subject to a new Special Use application.

2. The applicant shall receive approval of a Site Development Plan within one-hundred and twenty (120) days of Special Use approval. The deadline for receipt of approval of the Site Development Plan may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.
3. The applicant shall install all required screening and buffering of the use to adjacent properties, pursuant to the applicable requirements of Chapters 5 and 6 the Land Development Code, within one-hundred and twenty (120) days of Site Development Plan approval.
4. The applicant shall install all required roadway improvements, as outlined in the traffic impact study provided with the Special Use request, prior to September 1, 2024.

NOTATIONS

1. Special Use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification, or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or special use conditions/standards are being violated, preceded by notice and public hearing.
3. If the Special Use is discontinued or abandoned for two (2) years or longer, the Special Use shall be deemed abandoned and of no further force and effect.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Merriam seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

| | |
|---------------------|---|
| Thomas Bailey | aye / no / non-voting / recused / <u>absent</u> |
| Sarah Brittain Jack | <u>aye</u> / no / non-voting / recused / absent |
| Jim Byers | aye / no / <u>non-voting</u> / recused / absent |
| Jay Carlson | aye / <u>no</u> / non-voting / recused / absent |
| Becky Fuller | aye / no / non-voting / recused / <u>absent</u> |

| | |
|---------------------|---|
| Jeffrey Markewich | aye / no / non-voting / recused / absent |
| Brandy Merriam | aye / no / non-voting / recused / absent |
| Eric Moraes | aye / no / non-voting / recused / absent |
| Kara Offner | aye / no / non-voting / recused / absent |
| Bryce Schuettpelz | aye / no / non-voting / recused / absent |
| Wayne Smith | aye / no / non-voting / recused / absent |
| Tim Trowbridge | aye / no / non-voting / recused / absent |
| Christopher Whitney | aye / no / non-voting / recused / absent |

The motion failed
~~The Resolution was adopted~~ by a vote of 2 to 5 by the Planning Commission of the County of El Paso, State of Colorado, resulting in a recommendation to deny.

DONE THIS 7th day of September 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION


By: 
Jay Carlson Vice-Chair

EXHIBIT A

That portion of Section 16, Township 11 South, Range 66 West of the 6th Principal Meridian, El Paso County, Colorado, described as follows:

Beginning at a point on the North line of said Section 16, which Point is 2,355.00 feet East of the Northwest corner of said Section 16; thence Southerly at right Angles to the North line of said Section 16, along the Easterly line of Tracts 29 and 30, Canterbury West, a distance of 720.00 feet to the Southeast corner of said Tract 30; thence deflecting $35^{\circ} 00'$ to the right along the Southeasterly line of Tract 31, Canterbury West, a distance of 580.00 feet to the Southeast corner of said Tract 31;

thence Deflecting $35^{\circ}37'13''$ to the Left along the Easterly line of Tracts 32, 34 and 35, Canterbury West, a distance of 1,002.46 feet to the Southeast corner of said Tract 35; thence Deflecting $80^{\circ} 01'55''$, to the Left along the Northerly line of Saddlewood Road, a distance of 370 feet; thence continuing along the Northerly line of Saddlewood Road along a curve to the right, having a radius of 1,332.92 feet and being Tangent to the Last described Course, a distance of 211.99 feet to the Southwest corner of Tract 106, Canterbury East; thence Northerly along the Westerly line of said Tract 106 and being Radial to the Last described Curve, a distance of 97.78 feet; thence Deflecting $1^{\circ} 50'36''$ to the Left along the Westerly line of Tracts 106,112,111,110,109,108 and 107, Canterbury East, a distance of 2,281.00 feet to the Northwest corner of said Tract 107; thence Deflecting $16^{\circ}37'$ to the Left, a distance of 30 feet to a point on The North line of said Section 16; thence Westerly along the North line of said Section 16, a distance of 932.07 feet to the Point of Beginning.

EL PASO COUNTY



COMMISSIONERS:
CAMI BREMER (CHAIR)
CARRIE GEITNER (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Ryan Howser, AICP, Planner III
Daniel Torres, PE, Engineer III
Meggan Herington, AICP, Executive Director

RE: Project File Number: AL2217
Project Name: Colorado Kids Ranch Pumpkin Patch
Parcel Number: 61160-00-001

| OWNER: | REPRESENTATIVE: |
|---|--|
| Colorado Pumpkin Patch, LLC 18065 Saddlewood Road Monument, CO, 80132 | Vertex Consulting Services PO Box 1385 Colorado Springs, CO, 80901 |

Commissioner District: 1

| | |
|--|------------------|
| Planning Commission Hearing Date: | 9/7/2023 |
| Board of County Commissioners Hearing Date: | 9/14/2023 |

EXECUTIVE SUMMARY

A request by Colorado Pumpkin Patch, LLC for approval of a Special Use on 40.52 acres to allow agritainment activities with additional conditions in the RR-5 (Residential Rural) district. The property is located at 18065 Saddlewood Road. Agritainment is a permitted use by right in the RR-5 zoning district; however, agritainment which does not comply with the provisions of the Land Development Code shall require Special Use approval. Specifically, this request includes a request for more than 50 vehicles to be allowed on the property during events. Pursuant to the Land Development Code, consideration of this allowance requires Special Use approval.

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

A. AUTHORIZATION TO SIGN: There are no documents associated with this application that require signing.

B. APPROVAL CRITERIA

Pursuant to Section 5.3.2.C of the Land Development Code (As Amended), the Planning Commission and Board of County Commissioners may consider the following criteria in approving a Special Use:

- *The special use is generally consistent with the applicable Master Plan;*
- *The special use will generally 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;*
- *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 special use will not create unmitigated traffic congestion or traffic hazards on the surrounding area, and has adequate, legal access;*
- *The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;*
- *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.*

C. LOCATION

| | | |
|--------|--------------------------------|-------------|
| North: | PUD (Planned Unit Development) | Residential |
| South: | RR-5 (Residential Rural) | Residential |
| East: | RR-5 (Residential Rural) | Residential |
| West: | RR-5 (Residential Rural) | Residential |

D. BACKGROUND

The applicant approached El Paso County regarding the prospect of establishing an agritainment operation on the subject property in 2018; a formal Early Assistance meeting was held on March 21, 2018, to discuss the process and procedure for establishing the use. At this time, the applicant expressed the following in their Early Assistance meeting request:



Would like to investigate the ability to get a variance or special permit to run a pumpkin patch on the property. The patch would be less than 50 cars at any one time and be season only in late September and October.

The applicant received approval for a Site Development Plan for agritainment activities on October 22, 2018, (PCD file no. PPR1825). The Site Development Plan included provisions for landscape buffering and screening and was limited to allowing no more than 50 vehicles on the property at any time. Pursuant to Section 5.2.6 of the Land Development Code, consideration of this allowance requires Special Use approval.

Since 2019, the property has been the subject of numerous Code Enforcement cases citing number of cars on the property, speeding, safety issues, lack of compliance with the approved Site Development Plan, noise, and dust (see PCD file nos. CE191205, CE20866, CE21971, CE22867, and CE221006). Several of the concerns expressed through the Code complaints are not appropriately addressed through a zoning action; however, Code Enforcement had observed the property's noncompliance with the approved Site Development Plan and had directed the applicant to provide and receive approval of a revised Site Development Plan.

On August 19, 2021, staff created a Site Development Plan project for the applicant to submit in order to correct the noncompliance with the approved PPR1825. The applicant formally submitted the Site Development Plan application on June 24, 2022, (PCD file no. PPR2235). The Site Development Plan application has not been resubmitted to address staff's comments and has not been approved. On September 16, 2022, Code Enforcement sent the property owner a Notice of Violation (NOV) identifying the continued noncompliance with PPR1825 and the need for a Special Use in order to operate an agritainment use with more than 50 cars on the property.

On October 20, 2022, staff created a Special Use project for the applicant to submit in order to correct the Code Enforcement violations. The applicant formally submitted the Special Use application on May 24, 2023. During this time, the applicant petitioned the Planning and Community Development Department for a Temporary Use permit for a tulip festival to be hosted on the property between May 12th and May 20th (PCD file no. TU2312). The applicant was found to be in violation of the terms of the Temporary Use permit on the first weekend and the Temporary Use was subsequently revoked for the second weekend.



On February 15, 2023, the applicant submitted an application for a Deviation Request to allow a direct access point on Colorado State Highway 105 on the north side of the property. The Deviation Request was denied on May 9, 2023; please see the Transportation section below for more information.

Please see below for an analysis of the Land Development Code requirements as they relate to this use.

Please see the attachments for a complete timeline of events and correspondence with the applicants regarding this application.

E. ANALYSIS

1. Land Development Code Compliance

The applicant is requesting a Special Use for agritainment activities. Pursuant to Section 5.2.6 of the El Paso County Land Development Code, agritainment which does not comply with the provisions of the Land Development Code shall require Special Use approval. Chapter 1, Section 1.15 of defines agritainment as follows:

Ongoing or seasonal events and/or activities, whether for remuneration or not, of an agricultural nature that are offered to the public for the purpose of recreation, entertainment, and/or education.

The use of the property for seasonal activities, including the Pumpkin Patch (referred to as the Fall Festival in the applicant's letter of intent) Tulip Festival, and Farm Camp, is consistent with the above definition and is therefore classifiable as agritainment. Please see the applicant's letter of intent for more detailed descriptions of the activities occurring on the property. In order to continue to qualify as agritainment, the specific provisions of Section 5.2.6 of the Land Development Code shall be adhered to. These provisions include Section 5.2.6.E, which states:

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.



Additionally, Section 5.2.6.I states:

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

Provided the provisions of Section 5.2.6 of the Code are met, the agritainment use would be permissible by right under the current Site Development Plan approval. However, because the number of cars on the property exceeds 50 at certain times during the Fall Festival and Tulip Festival, the applicant is required to receive Special Use approval in order to continue to host those events. The applicant is requesting that the Special Use allow up to 325 vehicles on the property at any given time. The applicant has also identified a list of uses in their letter of intent to be considered as associated with the agritainment use, including the Tulip Festival and the Fall Festival, both of which may generate impacts beyond those normally associated with an agritainment permit.

The applicant must demonstrate compliance with the criteria contained in Section 5.3.2.C of the Code in order to receive Special Use approval. The criteria of approval for a Special Use requires that the use generally be in harmony with the character of the neighborhood and is generally compatible with the existing and allowable land uses in the surrounding area. Special Use requests may incorporate a variety of design elements to demonstrate compliance with this criteria point; while specific landscaping requirements are not part of the Special Use criteria, typically, screening and landscape buffers are implemented to achieve this and are identified at the Special Use stage to demonstrate how the impacts of the proposed use could be mitigated in order to achieve harmony with the surrounding area.

The applicant's letter of intent states that landscaping was contemplated with the original Site Development Plan; however, the applicant indicates that the required plantings were made several times and each time failed to survive. The landscaping was a required component of PPR1825 to provide buffering and screening of the use. Landscape buffering has not been contemplated with the current Special Use and Site Development Plan applications.

Staff has requested that the applicant provide a general landscape plan at the Special Use stage to demonstrate how the use could be compatible with the surrounding area through improved buffering and screening. The applicant is proposing to install an opaque fence along the west side of the property. The applicant has not provided a



landscape plan with the Special Use request and is proposing to provide this detail at the Site Development Plan stage.

The applicant is proposing to locate the parking area a minimum of 100 feet from all residential properties and indicates in their letter of intent that the location of the parking area on the north side is intended to limit the visual impacts to surrounding properties. Additional mitigation measures proposed by the applicant in their letter of intent include utilization of watering trucks to limit dust, and construction of a fence to screen the parking area and activities from properties to the west. At this time, the applicant has not indicated intent to provide buffering or screening on the east side of the property where the use is adjacent to residential properties.

If the Special Use is approved, the applicant will need to obtain Site Development Plan approval to incorporate the changes made to the use since the original Site Development Plan was approved in 2018. The applicant has requested several conditions of approval associated with the Special Use in order to allow them to continue the use prior to receiving Site Development Plan approval and prior to initiating all of the required mitigation measures. Please see the applicant's letter of intent and the proposed conditions of approval for more information.

If the request for Special Use is denied, the applicant may be able to continue the use on the property; however, the specific provisions of Section 5.2.6 of the Land Development Code shall be adhered to and there shall be no more than 50 vehicles located on the property at any time. If the request for Special Use is denied, the applicant will still be required to obtain approval of a revised Site Development Plan and demonstrate compliance with the revised Site Development Plan.

2. Zoning Compliance

The subject property is zoned RR-5 (Rural Residential). The RR-5 zoning district is intended to accommodate low-density, rural, single family residential development. The density and dimensional standards for the RR-5 zoning district are as follows:

- Minimum lot size: 5 acres *
- Minimum width at the front setback line: 200 feet
- Minimum setback requirement: front 25 feet, rear 25 feet, side 25 feet *
- Maximum lot coverage: 25%
- Maximum height: 30 feet



** In the event that the land to be partitioned, platted, sold or zoned abuts a section line County road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum lot width shall be 165 ft.*

**Agricultural stands shall be setback a minimum of 35 feet from all property lines.*

The existing structures meet the 25-foot setback from all property lines and are under 30 feet in height. The applicant has provided a site plan indicating the locations of all structures and activities associated with the agritainment use.

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Large-Lot Residential

The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more, and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and waste-water utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.

Conservation design (or clustered development) should routinely be considered for new development within the Large-Lot Residential placetype to provide for a similar level of development density as existing large-lot areas while maximizing the preservation of contiguous areas of open space and the protection of environmental features. While the Large-Lot Residential placetype is defined by a clear set of characteristics, the different large-lot areas that exist throughout the County can exhibit their own unique characters based on geography and landscape.



Recommended Land Uses:

Primary

- *Single-family Detached Residential (Typically 2.5-acre lots or larger)*

Supporting

- *Parks/Open Space*
- *Commercial Retail (Limited)*
- *Commercial Service (Limited)*
- *Agriculture*

Analysis:

According to the applicant's letter of intent, the agritainment use can be considered a combination of commercial service, agricultural, and park/open space uses, which are identified as supporting uses in the Large-Lot Residential placetype. Relevant Goals and Objectives are as follows:

Goal LU3 – *Encourage a range of development types to support a variety of land uses.*

Objective LU3-1 – *Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.*

Goal LU3 Specific Strategy – *Future development in the Tri-Lakes Area should align with the existing character and strengthen the residential, commercial, employment, and entertainment opportunities in the adjacent communities of Monument, Palmer Lake, and Woodmoor.*

It is likely that a finding can be made that the agritainment use fits under the supporting recommended land uses and can therefore be considered compatible with the Large-Lot Residential placetype. Compatibility is largely dependent on mitigation and buffering measures to be implemented. Please see the map series attachment for a depiction of the placetype character in the area.

b. Area of Change Designation: Minimal Change: Developed

These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a



suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of a denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.

Analysis:

The existing residential structure was constructed in 1914 and the property has continually been in use for residential and agricultural purposes since that time. The surrounding neighborhood was platted in 1963 and 1964. The current agritainment use was permitted in 2018, pursuant to the use standards contained within Chapter 5 of the Land Development Code. As a permitted use by right in the RR-5 zoning district, the Land Development Code acknowledges that agritainment is generally compatible with the surrounding RR-5-zoned properties. However, the intensity proposed with the Special Use may constitute a substantial change in character for the area by generating greater levels of traffic and noise than would normally be found in a residential neighborhood, which would not be consistent with the level of change identified in the Minimal Change: Developed Area of Change.

Despite the noted impacts of the use, due to the seasonal nature of the use, these additional impacts are limited to specific times of the year and therefore may not result in a significant change in character for the area year-round.

Please see the map series attachment for a depiction of the area of change designation in the area.

c. Key Area Influences: Tri-Lakes Area

Tri-Lakes is the northern gateway into the County along Interstate 25 and Highway 83. It is situated between Pike National Forest, the United States Air Force Academy, and Black Forest. With significant suburban development and some mixed-use development, this Key Area supports the commercial needs of many of the residents in northern El Paso County. Tri-Lakes also serves as a place of residence for many who commute to work in the Denver Metropolitan Area. It is also an activity and entertainment center with the three lakes (Monument Lake, Wood-moor Lake, and Palmer Lake) that comprise its namesake and direct access to the national forest. Tri-



Lakes is the most well-established community in the northern part of the County with a mixture of housing options, easy access to necessary commercial goods and services, and a variety of entertainment opportunities. Future development in this area should align with the existing character and strengthen the residential, commercial, employment, and entertainment opportunities in the adjacent communities of Monument, Palmer Lake, and Woodmoor.

Analysis:

The Tri-Lakes Key Area identifies and recommends that development in this area should strengthen the commercial, employment, and entertainment opportunities in the area. The proposed Special Use provides an entertainment opportunity for local residents, provides employment opportunities for citizens, and provides a local commercial opportunity for a small business. If the proposed use is able to demonstrate compatibility with the surrounding residential uses, then it is likely that it will be consistent with the recommendations outlined in the Key Area description.

Please see the map series attachment for a depiction of the key area influence in the area.

2. Water Master Plan Analysis

Water sufficiency is not required for a Special Use application. The applicant is proposing to continue a previously approved use at a greater intensity than previously approved; however, a water sufficiency analysis would only be required if the applicant were to propose to subdivide the property.

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identify the parcels as having a moderate wildlife impact potential. However, the property is developed and is located in a developed area, and therefore minimal impacts to wildlife are projected as a result of the Special Use.

The Master Plan for Mineral Extraction (1996) does not identify any notable mineral deposits in the area of the subject property. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.



The El Paso County Parks Master Plan (2013) does not identify any parks or trails in the vicinity of the subject property. Land dedication and fees in lieu of park land dedication are not required for a Special Use application.

G. PHYSICAL SITE CHARACTERISTICS

1. Floodplain

The property is located within a 100-year floodplain (Zone A) as determined by FEMA Flood insurance Rate Map panel number 08041C0285G, dated December 7, 2018. The applicant will be required to obtain the appropriate floodplain development permit and/or process a Letter of Map Revision (LOMR) with FEMA for any development or modification to the floodplain.

2. Drainage

The property is located in the West Cherry Creek (CYCY0400) drainage basin which is not included in the El Paso County drainage basin fee program. Drainage fees are not required to be paid during the Special Use process or the subsequent Site Development Plan application. A drainage report providing hydrologic and hydraulic analysis to identify and mitigate the drainage impacts of the development will be required with the subsequent Site Development Plan application.

3. Transportation

The parcel receives access from Canterbury Drive which is a rural local paved road to Saddlewood Road, which is a rural local gravel road, both owned and maintained by El Paso County. A Deviation Request for direct access from Highway 105 and to omit the installation of the necessary auxiliary turn lanes was submitted by the applicant. Staff reviewed and provided comments on the initial submittal identifying that a traffic study to support the request shall be provided. After review of the traffic study and the accompanying Deviation Request Form on the subsequent submittal, the Deviation Request was denied by staff.

Highway 105 is classified as a principal arterial roadway where direct lot access is not permitted per Engineering Criteria Manual (ECM) Table 2-4. Principal arterial roadways defined by the United States Department of Transportation and supported in all referenced State and County criteria, serve high-speed and high-volume traffic where access is highly controlled with a limited number of intersections to ensure safe and efficient traffic mobility. The land access function of an arterial is subordinate to the primary function of providing mobility. This is the



primary function of an arterial roadway. Limiting access is needed to enhance the primary function of an arterial roadway and adding additional access points compromises the intent and primary function of an arterial roadway. The traffic study has demonstrated that the thresholds indicated in ECM 2.3.7 for exclusive turn lanes has been met. Exclusive turn lanes are required to remove stopped vehicles from through traffic to provide safe and efficient traffic flow through the corridor. Justification for not using the existing roadway network for access and for not installing the required turn lanes was not provided within the Deviation Request.

Per ECM 2.2.4.A.2, adjacent, existing, and future, land uses shall be served by other network roadways, service roads, and inter parcel connections. Additionally, per ECM 2.2.5.B.1, the applicant shall have the burden of proof that no other viable or practical access is available. The traffic study submitted with the Deviation Request demonstrated that the existing roadway network has adequate sight distance that exceeds what is indicated in the ECM. The existing road network currently provides access to the site and with the necessary roadway improvements identified in the traffic study, adequate access to the site can be provided from the existing network. The applicant has not demonstrated through their Deviation Request that safety or operations will not be adversely affected, that the request meets the intent and purpose of the ECM standards, nor that a comparable or superior design and quality of improvement will be provided with direct lot access to Hwy 105 and the omission of the exclusive turn lanes as required per ECM 5.8.7 Criteria for Approval. The ECM administrator is the final authority on all Deviation Requests as indicated in ECM 1.9.

The submitted traffic study for the Special Use application analyzes the traffic impacts generated by the development. The traffic study identifies improvements consisting of auxiliary turn lanes at the intersections of Highway 105 and Canterbury Drive as well as Canterbury Drive and Saddlewood Road as they have met the thresholds identified in the ECM. Staff has also identified the requirement to pave Saddlewood Road to County rural local standards from Canterbury Drive to the sites access per ECM 2.2.7 due to the development's traffic impacts. Further staff analysis of the proposed improvements will be performed with the review of the required engineering documents associated with the subsequent Site Development Plan application. It is strongly recommended that the development limit its use to the allowances provided in the previously approved agritainment use until the required improvements identified in the traffic study have been implemented.



The Major Transportation Corridors Plan (MTCP) identifies Highway 105 will be upgraded to a 4-lane principal arterial cross section. The development will not be required to improve Highway 105 to a 4-lane (through lanes) principal arterial due to its traffic impacts.

The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471, as amended). Road impact fees shall be paid in full at the time of subsequent land use approvals.

H. SERVICES

1. Water

Water is provided by an existing well.

2. Sanitation

Sanitation is provided by an existing septic system (OWTS). El Paso County Public Health was sent a referral and did not provide a response.

3. Emergency Services

The property is within the Tri-Lakes Monument Fire Protection District. The District was sent a referral and has no outstanding comments.

4. Utilities

Mountain View Electric Association (MVEA) provides electric and Black Hills Energy (BHE) provides natural gas services to the property. MVEA and BHE were sent referrals; MVEA has no outstanding comments and BHE did not provide a response.

5. Metropolitan Districts

The property is not located within a metropolitan district.

6. Schools

Land dedication and fees in lieu of school land dedication are not required for a Special Use application.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

Staff has several remaining outstanding comments regarding several components of the applicant's letter of intent and traffic impact study. Staff does not believe the



applicant has adequately justified how the use meets the Special Use criteria of approval. Additionally, the applicant is generally required to receive Special Use and Site Development Plan approval and complete all required mitigation measures prior to initiation of the use on the property. However, it is the applicant's desire to continue to conduct the proposed activities on the property prior to such approval and prior to installation of mitigation measures. It is staff's opinion that the appropriate mitigation measures should be required to ensure harmony and compatibility with the surrounding area, as outlined in the Special Use criteria of approval.

Staff may be agreeable to allowing the applicant to phase installation of the mitigation measures; however, it is staff's opinion that the applicant's proposed timeline for implementation of these measures is excessive. Pursuant to the applicant's proposed mitigation timeline, full mitigation of the impacts associated with the Special Use application would not be complete until December 31, 2028. Staff is proposing an alternative timeline to ensure that the mitigation measures are installed within a timely manner prior to initiation of the Fall Festival in 2024, while also considering what is reasonable based on the applicant's financial constraints.

K. STAFF RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.2 of the El Paso County Land Development Code, staff recommends the following conditions and notations:

CONDITIONS

- 1.** The Special Use shall be limited to the agritainment use as shown on the site plan. Any subsequent addition or modification to the agritainment use beyond that as shown on the site plan shall be subject to administrative review, and if it is the opinion of the Planning and Community Development Department Director that it constitutes a substantial increase, then such addition or modification shall be subject to a new Special Use application.
- 2.** The applicant shall receive approval of a Site Development Plan within one-hundred and twenty (120) days of Special Use approval. The deadline for receipt of approval of the Site Development Plan may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.



3. The applicant shall install all required screening and buffering of the use to adjacent properties, pursuant to the applicable requirements of Chapters 5 and 6 the Land Development Code, within one-hundred and twenty (120) days of Site Development Plan approval.
4. The applicant shall install all required roadway improvements, as outlined in the traffic impact study provided with the Special Use request, prior to September 1, 2024.

NOTATIONS

1. Special Use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification, or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or Special Use conditions/standards are being violated, preceded by notice and public hearing.
3. If the Special Use is discontinued or abandoned for two (2) years or longer, the Special Use shall be deemed abandoned and of no further force and effect.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified twenty-eight (28) property owners on August 21, 2023 for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

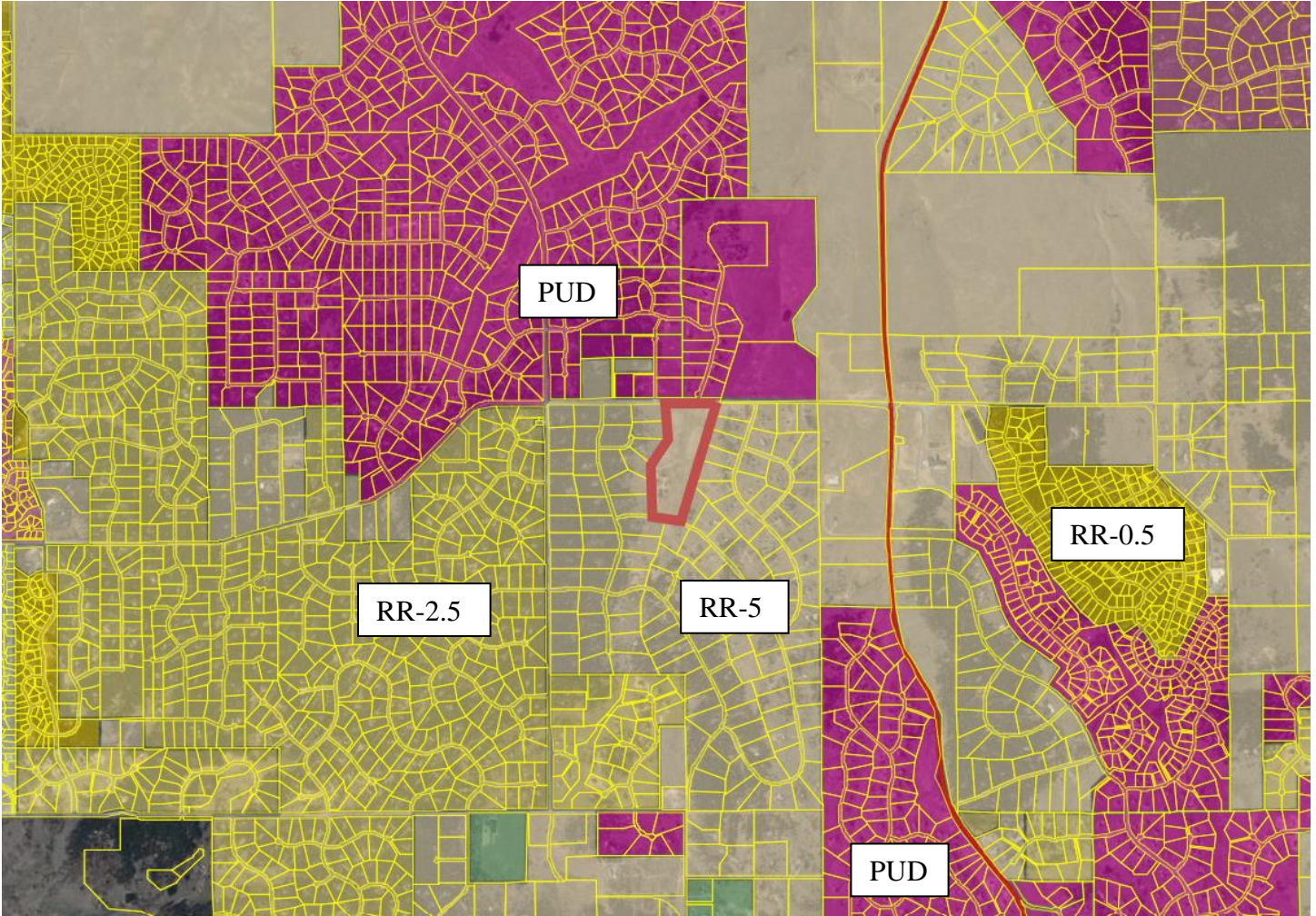
Map Series
Letter of Intent
Site Plan
Timeline of Events
Public Comments – Opposition
Public Comments – Support
Draft Resolutions



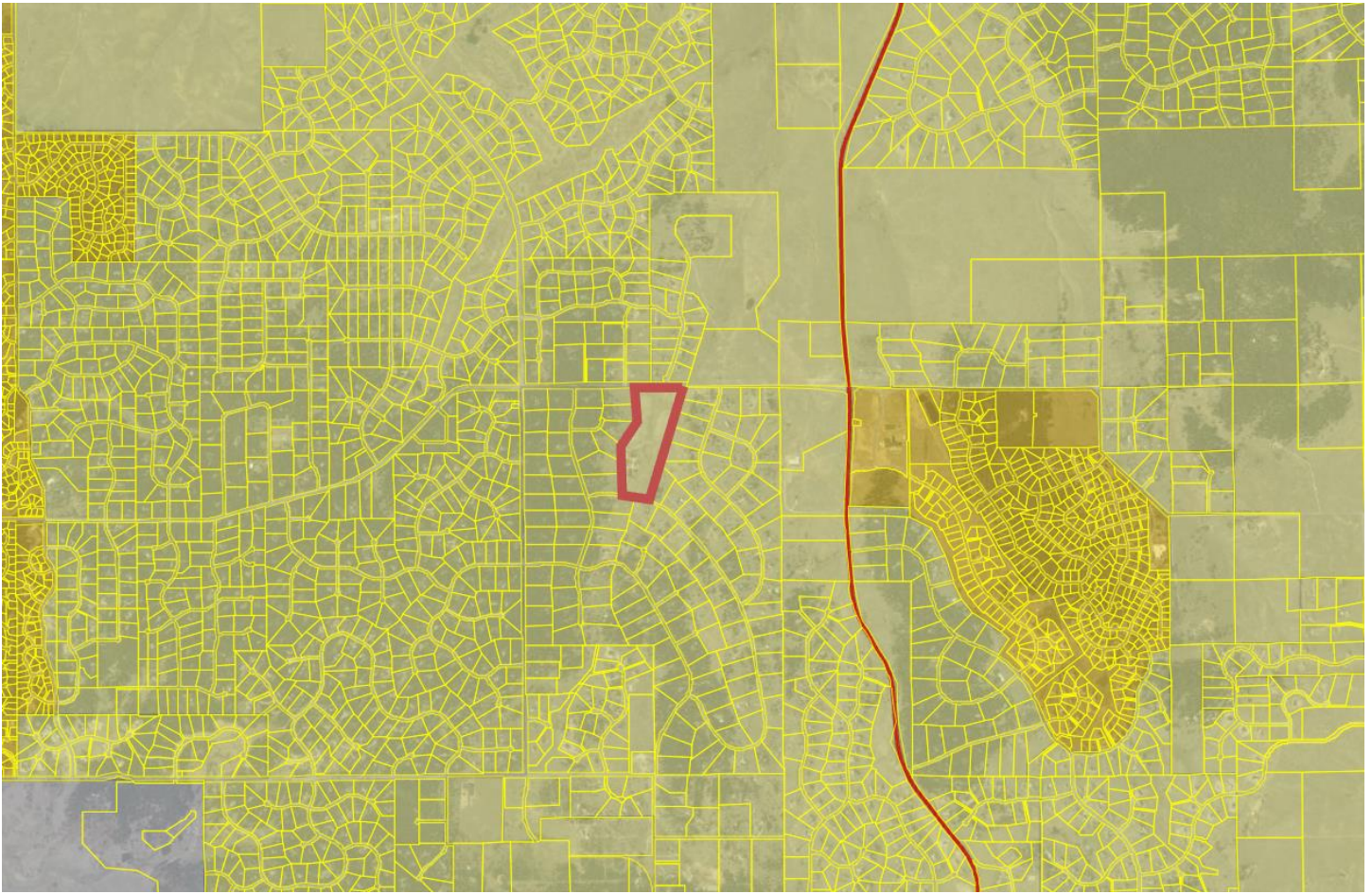
Map Exhibit #1: Aerial















Map Exhibit #2: Zoning



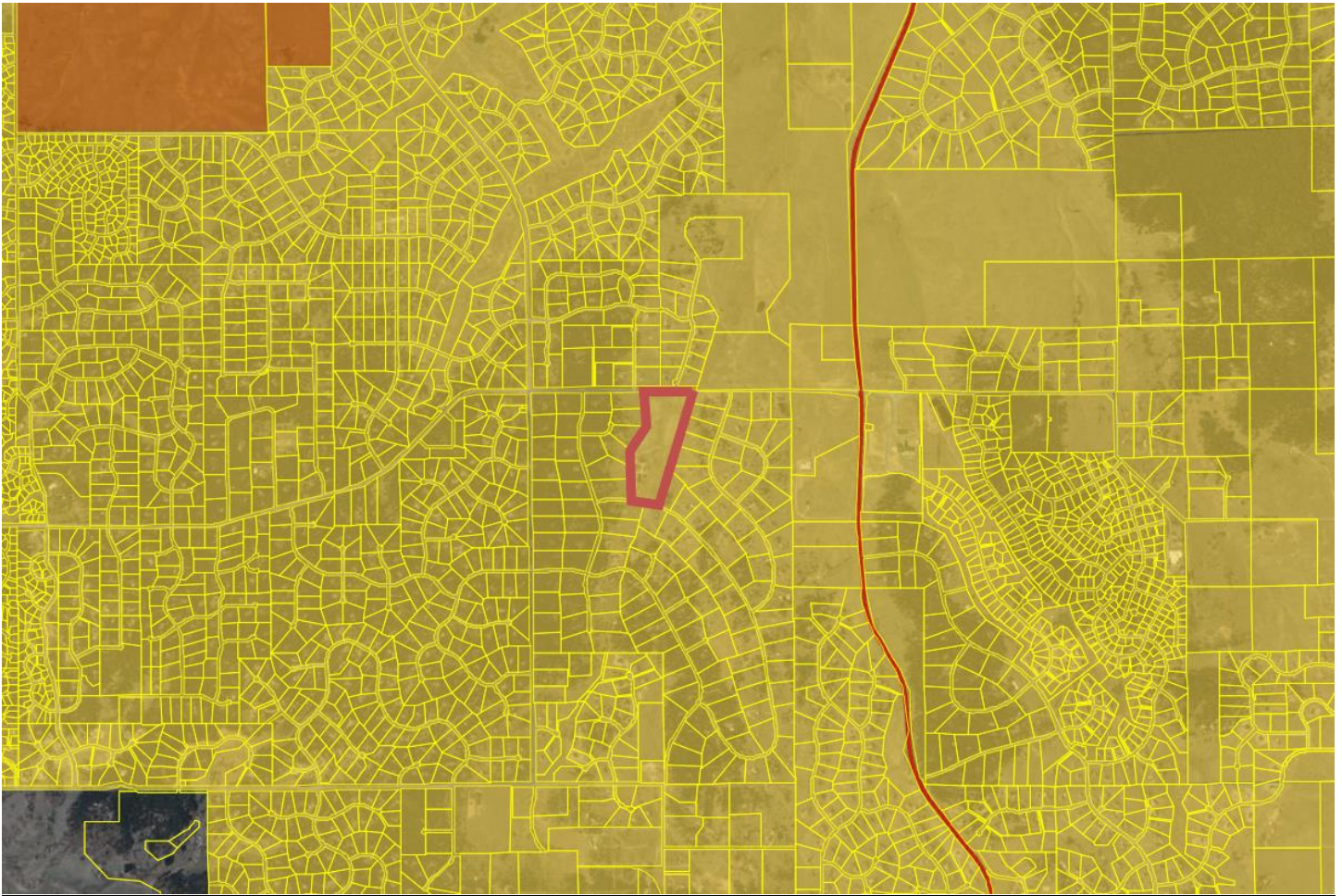
Map Exhibit #3: Placetype



Legend

- | | |
|---|---|
|  Rural |  Employment Center |
|  Large-Lot Residential |  Regional Open Space |
|  Suburban Residential |  Mountain Interface |
|  Urban Residential |  Military |
|  Rural Center |  Utility |
|  Regional Center |  Incorporated Area |

Map Exhibit #4: Area of Change

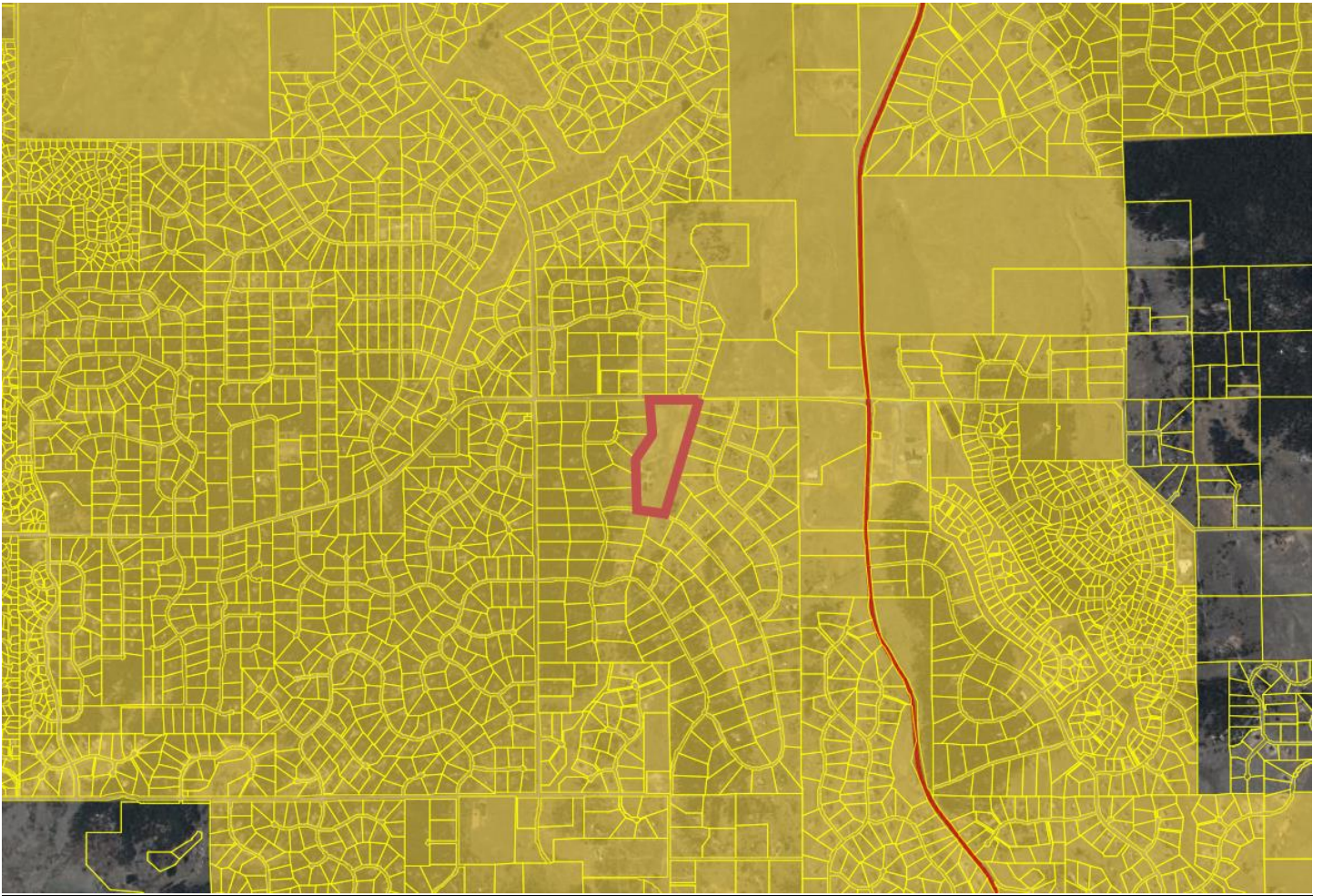


Legend

- Protected/Conservation Area
- Minimal Change: Undeveloped
- Minimal Change: Developed
- New Development
- Transition



Map Exhibit #5: Key Area



Legend

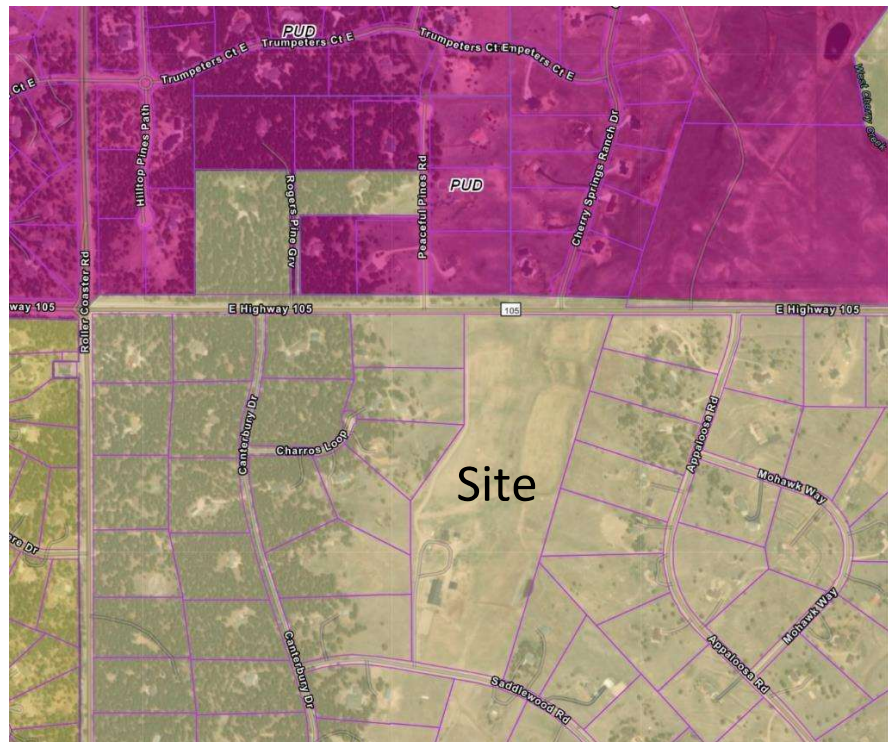
-  Military Installations
-  Potential Areas for Annexation
-  Enclaves or Near Enclaves
-  Small Towns & Rural Communities
-  Fountain Creek Watershed Flood Control & Greenway District
-  Forested Area
-  Pikes Peak Influence Area
-  Tri-Lakes Area
-  Colorado Springs Airport/Peterson Field
-  Uncommon Natural Resources



**Colorado Pumpkin Patch
DBA Colorado Kids Ranch
Special Use- Agritainment
Letter of Intent**

May 11, 2023

PCD File No: AL2217



Colorado Pumpkin Patch LLC
18065 Saddlewood Road
Monument, CO 80132

Planner: Vertex Consulting Services, Nina Ruiz
455 E Pikes Peak Avenue, Suite 101
Colorado Springs, CO 80903
719-733-8605
Nina.ruiz@vertexcoss.com

Traffic Engineer: SMH Consultants, Brett Louk
411 S Tejon Street, Suite I
Colorado Springs, CO 80903
719-465-2145

Tax Schedule No: 61160-00-001

Acreage: 40.52 Acres

Zoning: RR-5 (Residential Rural)

Request:

A request to allow for Agritainment activities with up to 325 vehicles onsite on the peak hour and peak day whereas the Land Development Code limitation is 50 vehicles at any given time. The Agritainment use itself is permitted by the Land Development Code in the RR-5 zoning district.

Site Location, Size, Zoning:

Vertex Consulting Services, on behalf of the Colorado Pumpkin Patch LLC (“CPP”), is respectfully submitting a special use application to obtain approval to allow an existing “Agritainment” use to exceed 50 vehicles onsite for certain limited durations. Specifically, the request includes allowing up to a maximum of 325 vehicles at any one time during operation of the “Agritainment” use. The CPP property is located south of Highway 105 and approximately one-half (1/2) mile east of Roller Coaster Road. The 40.52-acre property is presently zoned RR-5 (Residential Rural). The proposed special use is compatible with the existing Agritainment use and the surrounding rural uses and is consistent with the Your El Paso Master Plan. The CPP property is surrounded by properties zoned RR-5 (Residential Rural) as depicted below.

CPP is located on the original homestead by the Brown family in the 1890’s that once included what is now the Canterbury and Jackson Ranch neighborhood. CPP is a family owned and operated business run by the John (JD) and Bengetta Chapmen and their children. The Chapman Family moved to Colorado after JD served 12 years combined active and reserve duty. Along with CPP, the Chapmans established Johnny Pumpkinseed, a nonprofit where they waive admission for foster families and families with special needs children.

Background:

“Agritainment” is a permitted use on the subject parcel due to it being zoned RR-5 and being in excess of 35 acres. An Early Assistance meeting was held with El Paso County on February of 2018 where the

requested “Agritainment” use was discussed as well as a potential request for a commercial stable.

The special use for the commercial stable was approved and is still in operation. The property owner, Mr. JD Chapman, requested approval of a site development plan to allow for “Agritainment” to occur on the property in 2018. The site development plan was approved on October 22, 2018. The site development plan depicted 49 parking spaces as well and required the planting of 23 trees for the purpose of screening the use from the adjacent rural residential properties. The owner planted the required trees several times and each time the trees failed survive. The Fall Festival has been a success resulting in the need to expand the number of attendees, which also means the need to expand the number of vehicles on the site. Mr. Chapman specifically relied on the statements of County Engineering staff during the Early Assistance meeting where they explained the trigger for a traffic study being required and that it was based upon average daily trips. He did not realize that average daily trips was a different requirement than the relevant Code provisions authorized 50 vehicles a day, and thus he believed that he only needed to be concerned about daily and weekly totals averaged over the year. Mr. Chapman believed he was in full compliance throughout the events and no intent whatsoever of violating any County regulations or legal provisions.

El Paso County set up a site development plan submittal request on EDARP August 19, 2021, believing that would cure the violation. Due to the zoning violation having been closed, and the planner being new to the County, the planner did not realize a special use was needed to allow for more than 50 vehicles and created only the one project without a special use being included or discussed. The property owner, not being familiar with the regulations and processes, had no reason not to believe this was the correct process.

At that time, the County and the County planner handling the request did not inform Mr. Chapman at all that the County or the Land Development Code required approval of a special use application. These facts are supported by the County’s records, documents, and events that are part of the official EDARP file. Any delay associated with pursuing the incorrect process was solely due to the guidance provided by the County, which was relied upon by Mr. Chapman to his detriment. The amended site development plan was submitted in June of 2022, which was accepted by a member of the PCD staff in error without also requiring submittal of a special use application. It was not until after the project had been transferred to a new planner that the owner was notified that a separate special use application would also be required.

State and El Paso County Enabling Legislature to Promote “Agritainment”

The State of Colorado supports “Agritainment” activities and has enacted legislation to encourage the use. House Bill 14-1280 was passed April 21, 2014 to promote the growth and success of “Agrotourism” (AKA Agritainment) by eliminating certain liabilities. The Bill specifically identifies that:

“The general assembly also finds that the state and its citizens derive numerous economic and personal benefits from these activities. It is, therefore, the intent of the general assembly to

encourage these activities by limiting the civil liability of certain persons involved in providing the opportunity to participate in these activities.” (emphasis added)

El Paso County has a long history of supporting rural and agricultural endeavors. The County began the drafting of regulations to support and allow for “Agritainment” uses as a response to the State legislation as well as an increase in the number of requests from property owners wanting to operate on their rural acreage. At the time, each one of these requests required approval of a variance of use application regardless of the property size, duration of the activities, or scale of operation. As a result, in 2017 the County’s land use regulations were revised to allow for “Agritainment” as a use by right in many zoning districts. The “Background” section of the associated staff report includes the following as the purpose for the amendment:

“The purpose of adding “Agritainment” to the Land Development Code is to encourage the preservation and utilization of ranches and farms in El Paso County and to address the numerous requests by the Planning and Community Development Department to initiate agriculturally related entertainment uses. Introduction of “Agritainment” uses in the rural areas of the County could help provide supplemental income to landowners, which may increase the long term sustainability of the farm or ranch.”

The CPP property is zoned RR-5 and is in excess of 35 acres; therefore, Agritainment is a permitted use on the subject property with the limitation of no more than 50 vehicles at any given time. However the Agritainment regulations do not provide any further limitation, such as:

- The scale/intensity of the use
- The total number of vehicle trips per day
- The total number of patrons onsite at any given time
- The total number of patrons per year
- The hours of operation
- The number of days per year the use is in operation.

Background-CPP Activities:

The requested special use does not include a request for approval of the “Agritainment” use itself due to the use already being allowed, pursuant to the El Paso County Land Development Code. Instead, the proposed special use is exclusively limited to a request to allow more than 50 vehicles onsite at any time, up to 325 vehicles on the peak days of the season, for the same “Agritainment” use that is allowed under the Land Development Code.

CPP holds three main events annually:

(i) The Fall Festival

The fall festival is held during the last two weeks of September through November 7. Some of the activities include hay and barrel rides, face painting, giant slides, tire swings, and hay pyramids.

You can learn how to rope or milk a cow. You can sip apple cider while enjoying the beautiful Colorado scenery all around you. You can peruse the small shop filled with seasonal goods crafted by local artisans and farmers. As you leave the pumpkin patch you will inevitably find a child proudly walking, gripping a pumpkin half their size with their tiny hands. Everywhere you turn you will find an eager youth, working their first job, broadly smiling, thrilled to have a fun opportunity to earn additional spending money.

But most importantly in the polarizing world we live in fraught with loneliness and depression, the Fall Festival provides a chance for the community of all walks of life to gather together and experience shared memories. The Fall Festival is a place where even the eldest of the group will become young again while getting lost in the swarm of face-painted kids proudly wearing their Halloween costume as they excitedly run from one activity to the next. The Fall Festival has become a beloved and important family and community tradition centered around education, quality family time, interacting with nature, and remembering our agricultural roots.

(ii) The Tulip Festival

The Tulip Festival is held during two weekends in May with the time depending upon when the bloom occurs. The Tulip Festival offers all of the fun and excitement of the Fall Festival except with the Tulips and the beauty of nature being the main event. During the Tulip Festival you may walk through the colorful rows of blossoming flowers while enjoying the first rays of the spring season. The Tulip Festival often coincides with Mother's Day. You will often find multiple generations at the Tulip Festival all celebrating the great women in their life.

(iii) Farm Camp

The Farm Camps are held throughout June from 8am-4pm with the goal of teaching young children about the operations of a farm. Children will learn about the farm animals; how to grow fruits, vegetables, and flowers; and the basics of nature and the seasons. The day is divided into two separate classes with a morning class and an afternoon class, each lasting 3 hours.

CPP provides services that are highly beneficial for the community, especially the youth. CPP employs a significant number of youth as well, imparting critical life skills. CPP is also involved in invaluable, nonprofit services such as the Johnny Pumpkinseed program, allowing free admission to the Annual Event for foster care and special needs children and their families. Please review the attached letters of support that further explain the endless benefits of CPP.

As discussed above, the request is not for the "Agritainment" use. "Agritainment" is already an allowed use on the property. Instead, the requested special use is needed to allow 50 vehicles to be onsite at any given time, with an allowance up to 325 vehicles at the peak season. As mentioned above, CPP provides services that are highly beneficial for the community, especially the children and teenagers. CPP employs a significant number of teenager/young adults, often providing them with their first formal employment and teaching them skills in the areas of agriculture, business, public service, and management. CPP is also involved in invaluable, nonprofit services such as the Johnny

Pumpkinseed program, allowing free admission to the events for foster care and special needs children and their families.

For additional background and informational purposes, the specific activities included within the CPP “Agritainment” use include the following:

- Hayrides
- Petting zoo
- Pumpkin patch
- Bounce pad
- Slides
- Swings
- Corn box
- Face painting
- Education for children on how to rope an animal and how to milk a cow (fake animals only)
- Assortment of games and activities for all age groups
- Sale of homemade goods
- Field trips with local schools during the week
- Pick your own tulips
- Farm Camp
- Farm visitation days

Traffic Improvements:

As part of the special use application, the applicant was required hire a traffic engineer to prepare a traffic impact study to analyze the traffic impacts of the temporary, seasonal events. The traffic study was based upon the peak days, and peak hours, which occur approximately 24 days out of the year, with the other days of the year not triggering improvements. Even at the peak, the level of service at the impacted intersections will only be reduced from a level of service A to a level of service B. For informational purposes, El Paso County allows for intersection level of services low as D. As a result of County criteria only evaluating the peak times, the County criteria not considering the traffic counts to be seasonal and limited to a few days out of the year, and the County criteria only taking into consideration the number of turns when triggering intersection improvements instead of the level of service, the conclusion of traffic study was to require westbound left turn lane and eastbound right turn lane at the intersection of Canterbury Drive and Highway 105, a southbound left turn lane at the intersection of Canterbury Drive and Saddlewood Road, and pavement of Saddlewood Road to the CPP driveway, totaling upwards of \$750,000.

CPP is a family-owned business that serves as the sole source of income for the Chapman family. In 2022, the Chapman family reported an annual income of \$77,000 whereas the median income in the Monument area in 2021 was \$102,278 per census data. The County criteria does not account for peak traffic being limited to a few days throughout the year, therefore, significant roadway improvements are

being required on Highway 105, Canterbury Drive, and Saddlewood Drive. These improvements are anticipated to cost upwards of \$750,000. This is a significant cost that cannot be taken on in a single year and must be funded over several years.

CPP is requesting approval of the proposed special use to allow up to 325 vehicles onsite at any one time along with the following conditions of approval:

- A site development plan demonstrating compliance with the applicable sections of the Land Development Code and Engineering Criteria Manual, subject to alternative standards if approved by a deviation or an alternative plan as allowed in the Land Development Code and Engineering Criteria Manual, will be completed by May 1, 2024.
- Privacy fencing, as depicted on the special use site plan, shall be constructed prior to May 15, 2024.
- The main and overflow parking areas shall be improved prior to May 15, 2024.
- The design for the Canterbury Drive and Saddlehorn Drive turn lane as well as the pavement from Canterbury Drive to the CPP driveway shall be designed by December 31, 2025, unless a deviation has been approved.
- The Canterbury Drive and Saddlehorn Drive turn lane as well as the pavement from Canterbury Drive to the CPP driveway shall be installed by December 21, 2026, unless a deviation has been approved.
- The design for the Highway 105 improvements being completed by December 31, 2027, unless a deviation has been approved.
- The Highway 105 improvements shall be constructed by December 31, 2028, unless a deviation has been approved.

Justification:

Section 5.3.2.A, Special Use, of the Land Development Code states:

“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.”

When considering the impacts of an “Agritainment” use such as the CPP, it is important to recognize that the applicable zoning, which is RR-5 (Residential Rural), also allows a number of permitted uses that have the potential to cause similar or even more prevalent impacts on existing and allowed uses in the same neighborhood. These uses include:

- Dairy
- Farm
- Kennel
- Wholesale Nursery
- Public Park and Open Space

- Ranch
- Religious Institution
- Tree Farm
- Agricultural Stand

Each of these permitted uses has the potential to generate impacts associated with dust, noise, odors, and additional vehicle trips and can result in large gatherings of customers and employees. The Land Development Code does not limit the hours of operation, total vehicle trips, number of vehicles at any given time, or scope and scale of the above listed permitted uses. The Code permits each of the uses without imposing limits due to traffic or the number of attendees. The proposed use is less impactful than the above listed permitted uses due to the limited seasonal nature of the use and the type of traffic generated by the use is primarily passenger vehicles and not delivery trucks or heavy equipment.

Agritainment is a permitted use on the subject property provided the number of vehicles does not exceed 50. Therefore, the special use should be analyzed based upon if the potential impacts related to the number of vehicles exceeding 50 can be adequately mitigated. The Code does not limit the number of people, traffic, duration, level of noise, etc., therefore, the only consideration for the special use is if the potential impacts related to a larger parking area may be mitigated. CPP will use specific mitigation measures to address these potential impacts during the Events, including the following:

- The parking area will be located a minimum of 100 feet from all residential properties.
- The parking area is located north, adjacent to Highway 105 to allow for adequate stacking within the property and to also allow the parking area to be strategically screened from view from the adjacent residential properties.
- Watering trucks will be used during peak hours and days, as needed, to wet down the driveway and parking areas as a dust mitigation measure.
- Parking areas will be improved to reduce dust.
- CPP will construct a fence to screen the parking area from the adjacent residences to the west.
- CPP will utilize directional signage from Highway 105 to the entrance of the property and will locate staff at the Canterbury/Charros Loop intersection to direct patrons south onto Saddlewood Road.
- If the main parking area and overflow parking areas are filled, patrons will be asked to leave and return at another time.

The pages that follow address each one of the Special Use criteria included within Section 5.3.2 of the El Paso County Land Development Code:

- ***The special use is generally consistent with the applicable Master Plan;***

Chapter 1 of Your El Paso Master Plan (2021) states that the Plan is “general in nature-it cannot tackle every issue in sufficient detail to determine every type of necessary action.” In addition, Chapter 1 goes on to state that the Plan “is intended to provide clearer and more coordinated policy, resulting in a document that effectively communicates County goals and identifies specific actions to achieve both County-wide and local area objectives.” When taken together, these two statements suggest to the reader that the Plan may only address certain issues at a cursory level and that specific steps or actions for addressing such issues may not be offered within the Plan. That is certainly the case with respect to the special use request, as identified below in an analysis of the Plan.

Key Area Analysis

The property is located within the Tri-Lakes Key Area. The Plan describes the key area as follows:

“Tri-Lakes is the northern gateway into the County along Interstate 25 and Highway 83. It is situated between Pike National Forest, the United States Air Force Academy, and Black Forest. With significant suburban development and some mixed-use development, this Key Area supports the commercial needs of many of the residents in northern El Paso County. Tri-Lakes also serves as a place of residence for many who commute to work in the Denver Metropolitan Area. It is also an activity and entertainment center with the three lakes (Monument Lake, Woodmoor Lake, and Palmer Lake) that comprise its namesake and direct access to the national forest. Tri-Lakes is the most well-established community in the northern part of the County with a mixture of housing options, easy access to necessary commercial goods and services, and a variety of entertainment opportunities. Future development in this area should align with the existing character and strengthen the residential, commercial, employment, and entertainment opportunities in the adjacent communities of Monument, Palmer Lake, and Woodmoor.” (emphasis added).

The Key Area recommends that entertainment opportunities be allowed within the key area. The proposed use is agriculturally-based entertainment, and is supported by the Master Plan. The use itself has already been determined to be consistent with the character of the RR-5 zoning district since it is an allowed use. The success of CPP has allowed a greater number of residents and families in the area to be able to enjoy the benefits of a community-focused rural lifestyle, thereby strengthening and supporting existing and future residential neighborhoods.

Area of Change Analysis

The subject property is identified in the Areas of Change map within the Plan as being within the “Minimal Change: Developed” area of change.

Page 21 of the Plan characterizes areas of “Minimal Change: Developed” by stating:

“These areas have undergone development and have an established character.

Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of an denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.” (Emphasis added)

The site is a portion of an original homestead from the 1800’s and was not “developed” prior to the CPP activities. The area of change suggests that redevelopment of the large 40.52 acre property into more intense residential development could have been supported. However, the property owner instead chose to maintain the rural character of the 40.52-acre property by continuing the historic agricultural activities onsite with some limited agriculturally based commercial activities, thus maintaining the historic character of the site. With the events being occasional and seasonal, the property will remain a working farm for the greater majority of the year.

Placetype Analysis

The CPP property is within the Large-Lot Residential Placetype which includes agriculture, parks/open space, and commercial as supporting land uses. Parks/open space as well as commercial uses traditionally include large parking areas. The “Agritainment” use is a hybrid of all three supporting land uses and combines agricultural and commercial uses into a park-like setting and is a compatible use per the Master Plan. In addition to the use being compatible, the location is also compatible. The Plan specifically states “Commercial uses are minimal in this placetype with a small-scale standalone business located on a major roadway.” The property is located on Highway 105 and is a stand-alone business. Additionally, El Paso County has determined the use to be compatible by designating it as a permitted use in the zoning district and a special use if the vehicles exceed 50.

The Placetype promotes the preservation of farmland and scenic views within the Large-Lot Residential Placetype (page 65):

“Additionally, some Large-Lot Residential parts of the County include environmentally sensitive areas that need to be protected. Development should not be allowed within a certain distance of the critical natural assets to ensure they are not negatively impacted by future development. Protecting farmland and scenic views is also an important component of conservation design within Large-Lot Residential areas.”

The CPP property is encumbered by a large drainageway along the eastern boundary. The proposal is not for a subdivision, therefore conservation design is not being specifically

considered. Setting aside land for overflow parking will preclude construction of any structures or development of the area, which ensures the land will be preserved as an open space area. The parking area has been strategically located to reduce potential visual impacts and is only utilized for a few days out of the year during the peak days of the Tulip and Fall season.

- ***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;***

The evaluation of compatibility is somewhat subjective. The authors of the Your El Paso Master Plan (2021) knew this to be true and provided guidance as to how to determine compatibility in terms of character. The property is within the Large-Lot Residential Placetype which includes agriculture, parks/open space, and commercial as supporting land uses. Both parks/open space as well as commercial uses traditionally include large parking areas. The “Agritainment” use is really just a hybrid of all three overarching supporting land uses categories by perfectly combining agricultural and commercial uses into a park-like setting making it a compatible land use within the Placetype. In addition to the use itself being compatible, the location is also uniquely suited for the Placetype, thereby increasing the level of compatibility. In fact, the Plan specifically states “Commercial uses are minimal in this placetype with a small-scale standalone business located on a major roadway.” The property is located on Highway 105 and is a stand-alone business. Additionally, El Paso County has determined the use to be compatible by designating it as a permitted use in the zoning district.

As discussed above, many of the permitted uses in the RR-5 zoning district may result in gatherings of vehicles similar to, or greater than, the requested special use. However, the difference between the proposed special use and the other allowed uses in the zoning district is that special use only operates seasonally and most of the other allowed uses are either year-round or, at the very least, operate for most of the year. With that understanding, it would not be unreasonable to determine the proposed use to have a significantly lower impact in the area than many of the other allowed uses over the course of a longer period of time.

CPP is located on the original homestead by the Brown family in the 1890’s that once included what is now the Canterbury and Jackson Ranch neighborhood. For the majority of the year, the property will remain a working farm. The Agritainment regulations were added to the Land Development Code as a way of preserving the rural lifestyle. Farmers can no longer make a living wage without subsidizing their income with Agritainment-type uses. Lastly, the Fall and Tulip Festivals are community gatherings. Community gatherings are critical to the health and wellbeing of all neighborhoods, and should always be considered in harmony and compatible.

- ***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 traffic impact study submitted for the special use identifies that the existing roadway network can handle the anticipated traffic. The study identifies the need to make improvements to the roadway network as a result of the proposed use (see above for more details), regardless of the seasonal nature of the use.

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

Per the traffic study, all access points will maintain a level of service of A and B, including during peak days of the Events. Peak days generally only occur during the weekends of the Fall Festival in October and the two weekends of the Tulip Festival in May.

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

The CPP property owner has posted the Colorado mandated disclosure required of all “Agritourism” operators. If the special use is approved the applicant will submit a site development plan demonstrating compliance with all local laws and regulations.

- ***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***

As identified in the traffic study accepted by El Paso County, the special use to allow for more than 50 vehicles at any given time will not be a detriment to safety and welfare of the present or future residents of the County. In fact, the requested special use will enhance the mental wellbeing of the greater community by providing a place for the community to gather, for families to continue traditions, and for children to experience the joy of the holidays while gaining a better appreciation of the rural, agricultural lifestyle that is part of the heritage of the Pikes Peak area.

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

The special use meets all rules and regulations included within the Land Development Code. A site development plan will be submitted, demonstrating compliance with all applicable sections of the Land Development Code and Engineering Criteria Manual. The submission will include, but is not limited to, a landscape plan, parking plan, grading and erosion control plan, and drainage report.

Neighborhood Outreach:

Vertex Consulting Services and one of the Colorado Kids Ranch youth employees visited all adjacent properties on December 7, 2022 to discuss the requested special use and to better understand the impacts to the surrounding properties. The primary area of concern of the adjacent property owners

was traffic, with the majority of the neighbors identifying that these concerns would be mitigated if direct access from Highway 105 onto the CPP property were granted by the County. In an attempt to address the traffic concerns of the neighbors, CPP submitted a deviation request to the County on February 10, 2023. The deviation requested limited direct access onto Highway 105 for only the peak traffic days of the Events, totaling 24 days over a full calendar year. The requested deviation was intended to help mitigate the concerns of the neighbors by limiting the number of vehicle trips through the neighborhood. The deviation was denied by the County's engineering division and the County Engineer has indicated an appeal of this determination would not be successful. County engineering staff identified that deviation requests are not appealable beyond the County Engineer to the Planning Commission or Board of County Commissioners. For those reasons, direct access to Highway 105 is not a possible mitigation measure in association with the special use request.

Minor concerns regarding visual obstruction were identified by a few of the neighbors, but the majority of those neighbors believed the impacts could be mitigated with proper screening. Only one of the 37 adjacent property owner specifically identified noise as a concern.

In addition to speaking with the adjacent property owners in person, a total of 37 letters and requests for input were sent to those neighbors who are not adjacent but could be impacted by the special use. The majority of the surrounding neighbors chose not to provide feedback. However, a number of neighbors expressed their support for the CPP operations. Numerous letters of support from those in the neighborhood, as well as in the greater community have been attached to this letter.

Ruiz, Nina

From: Colorado Kids Ranch <Hello@coloradokidsranch.com>
Sent: Friday, May 26, 2023 3:19 PM
To: Ruiz, Nina
Subject: Fwd: Form Submission - General Contact - Fantastic time!



Colorado Kids Ranch
719-799-6708
18065 Saddlewood Rd
Monument CO 80132
www.ColoradoKidsRanch.com

----- Forwarded message -----

From: Squarespace <form-submission@squarespace.info>
Date: Sat, Oct 15, 2022 at 9:02 AM
Subject: Form Submission - General Contact - Fantastic time!
To: <hello@coloradokidsranch.com>

Sent via form submission from [Colorado Kids Ranch](#)

Name: Joe Pinkowski

Email: joe@cmiprorisk.com

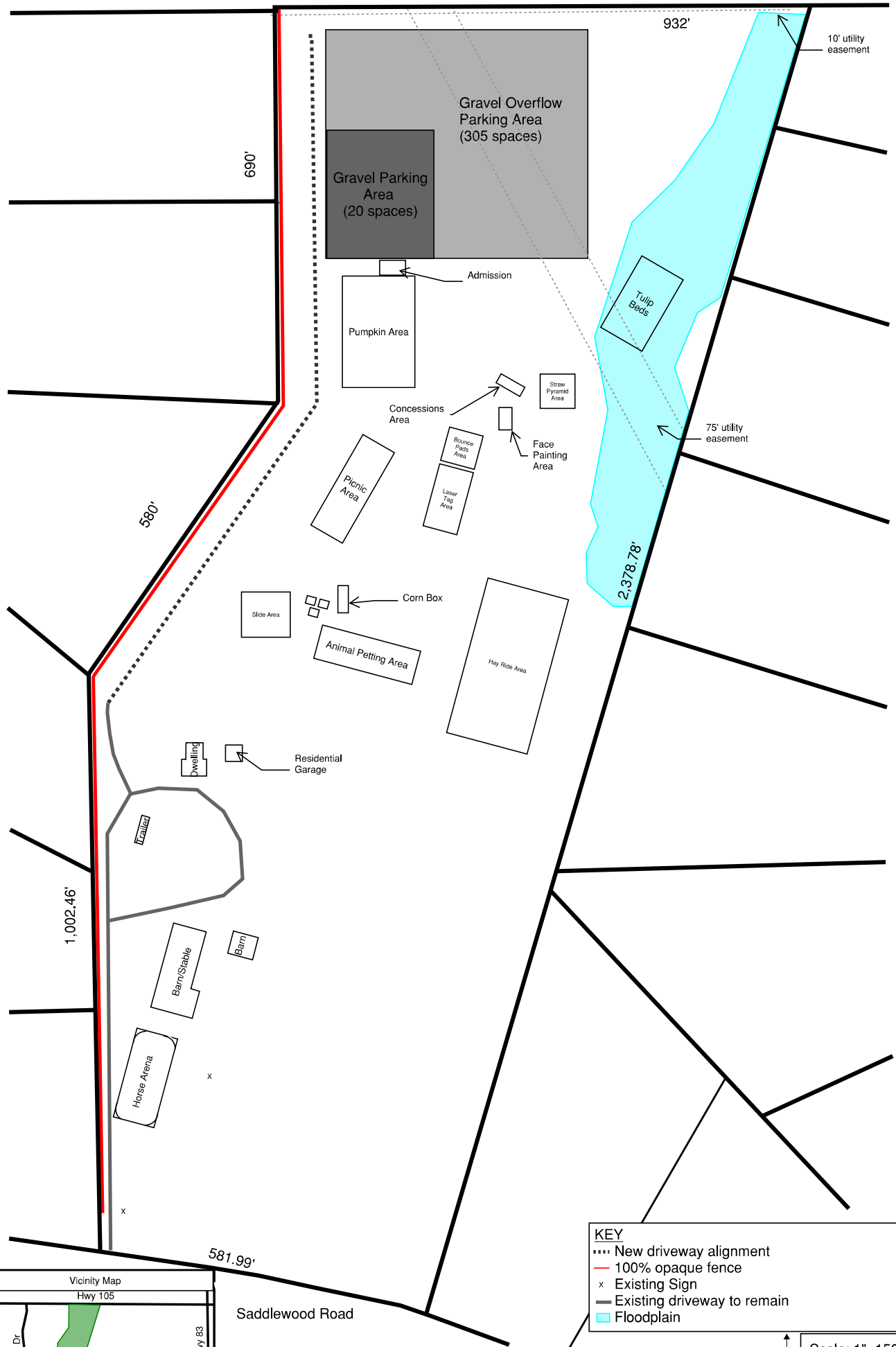
Subject: Fantastic time!

Message: Hi all, We had a fun family day at your pumpkin patch. So much for the kiddos to do. They are still talking about it! Thank you!

Special note - I watched one of your crew run the Ninja course. He was professional, kind, handled an array of situations (crocs, parent signatures, the volume of kiddos). His name is Clark & I let him know he was doing a fine job and he should be proud of the work he was doing. Watching him be in control and adapt to situations was a treat. You've got a solid youngster and he will go places in life with his ethic and people skills. Kudos to you & his parents!

Does this submission look like spam? [Report it here.](#)

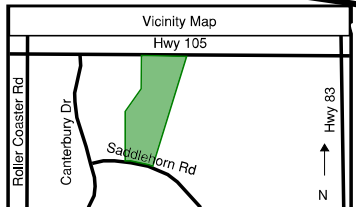
Highway 105



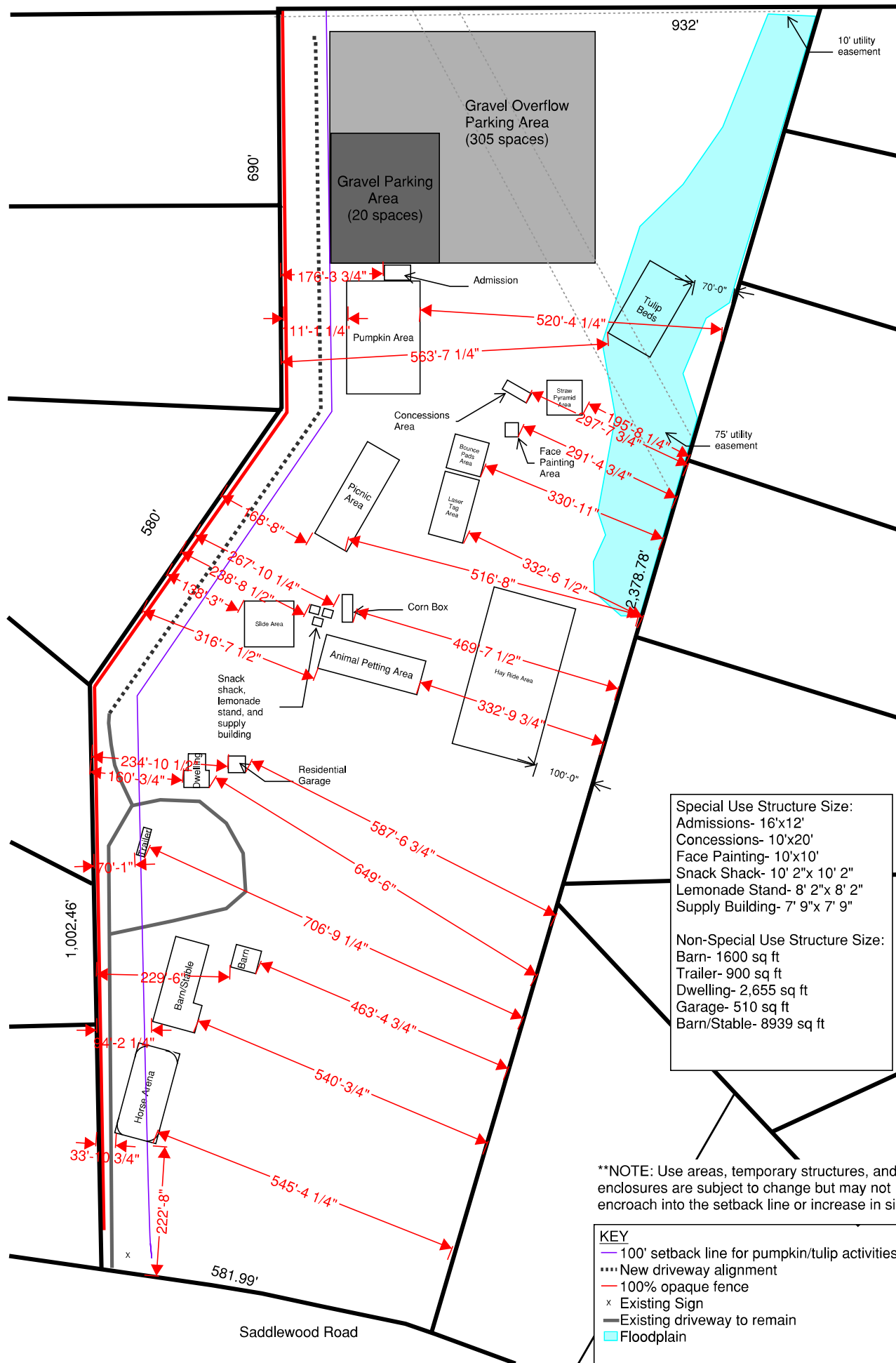
KEY

- New driveway alignment
- 100% opaque fence
- x Existing Sign
- Existing driveway to remain
- Floodplain

↑ N
Scale: 1"=150'



Highway 105



| Special Use Structure Size: | |
|---------------------------------|----------------|
| Admissions- | 16'x12' |
| Concessions- | 10'x20' |
| Face Painting- | 10'x10' |
| Snack Shack- | 10' 2"x 10' 2" |
| Lemonade Stand- | 8' 2"x 8' 2" |
| Supply Building- | 7' 9"x 7' 9" |
| Non-Special Use Structure Size: | |
| Barn- | 1600 sq ft |
| Trailer- | 900 sq ft |
| Dwelling- | 2,655 sq ft |
| Garage- | 510 sq ft |
| Barn/Stable- | 8939 sq ft |

****NOTE:** Use areas, temporary structures, and enclosures are subject to change but may not encroach into the setback line or increase in size.

| KEY | |
|-----|--|
| | 100' setback line for pumpkin/tulip activities |
| | New driveway alignment |
| | 100% opaque fence |
| | Existing Sign |
| | Existing driveway to remain |
| | Floodplain |

**A survey will be provided at the time of the site development plan to include all permanent structures and to verify setbacks for all permanent structures. A self-imposed 100' setback is depicted on the west side of the property to address specific concerns voiced by neighbors.
 **A landscape plan will be provided with the site development plan.

↑ N Scale: 1"=150'

Date of Preparation: May 18, 2023

Colorado Pumpkin Patch Timeline of Events

- March 21, 2018 – EA18109 Early Assistance meeting between Staff and Applicant – at this time, it was discussed that the use would be limited to less than 50 cars, pursuant to agritainment requirements.
- May 31, 2018 – Site Development Plan for agritainment activities submitted (PCD file no. PPR1825).
- October 22, 2018 – PPR1825 approved. The Site Development Plan included provisions for landscape buffering and screening and was limited to allowing no more than 50 cars on the property at any time.
- September 30, 2019 – Code Enforcement complaint received (PCD file no. CE191205). Complaints about traffic volumes, noise, speeding, and safety. This case was closed due to approved PPR1825. Speeding and safety concerns recommended to contact EPCSO.
- October 16, 2020 – Code Enforcement complaint received (PCD file no. CE20866). Complaints of noncompliance with COVID-19 restrictions, and with traffic volume. This case was closed due to approved PPR1825. Speeding and safety concerns recommended to contact EPCSO. COVID-19 concerns recommended to contact EPCPH.
- August 19, 2021 – Site Development Plan project created by PCD staff for applicant to submit in EDARP to correct observed noncompliance with the approved PPR1825 (PCD file no. PPR2235).
- September 7, 2021 – Code Enforcement complaint received (PCD file no. CE21971). Complaints of traffic volumes, vehicles exceeding 50 on the property, noncompliance with PPR1825. This case was closed due to inactivity after the 2021 Fall Festival concluded.
- June 24, 2022 – Applicant formally submitted the Site Development Plan application for PPR2235 to EDARP. To date, this application has not been resubmitted for review.
- July 18, 2022 – PCD Planning Division comments submitted to EDARP for PPR2235.
- August 18, 2022 – Code Enforcement complaint received (PCD file no. CE22867). Complaints about signage on the property. This case was closed due to the signage meeting El Paso County requirements.
- August 23, 2022 – Applicant sent resubmittal request in EDARP to address comments on PPR2235. This application has not been resubmitted to date.

- September 11, 2022 – Code Enforcement complaint received (PCD file no. CE221006). Complaints of noncompliance with PPR2235, noncompliance with landscape requirements, volume of traffic, and number of vehicles on the property. This is the most recent Code Enforcement case for this property and it remains an active, open violation.
- September 16, 2022 – Code Enforcement sent the property owner a Notice of Violation (NOV) identifying the continued noncompliance with PPR1825 and the need for a Special Use in order to operate an agritainment use with more than 50 cars on the property.
- **October 20, 2022 – Planning Division provided additional comments on the Site Development Plan and also created the Special Use project (PCD file no. AL2217) to correct the Code Enforcement violations.**
- October 28, 2022 – Email correspondence from applicant to County staff indicating intent for a follow-up EA meeting to discuss application requirements.
- November 22, 2022 – EA meeting held between PCD staff and the applicant to explain Special Use requirements and criteria (PCD file no. EA22162).
- December 14, 2022 – Applicant and PCD staff participated in a follow-up meeting to discuss traffic requirements.
- January 26, 2023 – Email correspondence from applicant indicating desire to hold Tulip Festival prior to completion of Special Use review process.
- January 30, 2023 – Email correspondence from applicant indicating desire to submit a Deviation request to allow a direct access point on Colorado State Highway 105 on the north side of the property and omit auxiliary turn lanes.
- February 10, 2023 – Temporary Use application created by staff for applicant to submit to EDARP for the Tulip Festival.
- February 15, 2023 – Applicant formally submitted the Deviation request (PCD file no. DEV231).
- March 8, 2023 – Engineering comments for DEV231 submitted and sent to the applicant (21 days from submittal as indicated per ECM criteria).
- March 23, 2023 - Staff investigated and provided email correspondence to consultant regarding special events permit for the Tulip Festival.

- March 29, 2023 – Staff informed consultant that special events permit cannot be used as it is not intended for what the applicant is proposing.
- April 4, 2023 – Consultant indicated that they will proceed with a Temporary Use for the Tulip Festival and continue work on the deviation request and special use applications.
- April 12, 2023 – Applicant formally submitted the Temporary Use application (PCD file no. TU2312). PCD staff and ECPH staff submitted comments on TU2312 and request a resubmittal to address concerns.
- April 12, 2023 – PCD staff informs the applicant that it will be challenging for them to provide a submittal of the Special Use application and receive a final decision before September. Staff provides a hypothetical timeline to the applicant. Staff recommends the applicant submit the Special Use application as soon as possible to allow adequate time for review of the application and public hearings can be held before the applicant's desired 2023 Fall Festival opening.
- April 27, 2023 – Applicant provided the second submittal of TU2312. The application is approved in EDARP.
- May 4, 2023 – Email correspondence to consultant indicating that Deviation request will be denied.
- May 8, 2023 – Email correspondence to consultant with official denial of the Deviation request.
- May 8, 2023 – Applicant requested staff re-open TU2312 to add additional dates to the proposed Tulip Festival, to include weekend dates between May 12, 2023, and May 20, 2023.
- May 9, 2023 – DEV231 was formally denied in EDARP.
- May 11, 2023 – Staff re-opened TU2312, the applicant resubmitted, and staff approved the revised Temporary Use.
- May 12-14, 2023 – The applicant held the first weekend of the Tulip Festival. The applicant was found to be in violation of the terms of TU2312.
- May 15, 2023 – Due to the violation of the terms of TU2312, the application was retroactively denied for the second weekend.
- May 17, 2023 – County Engineer met with the applicant to discuss turn lanes and access.

- May 18, 2023 – Email Correspondence from County Engineer to consultant reinforcing the denied deviation and that traffic control as a substitute is not appropriate.
- **May 24, 2023 – Applicant formally submitted Special Use application.**
- June 15, 2023 – 1st review comments were posted to EDARP for the Special Use application (AL2217) and a resubmittal request was sent to the applicant to address the comments.
- June 28, 2023 – Meeting held with staff and consultants to discuss comments.
- July 2023 – Various email correspondence regarding road impact fees and improvements.
- **July 31, 2023 – Applicant formally submitted second submittal for AL2217.**
- August 15, 2023 – AL2217 second review comments sent out and a resubmittal request sent to the applicant to address the comments.

Ryan Howser

From: Lisa Austin <laustin9384@gmail.com>
Sent: Sunday, December 11, 2022 9:55 AM
To: Ryan Howser
Subject: Opposition for Special Use Permit- Colorado Pumpkin Patch/ Colorado Kids Ranch

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Good morning Ryan,

I am a homeowner and resident in the Monument Canterbury neighborhood that now houses the Colorado Pumpkin Patch. My husband and I purchased our home in the Spring of 1996. Our home is located on Canterbury Drive and all of the Colorado Pumpkin Patch (CPP) traffic goes past our home and driveway, both going and returning from the CPP. I would ask you as a homeowner to not allow any special permitting of anything like this CPP. I would ask you to please not allow it in our neighborhood.

We purchased our home for an out of the way spot to raise our children. A place where the kids could play on the entire 5 acres, ride their bikes on the street and walk to our neighbors' homes without concern. We have enjoyed the safety and lifestyle of this neighborhood so much that we are now building an "in-law cottage" on the property and my daughter and her husband have joined us in the ownership of the property. They chose this because she loved growing up here and wanted to offer the same to their four children.

Unfortunately, the addition of the CPP to the neighborhood has done nothing but destroy many of the wonderful things about our neighborhood.

The traffic from the beginning of September through Halloween back and forth from the CPP is terrible. Many weekends I have had to wait almost five minutes just to be able to pull out of the driveway on to my street as there is non-stop traffic back and forth. It is no longer safe to walk my dog, much less my grandkids, down the street as the cars that are looking for the CPP are often so intent on finding the CPP that they are not looking for people (we don't have sidewalks in this neighborhood). The amount of traffic past our home has raised concerns about the safety and privacy of my family. The sheer number of increased people in the neighborhood make it feel less safe and leads us to be concerned with having the children in the front yard.

The CPP wants to be a family friendly experience and that is a lovely idea. However, it never should have been allowed to be in the middle of this quiet neighborhood. As I understand the permitting, the owners have not followed any of the requirements to begin with. The Special Use criteria state:

It should be consistent with the applicable Master Plan:

It is not at all.

It will be in harmony with the character of the neighborhood:

Again, not at all. The character of this neighborhood is a quiet equestrian and family one.

It does not overburden or exceed the capacity of public facilities etc.:

There is absolutely no capacity for any of this.

It will not create unmitigated traffic congestion or hazards:

It is dangerous just to pull out onto Canterbury Drive. The other big and dangerous issue is that Hwy. 105 has become so highly travelled in the last few years that pulling out onto Hwy. 105 from Canterbury is extremely difficult and dangerous. Again, it is often a five minute or more wait to make it safely onto Hwy. 105.

It will comply with laws and regulations regarding any kind of pollution:

The noise and dust from the traffic is extremely excessive.

It will not be detrimental to the public health and safety:

This is downright dangerous in a neighborhood like this.

In a nutshell, this has been an unfortunate mistake for our neighborhood. Please put a stop to this Pumpkin Patch. It is a lovely idea but not at all in a neighborhood such as this. It is clearly a commercial operation and none of us are allowed to operate anything like that on our properties. We purchased a home here because it is fully residential, peaceful, and safe. We would very much ask that you respect and protect that for us.

Thank you very much for your time and consideration,

Lisa Austin

Lisa Austin

18180 Canterbury Drive

719-651-9384

Ryan Howser

From: Stephanie & Joe Baran <jsbaran@aol.com>
Sent: Sunday, December 11, 2022 11:40 AM
To: Ryan Howser
Subject: Opposition for Special Use permit-Colorado Pumkin Patch/Colorado Kids Ranch

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Dear Mr. Howser,

I am sending you this letter in opposition for the special use permit for the Colorado Pumkin Patch. I have lived in the Canterbury subdivision for 38 years at 18380 Canterbury Dr. Over the last few of years and especially this Fall the amount of increased traffic going by my home has increased starting in early September thru October due to the Pumkin Patch business. At one point on a Tuesday in October I counted 57 cars headed south on Canterbury and 22 headed north during a 15-minute period between 1000 and 1100 Hrs. It is like this pretty much throughout the day and worse on weekends. This is ridiculous for my residential setting. I walk the neighborhood and am on the roads often and it is dangerous with drivers looking for where to turn and speeding thru. I would ask that you take this into strong consideration before granting the special use permit.

Kind regards,
Joe Baran

Ryan Howser

From: sbaran180@gmail.com
Sent: Sunday, December 11, 2022 4:26 PM
To: Ryan Howser
Subject: Fwd: Opposition for Special Use permit-Colorado Pumkin Patch/Colorado Kids Ranch

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Mr Howser,

I'm writing to let you know how much we oppose the Special Use Permit for the Colorado Pumpkin Patch/Colorado Kids Ranch. I have lived here for 38 years and have stayed here because it is a quiet caring community with lots of children. Since the pumpkin patch opened up, from beginning of September to end of October this private quiet community has become a dangerous place. Cars and trucks speed through the streets stirring up dust and coming close to hitting adults and children walking on the side of the street. It's a matter of time before someone gets severely hurt or even killed by these reckless drivers!

The proposed site is in the middle of our quiet neighbourhood, a small residential area not meant for commercial enterprises! Please do not allow this to happen in our neighbourhood!

Thank you,
Stephanie Baran
18380 Canterbury Dr.
Monument, Co. 80132

Sent from my iPhone

Begin forwarded message:

From: Stephanie & Joe Baran <jsbaran@aol.com>
Date: 11 December 2022 at 11:40:41 AM GMT-7
To: sbaran180@gmail.com
Subject: Fwd: Opposition for Special Use permit-Colorado Pumkin Patch/Colorado Kids Ranch
Reply-To: Stephanie & Joe Baran <jsbaran@aol.com>

-----Original Message-----

From: Stephanie & Joe Baran <jsbaran@aol.com>
To: ryanhowser@elpasoco.com <ryanhowser@elpasoco.com>
Sent: Sun, Dec 11, 2022 11:39 am
Subject: Opposition for Special Use permit-Colorado Pumkin Patch/Colorado Kids Ranch

Dear Mr. Howser,
I am sending you this letter in opposition for the special use permit for the Colorado Pumkin Patch. I have lived in the Canterbury subdivision for 38 years at 18380

Canterbury Dr. Over the last few of years and especially this Fall the amount of increased traffic going by my home has increased starting in early September thru October due to the Pumkin Patch business. At one point on a Tuesday in October I counted 57 cars headed south on Canterbury and 22 headed north during a 15-minute period between 1000 and 1100 Hrs. It is like this pretty much throughout the day and worse on weekends. This is ridiculous for my residential setting. I walk the neighborhood and am on the roads often and it is dangerous with drivers looking for where to turn and speeding thru. I would ask that you take this into strong consideration before granting the special use permit.

Kind regards,
Joe Baran

Ryan Howser

From: Jane Barrow <janecbarrow@yahoo.com>
Sent: Saturday, December 10, 2022 3:53 PM
To: Ryan Howser
Subject: Opposition for Special Use Permit-Colorado Pumpkin Patch/Colorado Kids Ranch

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Dear Mr. Howser,

My name is Jane Barrow and I live at 17645 Canterbury Dr. in Monument.

First of all I will address how the heavy Pumpkin Patch traffic during the weeks in Sept. and Oct. affects me personally. I am a woman in my seventies with post polio. Walking on Canterbury is the best exercise for me. There are no sidewalks in our neighborhood and I am not capable of jumping off the side of the road (if there is space to do so) to avoid being hit by oncoming vehicles. I walk my dogs on leash, but there have been times I am afraid there is no room for me or my dogs.

Someone is going to be injured or killed if this traffic problem is not resolved.

Two of the Special Use Criteria are that 1) it will not create bad traffic and 2) will not be detrimental to public health, safety, etc. Well, we already have those criteria not being met! Let's not make things worse by granting this new permit.

Another concern I have during the high traffic times: What if an emergency vehicle had to enter and exit the neighborhood for a 911 event? Those of us who live on Canterbury Dr. have to allow extra time traveling in and out of the neighborhood when the Pumpkin Patch is in session. I can not imagine a firetruck or ambulance or law enforcement getting through.

I have lived here for almost 30 years and if I wanted to live in dangerous traffic like we now have, I would move to a big city. This is an equestrian community and there is no way people can ride their horses or walk their dogs in the pumpkin patch traffic. Our once idyllic, quiet, peaceful neighborhood is no more during the fall season. If the Pumpkin Patch were to add more events throughout the year, then Canterbury becomes undesirable and unsafe.

Our roads are not made to accomodate thousands of cars and the county will end up having to repair/service the roads more often and spend more tax money while the pumpkin patch profits from being out of compliance.

Thank you for your consideration in this matter.

Jane Barrow

Ryan Howser

From: Multi- Facets <multifacets@gmail.com>
Sent: Saturday, December 10, 2022 10:52 AM
To: Ryan Howser
Subject: Opposition to Special Use Permit for Colorado Pumpkin Patch.

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

The Colorado Pumpkin Patch, an agritainment venue located on 18065 Saddlewood Road, Monument, CO 80132, is currently in litigation with El Paso County for its multiple permit violations, and its demand for a Special Use Permit. This business cannot be allowed to expand any further; not with the dangers it has presented to the residents of Canterbury since 2018. Thus far, the Colorado Pumpkin Patch has:

- * Created a miniature dust bowl by not planting promised evergreens to reduce dust and noise pollution, which has caused health problems for senior residents and asthmatics; this problem also applies to the illegally expanded parking lot, which is meant to be grass and has been left as soil.
- * Regularly exceeded the fifty-car parking limit.
- * Has left permanent structures that were meant to be temporary.
- * The litter in this neighborhood has become a hazard to wildlife or domestic animals that might attempt to ingest it. No one tries to keep up with it even when it's on their property, and I don't always have the time or resources needed to clean the ditches and roadsides.
- * Attracted increased traffic that residential streets can't handle, and reckless drivers who endanger children and domestic animals by violating residential speed limits -one at fifty-nine miles per hour when the speed limit is twenty-five!-, careening through a residential backyard at forty miles per hour, and taking a wrong turn down a cul-de-sac and nearly killing three children playing on their driveway, all without regard for consequences. If a pet gets off their leash, or a horse panics and bolts into this traffic, or a child is distracted away from their parents, that is potentially a dead or maimed animal or person. We don't have sidewalks to utilize for our safety, or even bike paths.

This is all in blatant violation of permit PPR-18-025, and it's all public record.

Either the Colorado Pumpkin Patch must stop trying to expand and must clean up every single violation, or it should move to Douglas County, if not be outright evicted to there. There is plenty of room in Douglas County for the type of business the Colorado Pumpkin Patch's owner desires.

Thank you for your time.

- Kristen Barrow.

Ryan Howser

From: Walt Barrow <waltbarrow@gmail.com>
Sent: Saturday, December 10, 2022 3:55 PM
To: Ryan Howser
Subject: Opposition for Special Use Permit - Colorado Pumpkin Patch/Colorado Kids Ranch

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Dear Mr. Howser,

My name is Walt Barrow and I live at 176745 Canterbury Drive, Monument, CO. I am writing you today to express my opposition to the granting of a special use permit to the Colorado Pumpkin Patch/Colorado Kids Ranch. The opinions expressed herein are my own.

My primary concern is the drastic increase in unmitigated, uncontrollable, and dangerous non-resident traffic on our quiet Canterbury streets that has occurred since the advent of the Colorado Pumpkin Patch (CPP) four years ago and the impact it has had on our safety and quality of life.

My family and I have lived in Canterbury for nearly thirty years and for twenty-six of those years, we have enjoyed the privilege and the joy of being able to safely walk our dogs, ride our bikes, and ride our horses on the quiet streets of our neighborhood. But that has all changed in the past four years, ever since the CPP has started its operations.

Now, during the months of their seasonal events, we cannot safely use our streets for normal pedestrian, cycling, or equestrian activities during the operating hours of the CPP due to the constant flow of non-resident traffic down our streets going to and from the CPP.

On several occasions, my wife, child, and I and our dogs have been forced off of the road by cars headed to and from the CPP. Canterbury Drive is barely wide enough for two cars to pass, and when the cars coming to the CPP meet up with the cars leaving the CPP, it's the pedestrians that wind up in the ditch, or possibly worse. In fact, traffic during CPP hours of operation has gotten so bad that we feel that we can no longer walk safely on our own neighborhood streets during that time.

Our streets are just not designed to handle a large volume of traffic and still accommodate pedestrians, bicycles, and horses. Add to that the fact that many of the drivers pay no attention to the speed limit in their hurry to get to the CPP, and you have a recipe for disaster. It's only a matter of time before something bad happens and somebody gets hurt.

We have seen some half-hearted attempts on the part of the CPP to mediate the traffic, consisting of placing some signs and some cones on the road. But signs and cones don't address the real problem. They do not reduce the amount of traffic on our streets, and they certainly do nothing to stop drivers from speeding dangerously down our streets.

Meanwhile, the CPP continues to expand its offerings, to attract more people, with the predictable result of increasing the traffic problem.

Now, the CPP wants to get a special use permit the approval of which will, by their own admission, "impact the neighborhood with traffic unless we succeed with Hwy 105 access".

We've had four years of experience, now, to see how the traffic problem will play out. And it just gets worse every year. And with the approval of a special use permit, we can only predict that the traffic problems will continue to worsen. Especially as the CPP expands its operations beyond the current Halloween season, into other months of the year. And that is totally unacceptable.

The past four years has also shown us what the real problem is: You cannot continue use our neighborhood streets as the primary access to an amusement park. It is a bad idea, it is not safe, and it is not right!

By the way, who in their right mind ever thought it was a good idea to deny the CPP direct access from Hwy 105 and then turn right around and approve an agritainment permit that funnels all of the CPP traffic down the streets of a nice, quiet, residential neighborhood? That is the most ridiculous and irresponsible thing I've ever heard of. I would think the legal liability of such a decision alone would be enough to keep that decision from ever having been made. It's only a matter of time before something bad happens as the result of this insane decision. Do you really want to continue to incur that risk and that liability?

If you really want to solve this problem, then grant the CPP direct access to Hwy 105 and let our neighborhood go back to being the nice, quiet, safe neighborhood it was intended to be.

I know that El Paso County has big plans for Hwy 105, but why can't giving access to the CPP be part of the plan? You know that if the CPP were to move and that area sold and developed you would provide access in a heartbeat.

Please do not approve the special use permit for the CPP and give the CPP access to Hwy 105. Our safety and well-being depends upon your decision.

Thank you for your consideration.

And, if you doubt the severity of the traffic problem caused by the existence of the CPP, I invite you to bring your children and your loved ones and your pets to come to our neighborhood one Saturday morning when the CPP operations are in full swing, and lets take a stroll down Canterbury Drive so you can experience the problem first-hand.

Sincerely,

Walt Barrow
A concerned Canterbury Estates resident

Ryan Howser

From: Dale Baxter <baxcj@aol.com>
Sent: Saturday, December 10, 2022 3:59 PM
To: Ryan Howser
Subject: Opposition for Special Use Permit - Colorado Pumpkin Patch/Colorado Kids Ranch

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Dear Sir:

My name is Thomas Dale Baxter. I have lived at 2115 Charros Loop, Monument, Colorado since we had the house built in 1984. It is on lot 31 of Canterbury West and adjoins the property requesting the permit. I am writing to oppose the Special Use Permit. When the Pumpkin Patch is in season the volume of vehicles (much more than the 50 authorized under their current permit) cause numerous problems. Dust from having a dirt road next to my fence line creates issues of dust at my residence. I am also concerned with the volume of people at the event from a security standpoint. My property is exposed from the west during these events and participants would have easy access to my property. There are also safety issues associated with the events for those who are accustomed to walking or riding horses along the route to enter the events because of speeding vehicles on their way to the events.

Thank you for your consideration,
Thomas Dale Baxter

To,

El Paso County Colorado Planning and Community Development Department,

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 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 Commercial | Entertainment and Arts | Office | Light Industrial/Business Park | Heavy Industrial | Military Operation | Parks and Open Space | Natural and Paleontological | Institutional | Utility |
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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 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 (not simply “the laughter of children”) but 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 250+ 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 emendate 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, 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. Wild fire 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 wild fire the amount of risk created by such large public events is exponentially adding to the risk of wild fire. 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 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. 2022 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. Other than the Commercial Stable Facility the 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 set-backs 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.

Ryan Howser

From: Bryan Canaan <bgcanaan@msn.com>
Sent: Sunday, December 11, 2022 3:36 PM
To: Ryan Howser
Subject: Colorado Kids Ranch / Colorado Pumpkin Patch Special Use Permit
Attachments: CPP Special Use Comments.docx

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LAND DEVELOPMENT CODE COUNTY OF EL PASO, COLORADO

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- 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 set-backs 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.

Thank you,

Bryan Canaan
18285 Canterbury Drive
Monument CO 80132

From: Celia Canaan <celiacanaan@msn.com>
Sent: Monday, April 10, 2023 2:41 PM
To: Justin Kilgore; Ryan Howser
Subject: Fw: Opposition for Special Use Permit-Colorado Pumpkin Patch/Colorado Kids Ranch
Attachments: [CPP Shirt Truck 20221030.jpg](#); [CPP Sleep Camp 202210329.jpg](#)

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Justin:

It is my understanding that the Colorado Pumpkin Patch (CPP)/Colorado Kids Ranch is seeking a Special Use Permit for an upcoming Tulip Festival (May 2023). I am requesting that a permit not be approved until they are in compliance with an approved site development plan.

As mentioned in the email below, I have sent complaints to the County since 2018 and was ignored by Nina Ruiz who was the then El Paso County Manager of Planning. Nina, Vertex Consulting, is now representing the CPP and their slew of violations. This points to an obvious conflict of interest and corruption from the beginning when it comes to the CPP. In review of public records/recordings of meetings, Nina Ruiz is 'banking on' her past position and colleagues with the County to receive a Special Use Permit for CPP.

Again, I am requesting that a permit not be approved. CPP has not made any land improvements and are gearing up for yet another illegal high volume "business as usual" at the cost, safety and sanity of the Canterbury Subdivision Residents. The environmental impact, pollution and danger caused by CPP is unbearable as upwards to 500 vehicles (daily) roar through the middle of what should be a quiet and safe neighborhood.

Cordially,
Celia Canaan
18285 Canterbury Drive
Monument, CO 80132
(719) 510-7789

From: Celia Canaan <celiacanaan@msn.com>
Sent: Tuesday, December 13, 2022 2:00 AM
To: ryanhowser@elpasoco.com <ryanhowser@elpasoco.com>
Subject: Opposition for Special Use Permit-Colorado Pumpkin Patch/Colorado Kids Ranch

Ryan:

I do not appreciate and am sure it is NOT LEGAL for Colorado Pumpkin Patch (CPP) to essentially set-up camp in front of my home from September-October 2022 on weekends with the following orders to STOP all vehicles going down Charros Loop and question them as to whether or not they are a resident. If they are NOT a resident, they are to turn around and CPP will give them directions to the Pumpkin Patch. (Pictured is a CPP Employee in truck stopping traffic and a person in lounge chair.)

Under what authority does CPP have the right to STOP vehicles and interrogate my family, friends, visitors and neighbors? Additionally, my family and I are VERY UNCOMFORTABLE (fearful) with some stranger camped out or parked in front of our home. This has altered our activities to include fear to leave our home and fear to go outside. We certainly did not move to the country setting/equestrian community of the Canterbury Subdivision to have some stranger sitting in front of our home and questioning all who enter.

Picture 1: October 29, 2022 Saturday CPP worker is asleep in a lounge chair and blanket (?)

Picture 2: October 30, 2022 Sunday CPP worker is in a truck with his CPP t-shirt hanging used as a banner (?)

Again, under what authority can CPP over-reach and over-run my home and neighborhood? There is not one aspect of the CPP that is in harmony with the neighborhood, compliance with the masterplan, etc. CPP is a dangerous DUMP detrimental to the public health, safety and welfare of the present and future residents of the Canterbury Subdivision and community. My complaints and pleas to El Paso County were conveniently ignored since 2018 by Nina Ruiz, El Paso County Manager of Planning. Now Nina Ruiz, VERTEX Consulting, is representing CPP and their slew of violations. Coincidence or just blatant corruption? If you have any questions or would like to discuss further, please do not hesitate to contact me. Thank you.

Cordially,
Celia Canaan
18285 Canterbury Drive
Monument, CO 80132
(719) 510-7789

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



EL PASO COUNTY

COLORADO

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

HOLLY WILLIAMS
CARRIE GEITNER
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

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

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 - 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

WWW.ELPASOCO.COM

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 Sahara 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.

Ryan Howser

From: stevec@lynxcorp.com
Sent: Friday, June 23, 2023 5:03 PM
To: Ryan Howser
Cc: nina.ruiz@vertexcos.com
Subject: RE: Opposition for Special Use Permit-Colorado Pumpkin Patch/Colorado Kids Ranch

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Hi Ryan,

I recently received a letter from Vertex Consulting stating that Colorado Pumpkin Patch has applied to increase the number of cars allowed.

If there is no entrance to the Colorado Pumpkin Patch from Highway 105, I am opposed to this. As stated below I believe that it is irresponsible and a dangerous public safety issue for the county to divert excessive traffic through a neighborhood while refusing to grant 105 access.

Bottom line. If the access remains through Canterbury Estates, I recommend that the traffic be decreased, not increased. I look forward to a public hearing on this issue.

Kind Regards,
Steve Clark
18175 Canterbury Dr.

From: stevec@lynxcorp.com <stevec@lynxcorp.com>
Sent: Wednesday, December 14, 2022 1:04 PM
To: 'Ryan Howser' <ryanhowser@elpasoco.com>
Subject: Opposition for Special Use Permit-Colorado Pumpkin Patch/Colorado Kids Ranch

Dean Ryan,

I live on Canterbury Dr. and my property is adjacent to the Colorado Pumpkin Patch driveway along the east side of my property. So, I experience the traffic to/from every event on both sides. This past year the traffic was excessive. There were a constant flow of cars effectively driving through my back yard. If the special use permit is approved the traffic will only get worse.

One attractive aspect of the Canterbury estates subdivision is the open spaces we have enjoyed. Any berms or fences would ultimately be an unattractive "eye-sore". Most of the proposed mitigations would be inconsistent with our current peaceful agriculture environment.

I have heard that they have requested access to 105 and were refused. It is irresponsible for the county to expect the Canterbury Estates rural community bear the burden of the excessive traffic. The traffic on 105 would be exactly the same with 105 access, the only difference would be the location that the cars make the turn (either Canterbury Dr. or an access driveway to the Pumpkin Patch).

In my opinion, the traffic issue MUST be solved. There are only two solutions to this... Either allow access to 105 or cancel all permits for the Pumpkin Patch.

Kind Regards,
Steve Clark
18175 Canterbury Dr.

Ryan Howser

From: Andrea Davies <andreajustin30@gmail.com>
Sent: Sunday, December 11, 2022 9:50 AM
To: Ryan Howser
Subject: Opposition for Special Use Permit-Colorado Pumpkin Patch/Colorado Kids Ranch

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Mr. Ryan Howser,

I write to object to the Colorado Pumpkin Patch/Colorado Kids Ranch special use permit. I do not wish for the Colorado Pumpkin Patch/Colorado Kids Ranch to expand, have other public events or offer additional social gatherings.

I write to object to the above planning application for the following reasons:

1. Design/Location –The Pumpkin Patch/Kids Ranch apparently have not planted and maintained the growth of trees along the back of lot 31. The dust and noise the extra cars bring is frustrating as a neighbor. The location of Pumpkin Patch brings a multitude of cars into the neighborhood and the CPP/Kids Ranch has violated the 50 car limit. The noise, dust, and exhaust is unwelcome and detrimental to my 4 children.

2. Privacy – The Canterbury community has always been a quiet, safe and enjoyable place to live. I personally grew up here as a kid and enjoyed taking walks as a family through the neighborhood. I would even ride my bike and rollerblade down Canterbury Dr. Unfortunately, I am afraid to let my children be on Canterbury Dr. or in my front yard without constant supervision in fear of all the additional traffic and people in the neighborhood due to the pumpkin patch. It is a major concern as a mother to have unwanted additional traffic through the neighborhood especially on Canterbury Dr. where we live.

We want to live here for the privacy the neighborhood has provided. I want my kids to be safe and play outside. I do not want to have to worry about strangers coming up my street, using my driveway as a turnaround or people pulling over on the side of the road while we're walking.

I am against the Colorado Pumpkin Patch/Colorado Kids Ranch filing for an agritainment and request that the planning of a special use permit is refused.

Yours sincerely,

Andrea Davies

18180 Canterbury Dr. Monument, CO 80132

From: Vicki Davis <vicki50_80132@yahoo.com>
Sent: Wednesday, August 30, 2023 11:05 AM
To: PCD Hearings
Subject: Fwd: Letter of opposition-Special use permit for the Pumpkin Patch File Number AL2217

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This is the letter I sent to Mr Howser in December. This is being done at the expense of of my neighborhood. The only way for people to get to the pumpkin patch is thru our equestrian neighborhood. Our kids can no longer feel safe riding bikes, riding horses or just being kids, I no longer feel safe walking my own neighborhood. And for what!!! A business that has no business being in our community. Access should not be allowed on our streets, send them to 105. You also need to take into consideration what will happen to property values!!!! Please let common sense prevail. There are other properties much better suited for this type of enterprise Thank you. Vicki Davis

Sent from my iPad

Begin forwarded message:

From: Vicki Davis <vicki50_80132@yahoo.com>
Date: December 11, 2022 at 12:47:42 PM MST
To: ryanhowser@elpasoco.com
Subject: Letter of opposition-Special use permit for the Pumpkin Patch

Hi Mr. Howser

I am writing this opposition letter in regard to the Pumpkin Patch business in our neighborhood.

When I moved here 12 years ago this was a sleepy little horse community that was so what I was looking for my later retirement.

Since the Pumpkin Patch arrived it has all become a nightmare. We have so many cars racing up and down our road that even the simple act of walking my dog in the street is a huge safety hazard. My neighbors and myself have come so close to being hit so many times. Riding horses in our community is almost impossible now. We have even had cars parked in front of our house and people playing on our property. Neighbors have issues with property damage and there concern for our wildlife. It is almost impossible to get out of our driveway much less getting on to 105. I have to pick up trash and cigarette butts weekly. How can a business like the Pumpkin Patch be allowed to operate and expand in this quiet residential equestrian community destroying our safety and quality of life We have gotten notifications of several violations that this business has been allowed to get away with NO ONE is addressing these issues and someone needs to be held accountable. We cannot allow this business to continue much less expand This is My neighborhood and My retirement home and this is unacceptable.

Thank in advance for your help,

Vicki Davis
Canterbury resident

Ryan Howser

From: Vicki Davis <vicki50_80132@yahoo.com>
Sent: Sunday, December 11, 2022 12:48 PM
To: Ryan Howser
Subject: Letter of opposition-Special use permit for the Pumpkin Patch

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Hi Mr. Howser

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When I moved here 12 years ago this was a sleepy little horse community that was so what I was looking for my later retirement.

Since the Pumpkin Patch arrived it has all become a nightmare. We have so many cars racing up and down our road that even the simple act of walking my dog in the street is a huge safety hazard. My neighbors and myself have come so close to being hit so many times. Riding horses in our community is almost impossible now. We have even had cars parked in front of our house and people playing on our property. Neighbors have issues with property damage and there concern for our wildlife. It is almost impossible to get out of our driveway much less getting on to 105. I have to pick up trash and cigarette butts weekly. How can a business like the Pumpkin Patch be allowed to operate and expand in this quiet residential equestrian community destroying our safety and quality of life. We have gotten notifications of several violations that this business has been allowed to get away with. NO ONE is addressing these issues and someone needs to be held accountable. We cannot allow this business to continue much less expand. This is My neighborhood and My retirement home and this is unacceptable.

Thank in advance for your help,

Vicki Davis
Canterbury resident

Ryan Howser

From: Dave Ellis <dai69@reagan.com>
Sent: Sunday, December 11, 2022 5:34 PM
To: Ryan Howser
Subject: Opposition for Special Use Permit - Colorado Pumpkin Patch LLC / Colorado Kids Ranch
Photos attached to separate email, same subject.

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Dear Mr. Ryan Howser,

Please make this letter part of the opposition package to all land use petitions and requests from Colorado Pumpkin Patch LLC and its operations at 18065 Saddlewood Rd., Monument, CO 80132, Schedule 6116000001.

Colorado Pumpkin Patch LLC and its children's amusement park operations non-compliant with El Paso County "agritainment" provisions are a curse to the surrounding residential neighborhood and a very real threat to life and limb of its neighbors. It is hell living in the vicinity of Colorado Pumpkin Patch LLC. Our surrounding neighborhood of 134 RR-5 parcels was established in 1969 as an equestrian community and a "colony of congenial people". It remained this way for decades until the advent of lawless Colorado Pumpkin Patch in the last five years and each year the absurd disruptions and threats to our surrounding neighborhood have gotten worse. El Paso County's continued failure to rein in the egregious Land Use Code violations by Colorado Pumpkin Patch LLC are going to result in the deaths of innocent people if this continues. I have regularly recurring nightmares about this, sometimes all night long like last night.

Colorado Pumpkin Patch LLC goes to great lengths to curry public favor for its children's amusement park while ignoring the most basic legal limitations on its operations. In the eyes of Colorado Pumpkin Patch LLC, anything that will bring in more money should and will be pursued, and damn the surrounding neighbors who thereby suffer. By their own admission the operators of Colorado Pumpkin Patch LLC cannot make their required profit without violating the county's limitation of fifty vehicles on their property, so they totally ignore that limitation. The other half of this crime is that El Paso County did nothing to enforce the fifty vehicle limit for the entirety of the 2022 Pumpkin Patch season.

Here are some of the violations Colorado Pumpkin Patch LLC has cursed their surrounding neighbors with:

- Placed illegal Colorado Pumpkin Patch "bandit signs" along neighboring streets. These signs were removed by neighbors and returned to Colorado Pumpkin Patch LLC.

- Placed traffic cones and a "DO NOT ENTER" sign across the entrance to Charros Loop, thereby blocking off access to an El Paso County public road. These traffic cones and the sign were removed by neighbors and returned to Colorado Pumpkin Patch LLC.

- Continually and openly violated the legal limit of fifty (50) vehicles on the Colorado Pumpkin Patch LLC during the month and a half long autumn 2022 Pumpkin Patch season. See the photos attached to my separate email, same subject, of many hundreds of vehicles on the Colorado Pumpkin Patch LLC property on different days.

-- As a result of its intentional failure to regulate the number of vehicles coming onto its property, Colorado Pumpkin Patch LLC caused many thousands of vehicles to travel through the streets of the surrounding neighborhood upon which residents walk, jog, ride bicycles and ride their horses. Although there are four public entrances to the neighborhood surrounding Colorado Pumpkin Patch LLC, the route most commonly used by Pumpkin Patch patrons is 0.6 miles long through a residential neighborhood with no sidewalks or road shoulders. Therefore thousands of vehicles travel 1.2 miles through our streets (one is paved, all others are dirt) going to and from the Colorado Pumpkin Patch LLC which results in the following problems:

--- Trash thrown out of vehicles into our neighborhood.

--- Public endangerment to neighborhood residents who pursue their normal activities of walking, biking, and horse riding on our streets.

--- Traffic congestion at intersections, especially at the intersection of Hwy 105 and Canterbury Drive and at the intersection of Canterbury Drive and Saddlewood Road.

--- Damage to private property where vehicles going to/from Colorado Pumpkin patch have hit residential mail boxes and even driven "cross-country" across neighboring properties in an attempt to find a shortcut onto the Colorado Pumpkin Patch LLC property.

--- Vehicle traffic accidents and at least one resulting incident of "road rage" between vehicle drivers going to/from Colorado Pumpkin Patch LLC on our neighborhood streets.

--- Fire danger from cigarette butts being thrown from vehicles and vehicles going "cross-country" across neighboring properties.

--- Speeding vehicles on our neighborhood streets.

--- Dirt and dust continually floating in our air.

Once on the Colorado Pumpkin Patch LLC property, patrons drive a cumulative mile on dirt lanes immediately adjacent to surrounding properties going to and from the vehicle parking area, creating billowing clouds of dirt and dust. The parking area is unpaved as well and is quickly reduced from pasture to bare dirt by the huge amount of excess vehicles.

Loud screaming emanates all day long each day the Colorado Pumpkin Patch LLC is in operation, primarily due to non-farm, non-agritainment amusement park rides and attractions Colorado Pumpkin Patch LLC has placed on their property to make a more enticing amusement park for admission paying (up to \$27 per person) children and their families. These loud screams are heard by neighborhood residents far beyond the parcels adjacent or contiguous to Colorado Pumpkin Patch LLC. Screams heard all day have a detrimental psychological effect on the healthiest of people, and the operators of Colorado Pumpkin Patch LLC could care less about it. They have no idea of the pre-existing emotional handicaps nearby property owners who have owned their homes for decades may suffer, e.g. PTSD. For these people the screams all day can and do trigger intense suffering both day and night. One neighbor related how they complained to the county sheriff about all the screams and noise from Colorado Pumpkin Patch LLC. A sheriff's deputy visited and concluded that "it just sounds like a bunch of kids having fun to me." Yes, that's what it would sound like to a visitor for five minutes. But to hear it all day long, day after day, unmitigated from hundreds and cumulative many thousands of children is cruel and psychosis producing to some people. But of course to the Colorado Pumpkin Patch LLC operators the all-day screams are the sound of money headed for their bank account.

The significant suffering and distress caused nearby property owners by Colorado Pumpkin Patch LLC and its failure to abide by restrictions in the county's Land Use Code will reach a breaking point if continued unchecked. And here the apparent total lack of security for patrons of Colorado Pumpkin Patch LLC comes to the forefront. The Colorado Pumpkin Patch LLC property is located in a shallow valley or "hollow" with higher terrain of its neighbors on the sides. The Pumpkin Patch property lacks any shielding walls and is almost entirely devoid of trees or cover. As a result there is a clear tactical field of fire across the entire Colorado Pumpkin Patch LLC from adjacent RR-5 residential properties and roads and almost all of these have a good number of trees to conceal an assailant. Whether it be an estranged parent of a Pumpkin Patch patron or some poor sod driven crazy by the continuous Code violations and threats to life and limb caused by Colorado Pumpkin Patch LLC, a single individual could wreak sustained havoc on the many hundreds of individuals out in the open on the 40 acre Pumpkin Patch grounds. The result could make the 2017 shootings of festival goers from a Mandalay Bay hotel room window in Las Vegas look like batting practice. Before you scoff at this possibility, remember you know nothing about the mental state of potential assailants and with only a small effort you can put yourself in the long suffering shoes of the neighboring victims of the unlawful excesses of Colorado Pumpkin Patch LLC. Disaster is not only foreseeable, it is increasingly more likely every day El Paso County fails to stop the Code violations of Colorado Pumpkin Patch LLC. Should such a tragedy occur, I would expect Colorado Pumpkin Patch LLC to follow the lead of the Mandalay Bay resort and sue the dead and injured victims of the atrocity. Such is my personal opinion of the Colorado Pumpkin Patch LLC's management and its attorneys. I would also expect them to perversely sue El

Paso County for allowing the egregious conduct of Colorado Pumpkin Patch LLC which precipitated such a disaster to continue completely unchecked.

For these reasons and the many more you will hear from other residential property owners surrounding the Colorado Pumpkin Patch LLC, I ask the county to deny any and all petitions from the Colorado Pumpkin Patch LLC for a Special Use Permit for its operations at their current location. The Colorado Pumpkin Patch LLC has proven itself to be a lawless, greedy money making enterprise with no interest in complying with the county's Land Use Code or permits and without a care for the physical and emotional distress it thereby inflicts on the owners of nearby residential properties.

David Ellis
18185 Appaloosa Rd.
Monument, CO 80132

Ryan Howser

From: twig71@reagan.com
Sent: Sunday, December 11, 2022 7:39 PM
To: Ryan Howser
Subject: Colorado Pumpkin Patch LLC

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Dear Mr. Howser,

I am a 15 year resident of Canterbury Estates neighborhood in Monument. I writing to you to express my opposition to any and all petitions requested by the Colorado Pumpkin Patch LLC.

There are many reasons for my opposition, allow me to name a few:

- The Pumpkin Patch is surrounded on 3 sides by Canterbury Estates, an Equestrian community and therefore the Pumpkin Patch property is not in harmony with our quiet neighborhood, by anyone's wildest stretch of the imagination; it has become an noisy children's amusement park right in the middle of our once serene neighborhood.
- The structures on the property are supposed to be temporary, but are there year round. With all the vehicles on property as well, it looks like a junk yard. Not a pleasant sight. I have no doubt this issue will have a negative impact on home prices on those homes that surround the Pumpkin Patch; not to mention the substantially increased traffic through the neighborhood and consequent safety issues, as well as the constant dust and dirt, and oh yeah, the screaming children.
- The Pumpkin Patch has been continually in violation of the County's code of a 50 car limit on the property. The Colorado Pumpkin Patch LLC was issued a Violation Notice but has totally ignored it, basically giving the County and the residents of Canterbury the middle finger, and the County does nothing about it!
- This business continues to add more "rides" and "attractions" on the property, and additionally hosting a "Tulip Festival" in the spring and a "Watermelon Festival" in the summer. Now I hear they want to sell Christmas trees; WHAT'S NEXT?!

In my opinion the Colorado Pumpkin Patch (a misnomer because it's basically become a children's amusement park) does not belong in the middle of Canterbury Estates neighborhood for my stated reasons.

I respectfully ask that the County deny ALL requests for variances or special permits, or whatever the Colorado Pumpkin Patch LLC may file to keep it's current location.

Thank you,
Sheryl Ellis
18185 Appaloosa Rd
Monument, CO

Ryan Howser

From: Justine Fisk <jvmilligan@msn.com>
Sent: Monday, December 12, 2022 7:15 PM
To: Ryan Howser
Subject: Colorado Pumpkin Patch

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To whom it may concern:

I would like to write to you today to inform you of the neglect the Colorado Pumpkin Patch (CPP) has taken when it comes to the surrounding community. The only thing CPP has done is create a very real and catastrophic potential accident. CPP does not even have a proper entrance and exit. The thousands of people who attend CPP utilize the surrounding quiet community infrastructure to attend this illegal pumpkin patch. Not only that, but the neglect of EL Paso County has allowed them to get away with everything, and as a result, this "theme park" is one accident away from harming the very kids they claim to be helping. The CPP is a glorified junk yard that El Paso County has allowed to exist. This has to stop as my daughter can not even go outside during the pumpkin patch season due to the invasion of traffic the CPP produces and allows. I am writing to you today because the CPP needs to be stopped as they have yet to follow their business plan since inception and that is unacceptable. El Paso county needs to step in and stop this madness. There is no reason CPP can not meet the standards asked of them when creating their business. CPP's greed and deception needs to be noted. There is no reason the surrounding community needs to be punished by EL Paso County's neglect in not holding CPP accountable. Not one thing on the CPP business plan has been followed, and I am asking you today to step in and recognize this is unacceptable and to take corrective action immediately.

Ryan Howser

From: Alton Gansky <antoffset@gmail.com>
Sent: Sunday, December 11, 2022 11:59 AM
To: Ryan Howser
Subject: Opposition for Special Use Permit-Colorado Pumpkin Patch/Colorado Kids Ranch

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Mr. Howser,

Canterbury Drive in Monument, Colorado, is a narrow, winding, rural residential road. Most days, it is used by walkers, bicyclists, and horseback riders. During Colorado Pumpkin Patch season/events, the sheriff's department places a speed-monitor trailer in front of our house to deter speeding. This trailer is placed on top of a hill, producing a "choke point" of heavy, two-way vehicle traffic, making it dangerous for drivers, walkers, and horseback riders. With no shoulders on either side of Canterbury Drive and steep ditches, this is a very unsafe situation. This is one of many issues created by the increased traffic on this neighborhood road.

We are opposed to any increase in Colorado Pumpkin Patch operations. We have been made aware by the El Paso County Planning and Community Development, that the Colorado Pumpkin Patch owner(s) have already breached their current event permit: exceeded the 50-vehicle-at-a-time rule (300+ vehicles at a time have been photographed), have not provided a paved and/or grassed parking lot, have not planted trees to help mitigate excessive amounts of dust created by the vehicles, to name just a few violations.

Under the current Colorado Pumpkin Patch permit agreement, we request that a Highway 105 special-event entrance be created, with traffic directed by the sheriff's department, and paid for the Pumpkin Patch. This temporary entrance for up to 50 vehicles at a time would not be a problem.

Thank you very much for your consideration in this matter, and please feel free to contact me with any questions.

Alton Gansky
18290 Canterbury Dr.
Monument, CO 80132

(719) 650-1171

Ryan Howser

From: Brian Nelson <bcnelson80132@gmail.com>
Sent: Saturday, December 10, 2022 9:52 PM
To: Ryan Howser
Subject: Opposition for Special Use Permit Request - Colorado Pumpkin Patch

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Dear Ryan Howser,

I am writing to you in regards to the Colorado Pumpkin Patch's request for a Special Use Permit. I am a neighbor of Mr Chapman and we share a fence line on the west side of his property. I am concerned with this request because of the continued traffic safety issues surrounding the operations of the CPP. It is not just the volume of traffic that is the problem but the speed of traffic and disregard of neighbors using the roads for walking, biking, and horseback riding. We live on a cul de sac off of Canterbury Drive and have drivers coming down our road trying to find the CPP. Our neighbors have small children who frequent the road for dog walks and biking. It is not safe for them when the CPP is open because of these people looking for the CPP.

I realize that the CPP cannot control the drivers on their way to the CPP. But if El Paso County is in favor of the CPP business being successful, they need to do their part. The first thing that they can do is to approve an access driveway from 105 to the CPP property. Other properties on the south side of 105 have driveway access to their properties and therefore, the CPP should have access granted, too. This would alleviate a major number of traffic issues since most of the traffic would no longer be traveling down Canterbury Drive but would enter the property from 105. The county can also add signage to the roads surrounding the CPP to give proper direction, speed limits, and access points.

Thank you for your attention to this matter. Mr Chapman has been a good neighbor to us, but I have to oppose this Special Use Permit Request until the county does their part to make us safe in our neighborhood.

Regards,
Brian C. Nelson
2085 Charros Loop
Monument, CO 80132

Ryan Howser

From: Patricia Nelson <plnelson1@mac.com>
Sent: Saturday, December 10, 2022 11:42 AM
To: Ryan Howser
Subject: Letter of Opposition for CPP Special Use Permit

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Good morning Mr. Howser,

I am sending this email in **strong opposition to the Colorado Pumpkin Patch/Kids Ranch receiving approval for a Special Use Permit**. I am a resident of Canterbury Estates and the pumpkin patch creates several concerns in my neighborhood. My property shares about a 100 yard fence line with Mr. Chapman.

First, the traffic created by this fall event has caused dangerous conditions for myself and my neighbors. Cars exceed the posted speed limit and do not take care in passing pedestrians walking in our neighborhood. We are a rural, equestrian community and we do not have sidewalks in our neighborhood. I walk daily and have experienced numerous cars speeding down Canterbury Drive in excess of the posted limit. The traffic speed counter that was put in place by the county this past fall verified the excessive speeds in our neighborhood. The max speed registered was 59 mph. Not an acceptable speed for a residential road. That is nearly the posted speed on CO-83 heading south into the Springs.

We have the misfortune of being the first left turn upon entering Canterbury Estates. My next concern is the safety of children on my quiet cul-de-sac. During the 6 week festival we have an unrestricted stream of traffic driving down our road. There are only 3 families that live the road. Children play in their yards and driveways. They ride bikes and horses up and down our dirt road. That is why we moved to an equestrian community. My neighbor's children, while playing on their driveway, were almost hit by a car carelessly speeding and turning around at the end of the road. Not acceptable! The death of a child by such careless actions would overshadow any enjoyment that might occur with families going to the pumpkin patch. Sadly, people don't even pay attention to the address of the CPP. It is NOT on Charros Loop.

Lastly, our rural neighborhood roads are not meant to withstand the traffic that this event creates. That same traffic counter registered more than 19,222 cars (coming into and leaving) our neighborhood. That number was even greater because the counter was removed prior to the final weekend which is always the largest, most attended.

In the past I felt that the pumpkin patch was a quality outdoor option, but the size, and the issues that size presents, has since changed my mind. The vision that Mr. Chapman has far exceeds the surroundings, and the access to his property. As a twelve year Canterbury resident, I would like to get my quiet, rural neighborhood back. I DO NOT support Mr. Chapman receiving a Special Use Permit.

Respectfully,

Patricia Nelson
Lot 32 Canterbury Estates

Ryan Howser

From: A O <ang3la0liva@gmail.com>
Sent: Monday, December 12, 2022 3:40 PM
To: Ryan Howser
Subject: Colorado Pumpkin Patch, Special Use Permit

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Good Afternoon Ryan, and Happy Monday ~

Thank you in advance for your time and attention. I know you are busy, thank you for listening to my concerns below. Please feel free to call my mobile if you have any questions, 720 643 8268.

Please receive my email as a letter of **opposition** to the Colorado Pumpkin Patch request for a Special Event permit.

Although the Colorado Pumpkin Patch (CPP) appears to be a nice addition to the Monument area, it sadly has not been a good neighbor, member of our community, and perhaps more importantly the Colorado Pumpkin Patch has abused their current smaller 'Agritainment' permit by dismissing the county code, **placing its customers and its neighbors at risk of injury or worse**. The CPP has blatantly ignored citations from the County, and has no regard for community rules and zoning, taking advantage of the system meant for agricultural profit. The CPP does **not** grow the agriculture it sells on its property. The CPP does **not** have any agricultural crops.

I have summarized my concerns and grievances in the bulleted list below.

- The Colorado Pumpkin Patch has proven, by disregarding the 50 car limit under the Agritainment Permit and consistently having upwards of over 300 cars on their property for full days, that **when they are beyond the 50 car Agritainment limit, they are generally not in harmony with the character of the neighborhood. It overburdens the capacity of public roads and easements. It creates unmitigated traffic hazards of the surrounding area. It is detrimental to the public health, safety, and welfare of the present residents of El Paso County. The community has good reason to believe the CPP will not conform to the applicable County rules, regulations, or ordinances, as it has not conformed to the current rules/regs/ords of the current Agritainment permit.**
 - This is an equestrian community. It was an equestrian community when the CPP obtained the property parcel it resides on.
 - 10,000 cars coming and 10,000 cars leaving in a single 4-week period disrupts the character of the neighborhood surrounding the CPP on 3 sides of its property parcel.
 - The traffic burden it causes is not harmony with character of the neighborhood. Our roads are County maintained, have no sidewalks for pedestrian safety, for equestrian safety, and are narrow and undeveloped for high traffic.
 - Our paved roads:
 - Do not have painted lines to divide northbound and southbound traffic
 - Do not have emergency pull-off lanes, painted lines, nor space for emergency pull-off.
 - Are directly against easements with unsafe land bordering the road if a car were to swerve off-road - with mailboxes, fences, and ditches.
 - There is no safe space for pedestrians, bicyclists, horse riding, etc.

- The dirt road bordering the pumpkin patch on the south side, is also undeveloped for high traffic. It is rutted, washboarded, has loose gravel, is rounded and uneven, causing unsafe driving conditions. CPP traffic is most often observed with patrons whom ignore traffic speed limits and speed through these dirt and paved roads.
- The dirt road on Saddlewood Road and the dirt road on the CPP property parcel have caused undue stress daily on our household and our community with poor air quality from the cars kicking up dirt and a looming cloud of dust settling over our homes for entire days. There is a constant layer of dust on and in our property and dwelling. We cannot enjoy our normal outdoor activities because of the poor air quality. Our chickens have developed coughs in their natural free-roaming environment on high traffic days.
- There is constant noise, grating, and disruptive loud booms coming from the CPP all day, **and also during the night as the CPP prepares for the following days after hours.**
- There are numerous farm animals surrounding the CPP, excitable horses, and a long list of wildlife forced from the congested neighborhoods west of this neighborhood bordering I25.
- There is a high fire risk danger with the CPP allowing cars to park on grassy parking areas, and high flammable forested areas directly bordering the CPP with no mitigation for high numbers of crowds/patrons. We have observed live cigarettes being thrown from windows of cars/patrons passing by our property. Cars often go off-road for "fun" and drive over heavily grassed easements bordering roads. If you can recall the police car that ignited a grass fire in Colorado Springs recently.
- There is a community concern regarding evacuation and emergency measures. The CPP has no community plan to mitigate the dangers of a mass evacuation involving hundreds of cars entering and exiting the CPP and neighborhood if there was an emergency. Our property and the living 2 dozen animals on our property would be fully blocked and we would be trapped if there was such an emergency.
- The impact of the current out-of-compliance 10,000 cars (300 cars consistently parked on the CPP parcel at a time) overburdens and exceeds the capacity of public roads and fire department services in our neighborhood. The CPP has not addressed this concern to my knowledge.
- The CPP has already with an Agritainment Permit created unmitigated traffic congestion and traffic hazards on Canterbury Drive and Saddlewood Road. Again, the roads are not developed to handle the high traffic the Agritainment Permit has created by being in excess of 50 cars on the property at any given time.

The county granting the Colorado Pumpkin Patch a larger Special Use permit would only exacerbate the list of problems already arising from a small Agritainment permit.

If the county could **limit** the entrance to the Pumpkin Patch to **only one entry/exit** via the North property line of the parcel, this would avoid unsafe and hazardous disruption to the neighborhood.

Thank you again for your time and attention Ryan. I know you have been overinundated concerning this permit. I am grateful for you hearing my concerns and thoughts.

Have a wonderful Monday, and happy holidays. Many thanks, ~ Angela Oliva

Miranda Benson2

From: Mike Provençal <mike44_80204@yahoo.com>
Sent: Wednesday, August 30, 2023 4:06 PM
To: PCD Hearings
Subject: Fwd: Pumpkin Patch Letter Of Opposition-Special Use Permit

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My two main objections to the Colorado Pumpkin Patch: 1/ How were they issued a business license to operate an amusement park in a residential neighborhood.
2/ The substantial increase in traffic has created a safety hazard for those of us who live in the neighborhood.

Sent from my iPad

Begin forwarded message:

From: Mike Provençal <mike44_80204@yahoo.com>
Date: December 11, 2022 at 12:00:31 PM MST
To: ryanhowser@elpasoco.com
Subject: Pumpkin Patch Letter Of Opposition-Special Use Permit

Mr. Howser

12 years ago, my wife and I purchased our beautiful home on a pristine five acres of 60-foot ponderosa pine trees. Our neighbors have children that play, horses that trot and dogs that run. They all avail themselves of our unique area.

A business, the Pumpkin Patch, was allowed to open in our equestrian horse community. The increase in traffic alone has become a dangerous safety hazard.

I was almost hit twice when I was walking my dog on my own Canterbury dr. I was chatting with my neighbor who bought his house over 30 years ago and he was almost hit also. I happened to see another neighbor, she and her daughter were horseback riding on the east side of Canterbury, I was on the west side. The traffic was so bad, we had to continue backing up on the shoulder and couldn't hear ourselves talk.

I have received written materials of code violations of this business. If the business is allowed to expand, all of the present problems will get worse. They would have to!!!! or, how about all of the residents avoid the law and start a business! We could cut down all the trees and have the biggest commercial business park in the US

PLEASE HELP US

Thank You,
Michael Provençal-Canterbury resident

Ryan Howser

From: Mike Provencal <mike44_80204@yahoo.com>
Sent: Sunday, December 11, 2022 12:01 PM
To: Ryan Howser
Subject: Pumpkin Patch Letter Of Opposition-Special Use Permit

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Mr. Howser

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PLEASE HELP US

Thank You,
Michael Provencal-Canterbury resident

Miranda Benson2

From: Monte Rathbun <monterathbun@aim.com>
Sent: Thursday, August 31, 2023 6:56 AM
To: PCD Hearings
Subject: Opposition for Special Use Permit- Colorado Pumpkin Patch/ Colorado Kids Ranch

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Dear Mr. Howser,

As a resident north of the Colorado Pumpkin Patch property, I am going on record to show my opposition to the request for agritainment activities.

I have read all the letters, both in support and opposed, and have given special attention to those neighbors south of Highway 105 in close proximity to the Colorado Pumpkin Patch . It's my desire to

support the seven (7) neighbors who oppose the permit, since they are most affected by this activity. As of this date, August 31, 2023, I find only two (2) neighbors who

have written to support the approval for a Special Use on the Chapman property.

Monte Rathbun

Melani Sweet
18475 Canterbury Drive
Monument, CO 80132

Subject: Letter of Opposition

Dear Mr. Howser,

As a property owner and resident of Canterbury Estates, I am writing to the county to record my opposition to the special Use Permit to legally expand the Colorado Pumpkin Patch's operations. My property is on the east corner of Canterbury Drive and Highway 105 where most traffic to CPP is mostly routed through Canterbury Estates.

Since 2018, the volume and safety concerns of the traffic has only increased on Canterbury Drive. During the pumpkin patch's season, particularly on the weekends during high attendance days, the traffic is simply getting out of control. When the pumpkin patch opened, I thought having a quaint pumpkin patch or produce stand type business was a nice addition to the area, and I understood they were offering riding lessons on their property.

However, it did take the owners four years to send an introduction letter to their neighbors, and now CPP is distributing a survey to us that asks us to give our opinion for the purpose of their use permit application. However, the surveyed "opinions" are written and openly biased and does not allow me to express my true opinions, nor did it even address the volume of traffic issue we now have on Canterbury Drive. I believe the owners of CPP understood the use permit and that the violations seem to be deliberate; this is not the first location they have had for this business in the county. They did not do their due diligence as to landscaping requirements, required set-backs, and built an additional unapproved driveway along property lines of neighbors. They haven't shown our neighborhood any good faith that any of the mitigations they propose were completed before, so I am wondering how they expect to believe that any of their proposed mitigations will ever be completed.

My primary disappointment with the county is that an entrance to CPP on Highway 105 was not granted to the business. I truly thought this traffic increase would be temporary until the driveway/entrance was built to accommodate this traffic. I have tried to tolerate it knowing that it is a seasonal and temporary. Now knowing that the driveway will never be approved, I do not believe we should be subjected to this business's expansion and open our community up to year-round or increased customer traffic. As an "Agritainment" business, I feel reselling pumpkins and running a country amusement park doesn't offer the agriculture education benefit to the community as CPP claims. They also have permanent structures, in violation of their current permit on the property that do not fit in with the character of the surrounding community.

By law, one of the title rights we have as property owners is quiet enjoyment. The amount of cars in our neighborhood has become a safety hazard and along with the noise from events, violates my rights as a property owner for quiet enjoyment. We do not have sidewalks on Canterbury and many of us walk, run, ride bikes, horses, atv's, dirt bikes, skateboards, etc., through our community. We are an equine

community that has a long history of being a safe place to ride. This is part of our quiet enjoyment rights of living in this community. This is a place where residents watch out for each other, watch their speed, and look out for the children and pets of the neighborhood. Since 2018, the CPP has been out of compliance with their 50 car limit, every weekend, and it has become a public endangerment issue.

During the season, we do not allow our child to ride his bike or skateboard outside of our property. The recklessness of the CPP customer base is a big and real concern for our family and our neighbors. Some of the behavior that has been witnessed by Canterbury Estates property owners: Customer's drive through private properties and trespassing incidents, drive at excessive speeds while turning into Canterbury and through the neighborhood, aggressive driving and road rage incidents, littering at the entrance and along Canterbury Drive (to include cigarette butts, alcohol cans and bottles, diapers and more), traffic congestion at entrance and in front of our driveway, people passing automobiles, atv's, horses, letting children out of their vehicles and wandering around on private property, near misses and endangerment of pedestrians, cars, bike riders, riders on horseback, and children playing on their own property. We feel that the safety and the character of our neighborhood is at stake. In addition, we have had semi-truck traffic delivering pumpkins at all hours of the night, as well as attempted break ins and of shops and barns since introducing CPP.

The violations that have been noted since 2018:

- Exceeding 50 car limit
- Site structures are to be temporary; we have noted permanent slide and structures on the property
- The business expanded without a permit
- Landscaping and 15-foot set back-owners were to plant mature evergreen trees along neighbor's lot to reduce dust and noise.
- An unapproved driveway that extends along lots 29, 30 and 31
- Violation of the 15-foot set back
- Parking lot was approved as grass; however, it is dirt and causes dust which a health hazard

I do not believe that the perceived benefits to the neighborhood and the community outweigh the public safety, health hazards, and environmental impact issues that affect those of us that live next to the pumpkin patch. If they had remained in compliance with their permit, I might have different feelings about it. Having a non-profit to employ youth doesn't justify the blatant misuse of the property and the negative impact it has on their neighbors. During this year's season, there were 20,000 cars recorded on Canterbury Drive according to the traffic report from the Sheriff's office, and the max speed recorded was 59 miles an hour in a 25 mile an hour zone. I was unaware of the "Tulip Festival" in the spring, but it also seems that they are intending to include more events and uses of their business to be year-round. Making the CPP's car violations legally acceptable will continue to endanger our community and we do not want to wait until someone is seriously injured. We hope you understand our opposition to an expanded use permit and that you will consider and record our concerns.

Sincerely,

Melani A. Sweet

Ryan Howser

From: Bridget Town <bastown@yahoo.com>
Sent: Saturday, December 10, 2022 10:37 AM
To: Ryan Howser
Subject: Opposition to Special Use Permit Request Colorado Kids Ranch- Pumpkin Patch

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Dear Ryan Howser-

I received a certified letter from my neighbors at the Colorado Kids Ranch-Pumpkin Patch regarding their request for Special Use with El Paso County. I am writing to express my opposition of the Colorado Kids Ranch-Pumpkin Patch receiving a Special Use Permit. I have no problem with their current Agritainment Permit. A couple things stood out in their letter. One that this Special Use Permit would affect Canterbury traffic unless they get access on highway 105. Is it possible they can get 105 access? I know a couple people were going door to door last week in Canterbury with a "Colorado Pumpkin Patch Survey" to be returned to Vertex Consulting Services. Some Canterbury residents have no idea the burden of the traffic in our community and the potential fire concern this could present them with. If you closed off highway 105 and Canterbury, the pipeline, during the Pumpkin Patch, I bet some residents would have a totally different take on the traffic situation.

In the letter, it was also mentioned attempting to plant over 100 saplings without success. We actually let them dig up some of ours. I remember hay being baled on that property. I don't know if anything is actually grown there any more. Maybe because all the traffic has had a negative impact on the ground? I do know in our experience planting trees, if you want a real effort to make them thrive, go buy some or have a professional transplant trees.

Here are my thought on the Zoning Analysis and my concerns:

Zoning Analysis:

The Special Use will be in harmony with the character of the neighborhood and generally compatible with existing and allowable land use in the surrounding area: It does not. A Covenant Protected Equestrian Community. No horseback riding can safely occur with this traffic, let alone walking, biking etc... There's no sidewalks here, some dirt roads and lots of dust.

The impact of special use does not overburden or exceed capacity of public facilities and services and the special use demonstrates that it will provide adequate facilities in a timely efficient manner. It does not. USAA wouldn't insure our house when we moved here because there's no fire hydrants in Canterbury. There's still no fire hydrants in Canterbury. They didn't care we are by a fire department because there's no easy water access. So now we want numerous people with no exit/evacuation to Highway 105. We seem to be on high fire, no burn watches frequently. This is incredibly unsafe for this and surrounding communities. This area was not designed for this degree of traffic and people.

The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area. This has obviously been blatantly violated. Hundreds of cars speeding through the neighborhood parking by our lot doing who knows what. No sidewalks and dirt roads. Clearly this neighborhood was not designed for a commercial operation.

Comply with air, water, light or noise pollution. Not only can I not have some of my windows open during the dusty traffic, my Mom isn't coming during this time because of her asthma. We try to avoid being outside during the really heavy traffic because 2 sides of our lot is dirt. I actually think it's affected my breathing in a negative way. We don't have an air conditioner because it's generally great weather if you can open your windows. The inside of our house is always dusty during the heavy traffic. If this Special Use Permit passes, we will likely have to deal with this burden year round, which would have an even greater negative impact on me, my family and many neighbors.

The special use will not be a detriment to public health, safety and welfare to present or future residents. This is obviously in violation. No fire hydrants, no easy safe direct exit/evacuation plan, no sidewalks for residents, air pollution. Stress to residents.

The other 2 zoning analysis criteria I feel also cannot be met properly in this area.

Concerns I have:

Fire Risk, Negative environmental impact/land disturbance, no safe evacuation
Trash, cigarettes, etc...
Public endangerment, danger walking, horseback riding, biking, children playing, etc...
Heavy traffic some not obeying speed limit, stop sign, laws.
Potential road rage/harassment
Deterioration of the surrounding dirt road.
Respiratory distress due to air pollution/dust.
Property damage. Mailbox hit by a car 3 different times. (Don't know if this was CPP traffic)
Strangers parking along my lot. Privacy concerns.
Reduced home value.
Disturbance of peace.

I am in complete opposition to Colorado Kids Ranch/Pumpkin Patch receiving a Special Use Permit. I wish I didn't have to get involved with this, especially with a neighbor. Thank you so much for your time, consideration and help. Please feel free to email me or call/text at (719) 661-0946

Sincerely, Bridget Town

Ryan Howser

From: Marin Turner <marinturner@icloud.com>
Sent: Thursday, December 8, 2022 2:50 PM
To: Ryan Howser
Subject: Opposition to Special Use Permit - Colorado Pumpkin Patch/Colorado Kids Ranch

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Hello Mr. Howser,

We are opposed to the Special Use Permit for the Colorado Pumpkin Patch (CPP) business.

We reside at 18130 Canterbury Drive and are subject to the excessive and dangerous traffic, noise, and dust from the operation of CPP.

The owners of CPP purchased the property at 18065 Saddlewood Road, zoned RR5, with the intention of violating the zoning. They attained an Agri-tainment variance but immediately violated that variance as well with the excessive vehicles on their property. Now they are applying for a Special Use permit to circumvent the RR5 zoning and avoid paying zoning fines to El Paso County.

CPP is shifting the cost of their business to us and to El Paso County. Every year there is excessive and dangerous traffic along Canterbury Drive because of CPP. The unreasonable level of traffic on this residential street is accelerating the deterioration and increasing the maintenance costs to El Paso County. The El Paso County Sheriffs office traffic report showed tens of thousands of vehicles driving down Canterbury Drive while CPP is in operation, far above the normal residential traffic.

Canterbury Estates bills itself as an equestrian community. Canterbury Drive is a narrow residential street through a ponderosa pine forest designed for 25 mph speed. It has no shoulders and residents with their children and dogs walk, ride bikes, and ride horses on the street. There are pets, deer, and small wildlife that regularly cross the road at all times of the day. CPP has forced dangerous traffic onto Canterbury Drive that threatens everyone who uses the street.

We are being deprived of the quiet enjoyment of our property. We are concerned this will affect our property value as who would want to live in a residential neighborhood with this excessive level of dangerous traffic, noise, and dust caused by the CPP carnival operation.

Again, we are opposed to the Special Use Permit for the Colorado Pumpkin Patch business. It's simply unfair to the residents of Canterbury Estates to be subjected to this stress on our lives for someone else's selfish and inconsiderate business plan.

Thank you for your consideration.

Carl and Marin Turner
18130 Canterbury Drive
Monument, CO 80132
marinturner@icloud.com

Ryan Howser

From: jake vanpelt <jake_vp@yahoo.com>
Sent: Sunday, December 11, 2022 11:31 AM
To: Ryan Howser
Subject: Letter of Opposition to Colorado Pumpkin Patch/Colorado Kids ranch Special use permit

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My name is Jacob Van Pelt and I live on 2110 Charros loop in the Canterbury neighborhood. This letter of opposition is to strongly oppose the issuance of a special use permit for the Colorado pumpkin patch/Colorado kids ranch. I am against this permit because of the dangerous safety hazard that has been created by traffic congestion brought into this community by the Colorado Pumpkin Patch business. You are being made aware on this date that this safety hazard will result in serious injury, bodily harm, or even death.

I have personally witnessed traffic speeding thru my property and backyard looking for the CPP(Colorado Pumpkin Patch), luckily no one was injured. This year while my six year old and Eight year old kids were playing on my own property, I witnessed a blue Honda looking for the CPP speed down my dead end street and then come within feet of striking and killing my children on MY OWN PROPERTY. This elevated safety risk only is present while the CPP conducts its business hours. I no longer enjoy my own property and the welfare of my children are no longer safe on MY OWN PROPERTY. I also witnessed a vehicle coming within feet of striking my child while we were riding our bikes around the neighborhood. It is no longer SAFE to walk or ride your bike in our neighborhood. I invite you to bring your own family to enjoy our neighborhood and see if you would be willing to risk their life. This is a clear violation of the criteria of section 5.3.2.C, specifically related to "will not create unmitigated traffic congestion or traffic hazards in the surrounding area.

The CPP has put an overburden of traffic on streets that are over capacity and were not meant to hold 20,000 trips in a month. The streets were safe to walk on but now sidewalks MUST be put in for the safety of pedestrians especially for the citizens with disabilities, once able to move around freely and safely, this traffic safety risk will limit the citizens with disabilities and restrict their ability to safely move around the neighborhood. Also a violation of 5.3.2.C.

The dust pollution created from vehicle traffic as well as Foot traffic has created a health hazard to my family as well as to my animals and neighbors. It is damaging my property and an air quality sample can prove the particulars that are being spread are detrimental to our health. The dust plumes also are drifting over highway 105 and is lowering visibility for drivers which is causing a very dangerous safety hazard for vehicles which will lead to an accident.

The harmony of this community is a quiet and safe place to raise a family. It is an equestrian neighborhood. The CPP violates the criteria of section 5.3.2.c in which it disturbs this harmony and prevents people from riding their horses around the neighborhood because of the safety risk of people speeding by the horses, HONKING THEIR HORNS WHILE CHILDREN ARE RIDING AN ANIMAL THAT WILL REACT because they get scared and will leave children injured or worse, paralyzed.

This business that says it is good for the community does not give it the right to make money at the expense of the communities safety in which it resides! This business offers a family activity, but if

my family is dead from the traffic it created than what good is it actually doing. Just put yourself in my shoes , if you witnessed your small children narrowly missed being killed.

The evidence presented proves this special use permit violates the criteria of section 5.3.2.C of the special use permit criteria and if approved, then legal council will be sought out to investigate why the criteria was not followed.

It is your responsibility to follow this criteria to keep our neighborhood and my children safe. I hope you will do the right thing. I plead and beg you as a father,PLEASE ! Keep my children safe before someone is killed. This permit is not right for this business and this property and this neighborhood.

Thank you for listening to my concerns,

Jacob Van Pelt

LETTER OF OPPOSITION: SPECIAL USE PERMIT

12/2/2022

To Whom It May Concern:

I am writing this letter to Oppose the Special Use Permit trying to be obtained by the Colorado Pumpkin Patch LLC/Colorado Kids Ranch.

My first concern with the Special Use Permit being approved is safety. Our Neighborhood, specifically Canterbury drive has become a highway of thousands of cars a day speeding to and from the Colorado Pumpkin Patch. The CPP is located in the middle of our HOA Equestrian community where residents ride their horses along the roads of our residential streets. It's also a place where residents enjoy going for daily walks, riding bikes, and other outdoor activities. Since the Colorado Pumpkin Patch LLC has started operations, we are no longer able to enjoy our neighborhood and outdoor activities. There have been several "close calls" of cars getting too close to people walking on Canterbury drive. Someone is going to get hurt or killed. I would say sidewalks may help with safety issues, but that is not conducive to our neighborhood setting/environment. The amount of traffic produced by Colorado Pumpkin Patch is excessive, and dangerous. CPP is not in a safe location to be offered a Special Use Permit.

Another safety issue I would like to address is cars turning around in our driveway, on our property and street. Due to the fact that we live in an HOA we do not allow signs advertising businesses. People get lost going to the CPP because many people lose cell phone service once they reach this area of monument. Therefore, a significant number of cars, buses, caravans of cars use our dead-end street to turn around. We've had people drive through our backyard going 30+ MPH while our kids are playing outside. We've been blocked in our driveway as school buses have tried to use part of our personal driveway to turn around. This is not an isolated event. It's happened more times than I can count. The Colorado Pumpkin Patch has become a danger to my family by the traffic they bring to our personal residents.

I would also like to address the health hazards the Colorado Pumpkin Patch brings to our neighborhood and our home. During the peak months of operation of the Colorado Pumpkin Patch/ Colorado Kids Ranch I have to use a rescue inhaler for asthma because the dust that is produced from the operation is significant. I don't have to use my inhaler at any other point during the year. Only while dust blows up from the pumpkin patch. Even if driveways and parking lots are paved there is excessive foot traffic and the entire field where activities are located turns into a giant dust bowl. All the dust from the commercial operation blows up towards our house and we cannot enjoy being outside on our own property.

Colorado pumpkin Patch has been in operation since 2018 and has never followed the site development plan approved by the county or the Agritainment permit rules. If granted a Special Use Permit my concern, is they will just operate however they want just as they have done in the past. If they had been compliant and worked towards compliance when first cited with a violation by the county then maybe I would be less concerned. However, the Colorado Pumpkin Patch blatantly ignored code enforcement and neighborhood complaints and continued to operate at full capacity and even bringing the news station to their property to advertise the event. They continued to offer season passes to encourage even more people to return all season long. This is not compliance. This is negligent and continued to put our

LETTER OF OPPOSITION: SPECIAL USE PERMIT

12/2/2022

family, livestock and neighbors in danger of injury or death by the amount of traffic they brought down our residential streets.

Colorado Pumpkin Patch has taken over our neighborhood and our personal residential property. Having a commercial operation in the middle of an HOA residential Equestrian community that brings thousands of cars down Canterbury drive on any given day is not compatible with our neighborhood. It brings negligent and dangerous conditions to Canterbury and it's not a matter of if someone gets hurt or killed it's a matter of when.

I am backing my letter of opposition with evidence for my concerns. I have attached pictures of dust, cars, and a video of a ride I took on my horse with my daughter's friend during The Colorado Pumpkin Patch commercial operation. Again, the evidence I am submitting are not isolated events.

- In the first video you will hear me say, "this is ridiculous". That's not only because of the traffic load but also cars stopped while we were trying to cross our residential street, and a car started driving towards us after first stopping. There are 16 cars in my video that is 1 minute and 19 seconds long. This continues ALL day long. I have multiple videos that show traffic flow along Canterbury Drive. It is not acceptable.
- My second video is a snapshot of the traffic that flows down our Charros Loop rd. There are only three houses on this dead-end street. The part we didn't get on video was the bus using our driveway to back up in order to turn around. Again, This IS NOT an isolated event. This is all season long and why our kids cannot safely play outside on our own driveway.
- My third photograph demonstrates dust that blows towards our house that creates a health hazard.
- The Last Attachment, a Traffic report from Sheriff's office counted cars coming in on Canterbury Drive. This does not include the traffic exiting on Canterbury drive as it only counts and records cars as they come in. Double the number for an accurate count of cars driving down Canterbury Drive. This also does not include the beginning traffic count or the last weekend of traffic as the counter was removed before then end of the season. This does not include cars using other entrances of our neighborhood to access the Pumpkin Patch. Traffic also comes from Appaloosa, Shihara, and Roller Coaster Road.

Lastly, I want to stress my concern that allowing the Colorado Kids Ranch/Colorado Pumpkin Patch to expand will create traffic of this nature ALL year round. We are already affected by the following events produced by CPP. These include: Pumpkin Patch, Tulip Festival, Watermelon Festival, Kids Camps, Two Church services held on Sundays at their home, and the Commercial horse boarding facility. Not to mention the Christmas event they have discussed adding for the last few years.

Please take the safety concerns seriously and deny the special use permit application.

Rikki Van Pelt
(509) 312-0775
2110 Charros Loop
Monument, CO 80132

Ryan Howser

From: Jodi Vincent <jodivincent1@yahoo.com>
Sent: Monday, December 12, 2022 8:01 AM
To: Ryan Howser
Subject: Opposition for Special Use Permit / Colorado Pumpkin Patch LLC

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Mr. Howser,

My name is Jodi Vincent and I own property in the Canterbury Estates neighborhood at 18375 Canterbury Drive. I am writing to you to personally oppose the expansion to a Special Use Permit for the Colorado Pumpkin Patch. Instead I propose that they keep their current permit, and be required to operate within the current approved parameters. It is my understanding that the Colorado Pumpkin Patch, LLC has had repeated violations, to include expansion without proper permitting, exceeding the number of parked cars permitted (by 5 times), landscaping, driveways and structures are also not compliant with the current approval. I would like to request that they be held accountable to the approved permit and plan.

The directions to get to the Colorado Pumpkin Patch, LLC lead directly past my driveway, and the high traffic and speeding vehicles during the peak months is unbelievable for this small, quiet, equine neighborhood. This has created an unsafe environment for homeowners, children and animals. While the events created a hardship during the peak fall months, and I would not be in favor of expanding to festivals and other increasing events throughout the year.

I believe in property owners rights to use their property within legal parameters. I really do appreciate that there is a process to have all voices heard. I don't want to impact their livelihood, which is why my preference would be to keep and enforce the commercial use permit that they currently have and allow no further expansion. There needs to be a solution that allows the other homeowners to enjoy our beautiful, quiet, low traffic, animal friendly, dust free properties.

I would honestly rather see this property be developed, than to allow the level of activity to expand. At a minimum, a development would come with a properly planned infrastructure to support the home sites, rather than a haphazard operation that has tens of thousands of cars driving through our neighborhood on a monthly basis.

I appreciate your attention to this matter. I am available for any questions or further clarity.

Thanks,

Jodi Vincent
719-460-0707

Ryan Howser

From: diana zacarias tomas <dianazacariastomas@yahoo.com>
Sent: Saturday, December 10, 2022 11:35 AM
To: Ryan Howser
Subject: Letter of Opposition- Colorado Pumpkin Patch

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To Whom it May Concern,

I am writing this letter in opposition to the special use Permit for the Colorado Pumpkin Patch. The Colorado Pumpkin Patch has created dangerous conditions in our neighborhood. Canterbury Drive was never intended for the amount of traffic the Colorado Pumpkin Patch brings to our Equestrian HOA community. We can no longer enjoy riding our bikes, walking, and running when the Colorado Pumpkin Patch is in operations. They have been out of compliance since opening in 2018.

The main reason I am opposing the Special use permit is due to safety. Someone is going to get hurt or killed from the traffic. Canterbury Drive has become a main highway with speeding cars that go to and from the Pumpkin Patch. This amount of traffic and the Colorado Pumpkin Patch do not fit the character of our neighborhood.

Thank you for keeping our neighborhood safe and not approving the special use permit.

Diana Zacarias
(Charros Loop)

Ryan Howser

From: Laurie Beasley <familybeasley@yahoo.com>
Sent: Monday, June 12, 2023 3:00 PM
To: Carrie Geitner; Stan VanderWerf; Longinos Gonzalez, Jr; Cami Bremer; Holly Williams
Subject: The Pumpkin Patch

Follow Up Flag: Follow up
Flag Status: Completed

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I am writing this email on behalf of The Pumpkin Patch. Our family has been involved with the Pumpkin Patch in several capacities. When we moved here three years ago, we read about a Farm Camp. My kids love animals, and this was a safe camp given the circumstances of Covid. My kids had such a great time and through their time there we became friendly with JD and his family. We quickly realized what amazing people they are and their love for our community went without saying. They operate every aspect of their farm for the community- to bring people together and create memories. There is not a mean or malicious bone in their bodies, which is rare to find these days.

Not only did my kids participate in farm camp, but JD offered my teenager a job, his first job. JD treated him with respect and taught him incredible skills for on and off the farm. Part of his job was working The Pumpkin Patch, so my husband and I took our other kids there. What a great time we had! There is so much to do and the feeling of being outside was awesome! Everyone there had a smile on their faces and kids are enjoying something other than electronics.

I understand there is a concern about the traffic. The Pumpkin Patch is not an everyday event. This is a seasonal occurrence. There are so many people not just in our community, but in others, that look forward to The Pumpkin Patch and taking it away because of some, creates nothing for so many.

Thank you for listening.

Sincerely,
The Beasley Family

Laurie Beasley

"Be somebody who makes everybody feel like a somebody."

Rebecca Rudder2

From: Brad Kimberlee Bush <bushbk@live.com>
Sent: Monday, June 12, 2023 1:42 PM
To: Carrie Geitner; Stan VanderWerf; longinosgonzalesjr@elpasoco.com; Cami Bremer; Holly Williams
Subject: support of Colorado Kids Ranch and Colorado Pumpkin Patch and their events

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Hello –

Our family has truly enjoyed and benefited from the many activities of the Colorado Kids Ranch. Some of the benefits we have had are:

1. A great outdoor venue in North El Paso County
2. Variety of festivals throughout the year
3. A place where people of ALL ages can come together and in a way that is DURING THE DAY and NOT involving technology.
4. My family has had family members come and enjoy the events from ages 8 – 80 years old! How many places still do that?
5. FARM CAMP has been around for a handful of years and my son LOVES it every year! While a few other Farm Camps have popped up in Black Forest, I do believe the success of them being one of the first Farm Camps in Norther El Paso County paved the way.
6. Our son had his birthday party at one of the Watermelon Festivals and all the kids had a blast!
7. 3 of our children worked at the festivals and gained valuable first job experiences and a great variety in experiences working many different tasks.
8. We helped start the first Cut Your Own Tulip Festival in Colorado history according to the Denver Botanical Gardens at the Colorado Kids Ranch location in 2021 – and you can check out more at the FB page of Colorado Tulips LLC.

We are a family who has lived in El Paso County since 2000. We came here to live, work, raise our family, own businesses and support the community. Colorado Pumpkin Patch has been a part of many of our fun outdoor memories in the community for many of these years.

Sincerely,

Kimberlee Bush for the Bush family

Dr. Brad Bush
Kimberlee Bush
And our 4 children

Ryan Howser

From: Riley Chapman <silverappleseed@gmail.com>
Sent: Saturday, June 10, 2023 3:14 PM
To: Holly Williams; Cami Bremer; Longinos Gonzalez, Jr; Stan VanderWerf; Carrie Geitner
Subject: Hwy 105 access for the Colorado Pumpkin Patch

Follow Up Flag: Follow up
Flag Status: Completed

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Dear County,

My name is Riley, and I am sending this email with regard to the Colorado Pumpkin Patch. The Colorado Pumpkin Patch has been running for 15 years, providing happiness and enjoyment to customers and a beneficial work experience to those who are blessed to work with the CPP. Indeed, every year, people from around the state plan a trip to come play at the Pumpkin Patch. The CPP regularly receives visitors from Fort Collins, Denver, Colorado Springs, locally, and sometimes even internationally! The Pumpkin Patch provides more than just a play place, but a place for families to connect, bond, and enjoy time together, outdoors. I ask for your patience to read these brief reasons why I am asking for the Pumpkin Patch to be allowed to remain in operation by obtaining Hwy 105 access and/or an unrestricted customer limit.

1: the CPP hires and trains many people, giving the opportunity for employment. In particular, the CPP hires teenagers who have not worked a job before, and provides a safe place to learn essential skills for long term employment in the future such as, respect, interpersonal communication, ethics, perseverance, kindness, and motivation. Regardless of age, race, or religion, the CPP has offered this to many.

2: the CPP not only offers benefits to others, but it is the primary income for a whole family. Rather than traditional work, the Chapman family takes pleasure in offering others the most enjoyable experience possible. To limit or restrict the CPP would take their primary means of support and income and also take away that for others.

3: the CPP offers one of the best local outside agritainment options in El Paso county. There are other pumpkin patches but none that offer the same expansive and enjoyable experience. While at the CPP, customers can enjoy a large plethora of activities to enjoy and use to bond with their family and friends. Families return year after year just to come, schools will reserve their field trips, and kids can enjoy just running around and playing, instead of being cooped up inside. Additionally, kids with special needs enter for free, and their whole family, providing a safe and fun spot to play.

While there are concerns, such as traffic and noise, from neighbors, the CPP offers the same opportunity to those neighbors to come and bond with their own family, for free! Free of charge, they can come and spend quality family time!

Due to these complaints, some wish to restrict the CPP to where it could no longer function and could no longer provide the joy and opportunity to others, with this experience. But to do so would rob a family of their income, teenagers of experience and opportunity, families of bonding and joy, and more.

The Colorado Pumpkin Patch borders Colorado Hwy 105, which could easily be used to provide access to the Colorado Pumpkin Patch without any disturbance to the neighborhood. Even if access does not get granted, I ask that no limitation be placed on Colorado Pumpkin Patch in regards to people, for the reasons mentioned above. The Colorado Pumpkin Patch has moved through half a dozen locations to find one that will allow them to offer a family friendly experience for all who wish to come. I trust that the wisdom of this county board will understand the benefits offered to those who choose to come and enjoy. I hope that this will be the location that finally welcomes the Colorado Pumpkin Patch and allows it to continue its outreach to the locals and special needs community, as well as provide quality agri-tainment for all who come.

Thank you for your time to read through this written petition.

Sincerely,
Riley Chapman.

On Fri, Jun 9, 2023, 4:14 PM Colorado Kids Ranch <Hello@coloradokidsranch.com> wrote:

Hi Friends. We really need some help here from our friends. I realize I left some helpful info out of the last post.

Here's the question. Do you have a knowledge of our pumpkin patch and if so are you willing to send an email (or visit a board meeting) in our support? **If so please Here are the contact emails and info.**

Listed here are the Board members to reach out to and please BCC us for tracking at Hello@Coloradokidsranch.com and nina.ruiz@vertexc.com> then in the To field address these board members for their help. Please be polite as we are petitioning them for their help.

CarrieGeitner@elpasoco.com

stanvanderwerf@elpasoco.com

LonginosGonzalezJr@elpasoco.com

camibremer@elpasoco.com

and HollyWilliams@elpasoco.com

Reach out about what issue?

The county is very concerned about traffic. We need access to Hwy 105 to remove the risk to the neighborhood and we are also asking that they do not limit us to so low a number of cars as to make running the business unsustainable.

Please also discuss:

Why you love the Colorado Pumpkin Patch and the activities and the experience we have here

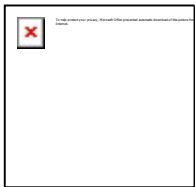
What you have learned by going/working/volunteering at the Patch or

If this has become a family tradition and /or

How the family/community has benefitted from the pumpkin patch or the Johnny Pumpkinseed Program for kids and families

Thank you very much and I would consider it a great favor!!

JD Chapman



Colorado Kids Ranch

719-799-6708

18065 Saddlewood Rd

Monument CO 80132

www.ColoradoKidsRanch.com

Ryan Howser

From: Jessica Reeger Cordova <jessrcordova@hotmail.com>
Sent: Monday, June 12, 2023 5:11 PM
To: Carrie Geitner; Stan VanderWerf; Longinos Gonzalez, Jr; Cami Bremer; Holly Williams
Subject: Colorado Pumpkin Patch

Follow Up Flag: Follow up
Flag Status: Completed

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Dear El Paso County Commissioner's,

I am writing to petition you to grant access to Hwy 105 for the Colorado Pumpkin Patch. As a nearby resident and mother of 3 kids that enjoy multiple visits to the ranch, I plead with you to consider the positive impact this decision would hold for our community. Colorado Pumpkin Patch offers a safe, wholesome place for my kiddos to run, learn, and explore each and every year. It's a family tradition we hold dear to our hearts.

Over the years, I have witnessed The Colorado Pumpkin Patch and its owners, do SO MUCH good for our community. As they mentor many youth, they teach them a large variety of life lessons. They hold themselves to high standards of ethics. They are an example of what hard work and determination looks like. They exemplify the meaning of grace, love, and family to all who are near them.

Allowing access to their ranch from Hwy 105 benefits our community greatly. We need safe places for families to frequent, as our area has more and more development occurring, and more families moving in. Please grant them access and allow them to continue run their business and provide for their family in a sustainable manner.

Regards,
Jessica Cordova

Sent from my iPhone

Ruiz, Nina

From: Colorado Kids Ranch <Hello@coloradokidsranch.com>
Sent: Tuesday, June 27, 2023 9:59 PM
To: Ruiz, Nina
Subject: Fwd: Colorado Pumpkin Patch

Asking This friend if he sent it to the commissioners as well. He may have just sent it to us.

JD



Colorado Kids Ranch
719-799-6708
18065 Saddlewood Rd
Monument CO 80132
www.ColoradoKidsRanch.com

----- Forwarded message -----

From: COS Aries <cosaries16@gmail.com>
Date: Tue, Jun 27, 2023 at 7:19 PM
Subject: Colorado Pumpkin Patch
To: <Hello@coloradokidsranch.com>

Dear Sir, Madam my name is David

I have worked with the Monument Colorado Pumpkin Patch for several years. I have helped build many of the event attractions such as the tube slide and have been the operator of the tractor Cow Train ride. I have to say in all of Colorado this is the BEST Pumpkin Patch in the state of Colorado. This place brings families of all backgrounds and age groups together, bonding and making the experience a lifetime memory. This place is a family heart warm welcoming place with the attempt to give those who visit new experiences each year. I have the experience of children pointing me out to their parents and coming up to me asking, "Aren't you the driver of the Cow Train Ride at the Pumpkin Patch in Monument?" Then they take a minute to tell me their story of their memorable experience. I can not explain how heart warming it's to be part of a place and company that brings happiness and long memories to people, families, as well as people that just come out to visit the pumpkin patch from France, Germany, Switzerland, Poland, as well as other people from other states.

Traffic concerns on Hwy 105 from the county will only hinder the business of the Pumpkin Patch, the fact that it will limit people, families, experiences of this Great place that brings in money for our Colorado economy. Ask yourself Why would the county limit that when it does not benefit them at all to limit access to Hwy 105 into the Pumpkin Patch. All it does is make it more difficult to enjoy events that are becoming more and more with restrictions, not to mention it will hurt the county's pocket book as well. So I ask you to reconsider your thoughts about this.

Ryan Howser

From: Rebecca Rudder2
Sent: Friday, July 7, 2023 2:18 PM
To: Ryan Howser
Subject: FW: Colorado Pumpkin Patch

Please add the email below to the Colorado Pumpkin Patch record.

Thank you!

Rebecca Rudder
Constituent Services Specialist
El Paso County | Government Affairs
Office: 719.520.6423
RebeccaRudder2@elpasoco.com

-----Original Message-----

From: Patrick Denham <psdenham@icloud.com>
Sent: Thursday, July 6, 2023 8:04 PM
To: Cami Bremer <CamiBremer@elpasoco.com>
Subject: Colorado Pumpkin Patch

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Good Evening Commissioner Bremer,

I am writing on behalf of Colorado Pumpkin Patch LLC owned and operated by Mr. John Chapman. I have been an employee there for almost four years, making me one of the longest serving employees currently. Working at the Pumpkin Patch was my very first job, and gave me unparalleled insight about the basics of employment and how to work for a wage. This farm and pumpkin patch has benefited me in more ways than I can count, teaching me lessons about resilience, perseverance, work ethic, and the technical skills of carpentry, heavy machine operation, fencing, equestrian caretaking, and much more. The lessons that I have learned from my time as an employee of the Colorado Pumpkin Patch are extremely beneficial to me and are values and skills I will use for the rest of my life. There are also many other youth employees like me who have reaped the same benefits and will carry them for the rest of their life.

The pumpkin patch is an extremely valuable resource for the community, bringing people and families together and presenting the opportunity for people to spend quality time with the people they love. As a firsthand witness to this bonding, I can attest that families of the community absolutely enjoy the time they spend here. The Colorado Pumpkin Patch has become a hallmark of the town and community, a friendly place where families can gather together, have fun, and build memories that will last a lifetime.

Thank you so much for your time, and I hope you will take my thought into consideration in your decision making regarding this institution.

Sincerely,
Patrick Denham
psdenham@icloud.com

Ryan Howser

From: Rebecca Rudder2
Sent: Friday, July 7, 2023 2:22 PM
To: Ryan Howser
Subject: FW: Colorado Pumpkin Patch

Ryan,

Please add this email to the Colorado Pumpkin Patch record too.

Thank you!

Rebecca Rudder
Constituent Services Specialist
El Paso County | Government Affairs
Office: 719.520.6423
RebeccaRudder2@elpasoco.com

-----Original Message-----

From: Stuart Denham <sddenham@icloud.com>
Sent: Thursday, July 6, 2023 8:14 PM
To: Cami Bremer <CamiBremer@elpasoco.com>
Subject: Colorado Pumpkin Patch

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Commissioner Bremer,

I am writing this email in regards to the current dispute over the Colorado Pumpkin Patch.

I am fifteen years old and the first and only job that I worked was at this pumpkin patch. I have now been employed by Mr. Chapman, the owner, for over three years. During this period, I cannot express how much gratitude I feel for having the opportunity to work in an environment where character is taught and hard work is the standard.

Mr. Chapman has served as a role model for me, mentoring me not only in the importance of hard work and integrity, but also in the field of generosity and hospitality. Many times I remember the Chapman's helping their neighbors for absolutely no charge. One particular day Mr. Chapman rode to an elderly neighbor who had recently lost her husband (and was quite lonely) and spent about an hour talking and counseling her. He took me along, and although I couldn't help much, he was not worried at all about the

fact I was still clocked in for pay time. Instead, he cares about impacting his community positively and teaching young men and women lessons in character and hard work.

For three years, I have seen families and children impacted positively when visiting this Pumpkin Patch. Almost all of the stalls/stations are run by the family or by young teenagers such as myself. With the leadership and character of this family, they have instilled a fun and safe culture for families to bond closer together and experience an enjoyable time. I personally have witnessed how much this family takes time to speak with their customers and neighbors, even when other tasks could be accomplished. They prioritize people over profit.

Though there are many more great things I can share about the Chapman family and their business, I hope I have made evident what kind of people they are and how shutting down their business will impact this county and the people in it negatively. Thank you for your time.

Respectfully,

Stuart Denham

Ryan Howser

From: Rebecca Rudder2
Sent: Monday, August 28, 2023 12:14 PM
To: Ryan Howser
Subject: FW: Colorado pumpkin patch

Ryan,

Please add Ms. Gallegos' email in support of the Colorado Pumpkin Patch to the record.

Thank you!



Rebecca Rudder

Constituent Services Specialist
El Paso County | Government Affairs
Office: 719.520.6423
RebeccaRudder2@elpasoco.com

From: Jenny GALLEGOS <kodajeans@msn.com>
Sent: Sunday, August 27, 2023 1:11 AM
To: Carrie Geitner <CarrieGeitner@elpasoco.com>
Subject: Colorado pumpkin patch

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To everyone in office presiding over this matter,

The Colorado pumpkin patch has been a staple of my family's fall activities. I am so blessed to have a place for special needs children and entire family to go and not be judged. We can actually go as a family.

The Colorado Pumpkin Patch is fun, safe, welcomes special needs, not overwhelming, and close to home. I'm sorry but amusement parks are out because of the noise the lights and everything else. The crowds are even worse at amusement parks as is the drugs and alcohol use.

I genuinely look forward to the yearly experience, at the pumpkin patch. The Johnny Appleseed program is one of the reasons why. They have taken this program and allowed it to be at their pumpkin patch, which is a necessity for so many families with special needs. Not only that, but it seems the staff is one of the few that actually cares about special needs.

I think there needs to be a solution that meets the needs of the patch as well as the needs of the community. But taking it out as a joke. It's a shame if they were to do this it's a shame if they revoke anything from this. Everything family oriented is taken away from this community. Everything that matters is ruined, I beg Don't take this too:



Ryan Howser

From: CK Gausepohl <ckgause@gmail.com>
Sent: Monday, June 19, 2023 8:48 AM
To: Carrie Geitner; Stan VanderWerf; Longinos Gonzalez, Jr; Cami Bremer; Holly Williams
Subject: Colorado Pumkin Patch

Follow Up Flag: Follow up
Flag Status: Completed

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El Paso County Board Members

It has come to my attention that there will be a discussion concerning the Colorado Kids Ranch Pumpkin Patch on Tuesday. While I would love to be there to support this organization, I cannot attend, so please receive this email in place of my presence.

This organization's prioritization and support for families with special needs has been and continues to be a real blessing to the entirety of Colorado Springs. Offering free admission to these families and ensuring that there are activities that are friendly for all children make this a friendly and safe place for all children and families.

My family has attended the Pumpkin Patch for the past 3 years. The experience is second to none here in Colorado Springs and serves as a landmark for the greater Colorado Springs area. The operation of the patch is superior to all such operations I have visited all over the United States. The personnel are friendly, and there are adequate staff for monitoring activities and ensuring safe parking. The traffic flow is efficient and smooth, avoiding any back-ups (I have never experienced a single one). **In a few words, this operation is dialed in!**

It is sad that a small number of people are targeting this business while larger projects, such as the new Amphitheater that will affect traffic throughout the year, continue to be pushed through. While I know that traffic is the main concern, I have seen time and time again this organization handle the influx of visitors perfectly and without impact to the surrounding area.

I place my full support behind this **veteran-owned** business that has the good of the community, the building of families, and good wholesome fun as its central tenants.

If you have any questions or would like to further discuss this matter, please reach out to me at ckgause@gmail.com or 760-310-7576.

Respectfully
Lt Col Chris Gausepohl, Katherine Gausepohl and Family

Ryan Howser

From: Rebecca Rudder2
Sent: Friday, July 28, 2023 3:55 PM
To: Ryan Howser
Subject: FW: Support for the Colorado Kids Ranch

Hi Ryan,

Here is another email in support of the Colorado Pumpkin Patch. I would appreciate if you would add it to the record.

I apologize for the delay in sending this email to you, I somehow missed it...

Rebecca Rudder
Constituent Services Specialist
El Paso County | Government Affairs
Office: 719.520.6423
RebeccaRudder2@elpasoco.com

-----Original Message-----

From: Jacquelin Goode <idoru.jackie@gmail.com>
Sent: Monday, July 10, 2023 11:02 PM
To: Carrie Geitner <CarrieGeitner@elpasoco.com>; Stan VanderWerf <StanVanderWerf@elpasoco.com>; Longinos Gonzalez, Jr <LonginosGonzalezJr@elpasoco.com>; Cami Bremer <CamiBremer@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>
Subject: Support for the Colorado Kids Ranch

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Dear Monument Board Members,

I am writing to express my wholehearted support for the Colorado Kids Ranch in Monument. As a resident of unincorporated El Paso County in the Kings Deer neighborhood, I have had the privilege of witnessing the positive impact the ranch has had on our community. I believe it is crucial to voice our support for this valuable establishment.

Having been patrons of the ranch since their time in Douglas County, my family and I have had numerous memorable experiences with them. I vividly remember how their daughters, at a young age, demonstrated kindness to my daughter by showing her how to feed a miniature horse an apple core. Their ability to work with animals at such a young age left a lasting impression on me.

When the ranch purchased the Saddlewood Rd. property, it was a true blessing for both them and our neighborhood. I was thrilled to introduce my now-grown daughter to them and to finally introduce my son as well. I have a cherished photo of myself, with a prominent baby bump, from one of our visits to their previous location.

Apart from our annual visits to the pumpkin patch in the fall, both of my children have attended their farm camp over multiple summers. The proximity of the ranch to our neighborhood, amidst the increasing development and loss of open space, has been a gift. The experience of working on the farm has been truly wonderful and irreplaceable.

Furthermore, my daughter had the opportunity to take riding lessons from their daughter, the very same individual who had shown her kindness years ago while feeding the miniature horse. Once again, the close proximity allowed us to explore an activity we may not have otherwise considered.

The Chapman family, who runs the ranch, has not only provided our children with unique experiences but has also exposed them to important moral values that are sometimes lacking in our everyday lives. We are grateful to have them as part of our community, and it is vital that we support their business model.

I kindly urge you to support the ranch in obtaining access from Hwy 105. This compromise will ensure that neighboring houses are respected while still allowing the ranch to operate effectively. The positive culture the ranch fosters is essential for our community. It provides wholesome entertainment for our children and upholds a positive image for our town.

Thank you for considering my perspective and for your support of the Colorado Kids Ranch. Together, we can continue to nurture a vibrant and supportive community for all.

Sincerely,
Jacquelin Goode

Ryan Howser

From: Jill Hatley <financialstlgd@gmail.com>
Sent: Monday, June 12, 2023 9:53 PM
Cc: Cami Bremer; Carrie Geitner; Holly Williams; Longinos Gonzalez, Jr; stanuanderwerf@elpasoco.com
Subject: Colorado Pumpkin Patch

Follow Up Flag: Follow up
Flag Status: Completed

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Hello,

I have worked for the CPP and seen all the families that come to visit. Families stay hours to play, eat, have fun and pick pumpkins.

the Chapman family really loves to take care of people and see them have fun together.

It's a good safe place to be working for me and other people.

Please help them.

Sincerely,
Aiden Hatley

Ryan Howser

From: Carlin Hatley <carlin.hatley@gmail.com>
Sent: Monday, June 12, 2023 9:46 PM
Cc: Cami Bremer; Carrie Geitner; Holly Williams; Longinos Gonzalez, Jr; stanuanderwerf@elpasoco.com
Subject: Re: Colorado Pumpkin Patch

Follow Up Flag: Follow up
Flag Status: Completed

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Good morning,

I personally have been blessed for many years by the Chapman's and the Colorado Pumpkin Patch! It has become one of my favorite annual summer jobs every year! I love the variety of options it provides such as; face painting, games and picking our favorite pumpkins. The CO pumpkin patch visit is the heart of our fall season.

Please help their family's small business by granting them access off of 105 for their short fall season would be awesome for their business as well as the neighborhood. All that are trying to do is bring joy to the community and families around them. This would help take a little stress off of them and let them focus on bring true joy and fun to others.

Carlin Hatley

Ryan Howser

From: Kids3 Hatley <hatleyhomeschool6@gmail.com>
Sent: Monday, June 12, 2023 8:55 PM
To: Cami Bremer; Carrie Geitner; Holly Williams; Longinos Gonzalez, Jr;
stanuanderwerf@elpasoco.com
Subject: Colorado Pumpkin Patch

Follow Up Flag: Follow up
Flag Status: Completed

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Good evening everyone,

Our family has been blessed for years by the Chapman family and the Colorado Pumpkin Patch! This has become one of our family's favorite annual traditions every year! We love the activities, face painting, games and picking our favorite pumpkins.
The CO pumpkin patch visit is the heart of our fall season.

Please consider helping their family's small business by granting them access off of 105 for their short annual fall season would be great for their business as well as the neighborhood. All that are trying to do is bring joy to the community and families around them. This would help take a little stress off of them and let them focus on bring true joy and fun to others.

Sincerely,
Jill Hatley

Ryan Howser

From: Jim Hatley <trilakesdoors@gmail.com>
Sent: Tuesday, June 13, 2023 9:53 AM
Cc: Cami Bremer; Carrie Geitner; Holly Williams; Longinos Gonzalez, Jr; stanuanderwerf@elpasoco.com
Subject: Re: Colorado Pumpkin Patch

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Good morning,

Our kids have volunteered and worked for the Chapman family and Colorado Pumpkin Patch.

It's a safe and healthy work environment for them.

It allows our kids to learn responsibility , serve their community and gain self-confidence. It's a great stepping stone for teen's transitioning into the real working world.

Many families have been blessed for years by the Chapman family and the Colorado Pumpkin Patch!

For many families, schools and community groups it has become one of their annual traditions every year! We love the wholesome activities, safe family friendly environment and picking our favorite pumpkins.

Please consider granting the Chapman family and their small business access off of 105 directly onto their property. This will help with better traffic flow and reduce neighborhood traffic. They are just trying to serve the community in a positive way. Can we help them make this happen?

Sincerely,
Jim Hatley

--

Our industry is experiencing significant production delays and unpredictability due to COVID. Once orders are placed, we have limited visibility into the supply chain status until the products arrive in Denver.

Also, due to extreme fluctuations in demand, prices are changing almost daily. As such, our quotes are good for 24 hours and may need to be adjusted if the order extends beyond that time frame.

The situation is beyond our control and extends far beyond our local, veteran-owned business.

We appreciate your patronage and understanding during this time. Jim Hatley.

Ryan Howser

From: LC Hatley <lilyanachatley@gmail.com>
Sent: Monday, June 12, 2023 9:47 PM
To: Cami Bremer; Carrie Geitner; Holly Williams; Longinos Gonzalez, Jr; stanuanderwerf@elpasoco.com
Subject: Colorado Pumpkin Patch

Follow Up Flag: Follow up
Flag Status: Completed

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Good evening everyone,

The Chapman Family has brought so many blessings into my life. I worked at the Colorado Pumpkin Patch for my first job and it was life changing. I worked on face painting for the majority of the Patch season and it brought so much joy to me. Every time I would show the kids the finished face paint in the mirror, joy would light up their faces. The Patch is so much fun for so many people. Working for the Chapmans was such a blessing because I saw true joy and happiness in action. The Patch is a great stress reliever and source of fun for parents and children alike. The Chapmans work hard and succeed to bring joy into their neighborhood and community.

Thank you
Lily Hatley

Ryan Howser

From: VL Hatley <vanorahatley@gmail.com>
Sent: Monday, June 12, 2023 9:11 PM
To: Kids3 Hatley
Cc: Cami Bremer; Carrie Geitner; Holly Williams; Longinos Gonzalez, Jr; stanuanderwerf@elpasoco.com
Subject: Colorado Pumpkin Patch

Follow Up Flag: Follow up
Flag Status: Completed

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Hi everyone,

My family has been blessed for years by the Colorado Pumpkin Patch!
We go every year! face painting, games and picking our favorite pumpkins is so fun!!
The CO pumpkin patch is the best.

I love them.
Vanora Hatley

Ryan Howser

From: Michelle Heeks <sbmichelle5@gmail.com>
Sent: Sunday, June 11, 2023 5:00 PM
To: Cami Bremer; Stan VanderWerf; Longinos Gonzalez, Jr; Holly Williams; Carrie Geitner
Subject: The Colorado Kids Ranch.

Follow Up Flag: Follow up
Flag Status: Completed

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Hi. My name is Simon Heeks, I am 13 years old and I was an employee at the Colorado Pumpkin Patch last season. I adored the ranch, and everything about it. Working with Mr. Chapman was a great influence on me and how my work ethics changed, and how I view a job! I personally, did not get bothered by all the traffic, because I live 2 houses away from the event. The noise, and commotion didn't bother me, nor my parents and neighbors. The Pumpkin Patch was a wonderful and eye opening experience for me, and how I will deal with future jobs. I love the Pumpkin Patch and other children from my experience, love it too. While working there, I had heard no complaints, but saw signs of joy, hearing people saying that it was an amazing experience for their children, and themselves. I understand why certain people who live in the Canterbury Estates would be upset, but the event is only for 6 weeks, it's not an everyday commotion. When it is open, you mainly hear the kids laughing, and having a good time, although you may hear the occasional scream, but all joy! Overall the Pumpkin Patch is a wonderful event that should stay in business. Thank you.

My name is Michelle Heeks and as my son Simon stated, we live a few houses away from the Colorado Kids Ranch in Canterbury estates. Years before Simon was an employee, he was an attendee of the pumpkin patch. We have attended many times with other families and their children. My parents have joined us several times, as have out of town visitors. We have considered it a fall family tradition, and I know that many more families feel the same. We have lived in Monument for 22 years and have raised our 6 kids here. I have been a teacher in this community and an active and involved parent. This Kids Ranch is a huge blessing to this community as well as neighboring ones. It is not just for kids, but for families of all ages and stages. Our town needs activities like this. Yearly traditions and memories with our families is what parents are looking for.

Simon's experience as an employee this last fall was awesome. JD is a great mentor to the employees and is passionate about what he does.

We would love to see the Kids Ranch thrive for years to come. We would love to see the county support the great efforts the Chapmans have made to make this community event an experience. We as Canterbury residents fully support the Colorado Kids Ranch and want it to remain in our community. Simon is looking forward to working there again as well.

Jayson and Michelle Heeks
17970 Saddlewood Road

Ryan Howser

From: Rebecca Rudder2
Sent: Monday, July 17, 2023 10:44 AM
To: Ryan Howser
Subject: FW: Please help with the Colorado Pumpkin Patch

Please add Ms. Henry's email below to the record for the Colorado Pumpkin Patch.

Thank you!



Rebecca Rudder

Constituent Services Specialist
El Paso County | Government Affairs
Office: 719.520.6423
RebeccaRudder2@elpasoco.com

From: Susan Henry <susan@treasuredavis.com>
Sent: Thursday, July 13, 2023 2:44 PM
To: Carrie Geitner <CarrieGeitner@elpasoco.com>
Cc: nina.ruiz@vertexcos.com
Subject: Please help with the Colorado Pumpkin Patch

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Good afternoon,

I am a neighbor of the Colorado Pumpkin patch (I live on Saddlewood Rd), and have worked with JD the owner on several occasions with group events that involved families and children enjoying the incredible venue he has created there.

I have never had an issue not have witnessed an issue with anything but joy involved with family getting a wonderful experience out of the Colorado Pumpkin patch. In a wonderful rural setting, that they may not have any other chance to experience.

I hope you can help The Colorado pumpkin patch keep bringing joy to families, and providing the wonderful experience.
Susan Henry

--

Susan Henry

**Sales Partner | Realtor
Treasure Davis Team**



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O 719-268-4116
C 719-415-3322
E susan@treasuredavis.com
W susan.treasuredavis.com



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Ryan Howser

From: Dale & Debi Holland <7hollands@gmail.com>
Sent: Tuesday, June 13, 2023 3:37 PM
To: Longinos Gonzalez, Jr; Carrie Geitner; Cami Bremer; Holly Williams; Stan VanderWerf
Subject: Colorado Pumpkin Patch Hwy 105 access

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Dear Longinos Gonzalez, Carrie Geitner, Stan Vanderwerf, Cami Bremer, and Holly Williams,

I am writing in regards to the Colorado Pumpkin Patch and its value to our community. Three of my children have worked at the Pumpkin Patch where they have been responsible for numerous activities. I am greatly appreciative of the Chapman's and the work they do to serve our community. As an employer the Chapman's are willing to hire kids younger than 16, at an age when kids are motivated to work and excited about seeing their bank accounts grow. Second, the Chapmans are a good family, safe, and encouraging. This means I can feel comfortable leaving my kids with them. They teach the kids in a positive way providing an encouraging work environment and in a manner that promotes growth and learning. Leading me to my next point, Mr Chapman is not afraid to teach kids new skills. He invests in these kids, stretching them and encouraging them to take on new challenges and learn new responsibilities.

As a place to enjoy tulips, watermelons or pumpkins, the Colorado Pumpkin Patch is a wonderful family friendly event location to enjoy old fashioned fun that our family has benefited from. It is great to be outside in Colorado and this is a great place for large groups to have fun together with their families. I know our Taekwondo group has attended the Pumpkin Patch together, had fun, enjoyed our time together, but also had enough space for all of us to move around and participate in the activities available. Our kids school has also gathered at the Colorado Pumpkin Patch for some fun time together without the school books to get in the way. A GREAT way for teens to interact without electronics with real face to face fun, building real relationships.

The Colorado Pumpkin Patch is a small family business that adds value to our community as an employer, and event provider, and a place for good old fashioned fun without electronics for our families, school groups, and businesses. They are a small business and need to have the ability to serve large groups during their limited season in order to survive. Please find a way to allow this business to continue in our community with access to HWY 105 and no restrictions on the number of patrons allowed access.

Thank you,

Debi Holland

Ryan Howser

From: Holloway Family <holloway122411@gmail.com>
Sent: Saturday, June 17, 2023 5:32 PM
To: Carrie Geitner; Stan VanderWerf; Longinos Gonzalez, Jr; Cami Bremer; Holly Williams
Subject: Colorado Kids Pumpkin Patch

Follow Up Flag: Follow up
Flag Status: Completed

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To Whom It May Concern:

I currently live in the Tri-Lakes community, am a homeschooling parent, and also the parent of a child who has worked for The Colorado Kids Pumpkin Patch.

When we first moved to the area many years ago, we searched for events within our area that would support local businesses and give back to the community. As we know that small business is truly everything and must be supported! We reached out to others within the community and it was a resounding vote for The Colorado Kids Pumpkin Patch. Once visiting, our children quickly fell in love with the many events and activities, and it has become a family tradition. We look forward to this every year and honestly would be heartbroken to find out that it has stopped.

Our homeschooling co-op group frequently visits the events and activities that The Colorado Kids Pumpkin Patch offers. This is something that our entire co-op looks forward to every year. A way for families to further connect with one another, friendships to be better established outside the co-op building and a way to also help one another during activities. It's been a great way for kids to learn important social and problem solving skills. It's something on the calendar yearly for our homeschool co-op to stay within the community.

My daughter was able to begin working with The Colorado Kids Pumpkin Patch during a tough transition in her life with separated parents. The opportunity this organization gives to youth within the community is something that simply cannot be replaced. Frankly, one that many other organizations and businesses do not offer to youth. Had my daughter not had this opportunity, her depression would have grown tremendously. Having responsibility enabled her to learn new ways to love herself and

ultimately grow her self confidence in ways she simply could not do from home or in school.

She literally THRIVED and we saw leaps and bounds in behavior changes and the new love she had for herself. For the first time in her early teens, she believed in herself. She was proud of the work she was doing, she was enjoying the new relationships she was making, and she loved the social skills she obtained working with people of all ages. She learned how to problem solve, the joys and pains of physical labor, and even more importantly, true integrity. Learning all of this early in her teens will be something she can carry throughout her life and aid to her success wherever she goes. In some ways, having this opportunity saved her life. It kept her off devices and social media that were slowly consuming her every day life. I know there are many other parents within the community who feel the same way.

I know there are concerns regarding traffic within the community. As a resident, myself, my drive to participate in the activities or drop my child off to work never came with the experience of traffic or heavy crowds. Actually, this is one of the many reasons our family has made this a tradition over other locations. Easy travel days, quick and easy flow into the parking lot and out. There has never been medium or heavy traffic waiting to get onto 105 from Canterbury Drive. I was never late to drop off or pick up my kiddo for her work shifts either - LOL!

Thank you for your time,
Lindsey Holloway

Sent from my iPad

Ryan Howser

From: Holloway Family <holloway122411@gmail.com>
Sent: Saturday, June 17, 2023 5:01 PM
To: Carrie Geitner; Stan VanderWerf; Longinos Gonzalez, Jr; Cami Bremer; Holly Williams
Subject: Colorado Kids Pumpkin Patch

Follow Up Flag: Follow up
Flag Status: Completed

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To Whom It May Concern:

The Colorado Kids Pumpkin patch is such an amazing place to visit and work at. My family has been going there for a few years, but recently we found out that i could work there. Although i started working there just a little while ago, i felt so welcomed by the work team and Chappmens. They have such a beautiful kind family and I'm so greatfull I get to work with them. I had so much fun learning new skills and meeting new people. It's an amazing working environment and i couldn't have thought of a better place for my first job. The Chappmens put so much effort and love into their farm and it truly shows. I was able to see how much this place means not only to me but other family's as well. They always have fun and enjoyable attractions! My personal favorite would be the slides, they are so fun and it's even more fun to see peoples reactions to it! They have so many different animals to see or feed that are well taken care of, and very friendly. There is always something new and fun to do there. I love working here, and visiting the patch with friends and family. I hope this place gets to have many more amazing fun years.

Thank you,
London

Ryan Howser

From: Rebecca Rudder2
Sent: Thursday, June 29, 2023 10:17 AM
To: Ryan Howser
Subject: FW: Colorado Ranch Pumpkin Patch

For your record...



Rebecca Rudder

Constituent Services Specialist
El Paso County | Government Affairs
Office: 719.520.6423
RebeccaRudder2@elpasoco.com

From: Laura Irwin <lirwin@dcsdk12.org>
Sent: Wednesday, June 28, 2023 7:13 PM
To: Cami Bremer <CamiBremer@elpasoco.com>
Subject: Colorado Ranch Pumpkin Patch

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Hello,

Our students from Douglas County School District Bridge Transition Program were able to visit and enjoy the pumpkin patch last October. Our students are special needs 18-21. We had the best time , great weather, friendly and helpful staff on site. We would love to continue visiting the pumpkin patch. I hope that any issues get resolved so that many schools and families and all people can visit this beautiful piece of property that the family cares so much for.

Thank you,
Laura Irwin
Bridge Transition Program
Highlands Ranch
720-341-5127

--

Sent from Gmail Mobile

Ryan Howser

From: Ruiz, Nina <nina.ruiz@vertexcos.com>
Sent: Thursday, August 24, 2023 12:20 PM
To: Ryan Howser
Subject: FW: Support Letter for the Colorado Pumpkin Patch

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I am not sure if this was actually sent to the Commissioners, so I am emailing it to you in case it was not.

From: J C <popappleseed@gmail.com>
Sent: Thursday, August 24, 2023 12:17 PM
To: Chris Jeub <chrisjeub@gmail.com>
Cc: Ruiz, Nina <nina.ruiz@vertexcos.com>
Subject: Re: Support Letter for the Colorado Pumpkin Patch

This is Wonderful! Thank you Chris!!

On Thu, Aug 24, 2023 at 11:44 AM Chris Jeub <chrisjeub@gmail.com> wrote:

Dear Commission,

The Jeub family fully supports the Chapman family's application for a Special Use to continue hosting the Colorado Pumpkin Patch on their unique acreage in the county. We humbly ask the Commission to consider three arguments that will help justify the approval of this application.

First is anecdotal: Our family loves the Colorado Pumpkin Patch. We have over a decade of fond memories on the property. The Chapmans have a long history of kindness and hospitality that is reminiscent of the greater El Paso County and Monument areas, and we would like to see this legacy continue. The Colorado Pumpkin Patch has such a strong reputation in the area that our family cannot imagine it being disallowed or unwelcome. This application's failure would feel like an excommunication of a wonderful, conducive, and beneficial offering in our county.

My second argument addresses the criticisms from some opposing neighbors: Our community enjoys a net benefit that greatly outweighs the minor impacts from the Colorado Pumpkin Patch. I drive by the property nearly every day, and I have never once witnessed any of the problems cited in the opposition letters. Traffic is not overwhelming, the property is nowhere near an "eyesore," and the agribusiness attracts wholesome families and children. To argue otherwise is just not true. Besides, the County has done their job by pointing to research rather than hyperbole to support the application. The Commission should not punish ingenuity and stewardship of the land; they should welcome and encourage it. The Colorado Pumpkin Patch is a wonderful addition to our northern El Paso County economy, and we all should be grateful that the Chapmans put in the hard work to run such a fine agribusiness on their property.

My third argument has to do with the greater vision for northern El Paso County: The Master Plan supports the Colorado Pumpkin Patch. In fact, the applicant's Special Use fits El Paso County's Master Plan perfectly. The Master Plan singles out Large-Lot Residential properties to operate businesses like the pumpkin patch. What better use of a 40-acre rural-residential property is there than a pumpkin patch? In fact, I would go so far to say that if the Chapman

property is not granted the agribusiness special use, then no property will be granted the special use. The parcel is the perfect location for this operation.

The Chapman property is uniquely situated right off Hwy 105, just far enough out of town but just close enough to make for a perfect space for a pumpkin patch. El Paso County should do all it can to encourage the Chapmans in continuing their wonderful service to the community. I applaud the Chapmans for their fine work and their honest submission to the Master Plan of the county, and I hope for the best in their endeavors.

Chris & Wendy Jeub

Ryan Howser

From: Crystalyn Johnson <crystalynl@gmail.com>
Sent: Tuesday, June 27, 2023 4:19 PM
To: Carrie Geitner; Stan VanderWerf; Longinos Gonzalez, Jr; Cami Bremer; Holly Williams
Cc: Brady Johnson; Randy and Marcia Johnson
Subject: Pumpkin Patch

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Hello, Fellow Board Members.

We need your help! I believe there is an issue with the amount of traffic during the pumpkin patch season as that should be expected. If JD and Bengetta are limited to the number of cars it will make running their business not sustainable as well as cause frustration with families that can't attend due to the limitation of cars each day. I am asking y'all to allow access to the pumpkin patch for this short time of the year.

The pumpkin patch is the best pumpkin patch our family has ever attended. I am a fan of pumpkin patches and all things fall, so I've been to them all! The Colorado Pumpkin Patch exceeds all the other ones. When we moved up here 5 years ago, we were so excited to be able to attend several times throughout the season because of its location. It gives our family a day to spend together, connect with friends and family, and make memories.

Also, the Chapman's are very dear to us. JD and Bengetta have poured their time and energy into two of our children. Our oldest daughter, Olivia, is a previous foster child whom we adopted a few years ago. Bengetta has had the privilege of teaching her in AWANA at The Ascent Church. JD and Bengetta have also had Olivia in their Farm Camp. She is now volunteering on their farm a few times a week. Olivia has strived because of the connections she has made with the Chapman family in all of these activities. The Chapmans enjoy pouring their time and energy into kids that come from difficult backgrounds. Olivia has improved in who she is as a young woman, gained some responsibility, and her social skills have improved because of the Farm Camp, volunteering at the pumpkin patch, the volunteer program they offer throughout the year, and the church activities. She can't wait until she's a little bit older to have her first job at the pumpkin patch.

They also have helped our other child, Christian, who has special needs. Each year, they offer a season pass, and we buy it because we enjoy attending the pumpkin patch throughout the season. We have little ones, so we can't stay all day; therefore, we come back several times. Christian needs to do an activity over and over for him to learn and understand concepts. This past year was his first year he tried riding a pony at the pumpkin patch! That is huge for Christian! Christian is usually terrified of all animals. It's taken several years of attending the pumpkin patch for him to get used to animals and understand the relationship between humans and animals. Christian not only struggles to understand and retain information, but he struggles with fine and gross motor skills; therefore, all the activities at the pumpkin patch challenge him to overcome his fine and gross motor setbacks. He is the most joyful, thankful, appreciated, and happiest kid you will ever meet. All year long, he talks about the pumpkin patch. It will be January, and he will ask to go to the pumpkin patch. He looks forward to the pumpkin patch every year.

I'm asking you to do whatever you all can to keep the pumpkin patch going as it's a safe place for our children, it's part of our Monument community, it brings so much joy to my family and me, and it's our family tradition.

If you have any questions, please do not hesitate to reach out to me.

Crystalyn Johnson
972-978-7078 (call/text)

"Therefore, since we are surrounded by such a great cloud of witnesses, let us throw off everything that hinders and the sin that so easily entangles. And let us run with perseverance the race marked out for us," (Hebrews 12:1).

Ryan Howser

From: Rebecca Rudder2
Sent: Tuesday, July 18, 2023 1:44 PM
To: Ryan Howser
Subject: FW: Colorado Pumpkin Patch

Please add to the record for the Colorado Pumpkin patch.

Thank you!



Rebecca Rudder

Constituent Services Specialist
El Paso County | Government Affairs
Office: 719.520.6423
RebeccaRudder2@elpasoco.com

From: John Lynch <john.lynch5@gmail.com>
Sent: Tuesday, July 18, 2023 1:39 PM
To: Carrie Geitner <CarrieGeitner@elpasoco.com>
Subject: Colorado Pumpkin Patch

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Hi Commissioner Geitner,

I'm writing to you regarding the Colorado Pumpkin Patch located on Saddlewood Road in Monument. I understand there are concerns about traffic in the area resulting from the Pumpkin Patch festivities each year and consequently the future of the Pumpkin Patch may be under threat or become unsustainable.

I wanted to communicate my view of the Pumpkin Patch as a local resident.

For our family, the Pumpkin Patch is a mainstay of fall. We have 4- and 6- year old daughters and religiously purchase season passes for the Pumpkin Patch each year. For our girls, there is a palpable sense of anticipation in the run up to the opening of the Pumpkin Patch each year and overwhelming happiness each time we go there. They also get the opportunity to go there on school trips which is a very big deal for these kids! For my wife and I, we get such a strong sense of community in seeing some of the same faces each year and seeing so many others that travel from afar. We also love the idea of supporting a local family like the Chapmans. We live in a world where small, local businesses are an endangered species. It would be a shame to see another local entrepreneur being shut down or their business becoming untenable.

This summer, our eldest daughter attended one of the summer farm camps for the first time and had such a fun time that she wants to go back every summer and is already planning to do Pony Camp next summer as well. We also know of families who've been blessed to be part of the Pumpkin Patch's special needs program, which is another great example of how it has reached out and touched various parts of our community. Another aspect of the Pumpkin Patch that I'd like to highlight is that it provides employment

(especially first jobs) to teenagers in the community. This provides a great mentoring opportunity for young adults that cannot be undervalued.

I can appreciate that there is increased traffic on the streets between Highway 105 and the Pumpkin Patch during September and October weekends. But as someone who goes there at least once every weekend during that time, I can honestly say that I consistently see drivers being respectful that they're driving through residential areas and the Pumpkin Patch does a good job of managing traffic flow in and out of the site.

In summary, I hope you can appreciate the value and impact the Pumpkin Patch has on our local community in Northern El Paso County and will be able to support its continued existence in a manner that allows it to thrive.

Best regards,

John Lynch

Ryan Howser

From: Alice Weiss <weissal989@yahoo.com>
Sent: Friday, June 16, 2023 12:26 PM
To: Carrie Geitner; Stan VanderWerf; Longinos Gonzalez, Jr; Cami Bremer; Holly Williams
Cc: Alice Weiss
Subject: Colorado Pumpkin Patch and Colorado Tulip LLC - access to Hwy 105

Follow Up Flag: Follow up
Flag Status: Completed

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To Whom It May Concern,

Good afternoon. This week, we saw a Facebook post from the Colorado Pumpkin Patch soliciting the public to help them petition the El Paso County Board for help to allow their business to have direct access to Hwy 105.

My husband and I live off on Cherry Spring Ranch Drive, just off of Hwy 105 and directly across (to the North of) from the Colorado Pumpkin Patch and Colorado Tulip LLC businesses. We have lived at our home for 10 years and have seen several different business ventures "try to make a go of it" at this location.

While we are happy these businesses have been successful, but we **do not** support allowing them to have direct access off of Hwy 105. It's our understanding that our own street (Cherry Springs Ranch Dr) is being considered to have access removed from 105 when the 105 construction occurs in this area. We are fine with that, but we don't think it makes sense to allow even more driveways or another street to have additional access to 105 in this area, especially for a business that is located in a residential area. (We also wonder if this land is properly zoned for a business to begin with.)

As you know, there are many vehicles up and down 105 everyday and because this area is "open" and out of the trees, many vehicles see this section of 105 as the time to speed down the hill (traveling west to east, coming out of the trees) or the time to pass the vehicles they've been following. We can see this stretch of road out our windows and have seen several near misses between vehicles, motorcycles and bicyclists. Adding additional access on the south side for this business, seems a recipe for disaster/fatal accident(s).

For the Colorado Pumpkin Patch and Colorado Tulip LLC, we agree that limiting the traffic they can allow each hour/day is a good idea. This would help reduce the volume of traffic going out the current neighborhood that visitors are traveling through to get to the site and help reduce overall congestion. These businesses can very easily advertising and implement a reservation system on their websites, adhere to this and still be successfully by being open longer hours, more days, etc.

We would also suggest better and more temporary signage off of 105 for the business when it's active (only), because many people going there, even now, have no idea where to turn to get there. We have seen several instances of vehicles going below the speed limit and then hitting their brakes at every intersection (all the way from Monument to Canterbury Drive) when heading east to go to the Pumpkin Patch because they have no idea where it is.

We appreciate your consideration.

Have a good week.
Alice and Kevin Magrino

Ryan Howser

From: Rebecca Rudder2
Sent: Thursday, July 6, 2023 12:16 PM
To: Ryan Howser
Subject: FW: CO Pumpkin Patch
Attachments: niccolo3.jpeg

Ryan,

Please add the email below to the record for the Colorado Pumpkin Patch.



Rebecca Rudder

Constituent Services Specialist
El Paso County | Government Affairs
Office: 719.520.6423
RebeccaRudder2@elpasoco.com

From: Marianella Medelius <mmedelius@wilhitelawfirm.com>
Sent: Monday, July 3, 2023 1:29 PM
To: Carrie Geitner <CarrieGeitner@elpasoco.com>; Colorado Kids Ranch <Hello@coloradokidsranch.com>; nina.ruiz@vertexc.com
Cc: Stan VanderWerf <StanVanderWerf@elpasoco.com>; Longinos Gonzalez, Jr <LonginosGonzalezJr@elpasoco.com>; Cami Bremer <CamiBremer@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>
Subject: CO Pumpkin Patch

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Dear Board of Commissioners:

Thank you for your service to the residents of El Paso County.

As a resident of Monument, I wanted to express my thoughts regarding the proposed parking limitations that may be imposed on the Colorado Kids Ranch and the negative impact that these proposals may have on the ranch's ability to continue its operations.

I hope that you may consider some of the many benefits that the ranch brings to my life each year:

- Farm Camps: as a single working mom, being able to enroll my children in camp at the Colorado Kids Ranch has been of immense help. Unfortunately, Monument does not have many options for childcare during the summer, much less educational options as the ones offered by the Colorado Kids Ranch. My children have participated in the survival camp, which offered them the opportunity to learn survival skills while having fun. They built structures, learned about navigation, learned fire-making techniques, basic first aid, and they even ate bugs on the last day of camp. Not being able to enroll my children in future summer camps at the ranch would be devastating for my children and certainly impose a struggle on my ability to work during the summer.

- A family tradition: every year, my children and I attend the Tulip Festival and the Pumpkin Patch with our friends and family. We look forward to these events each year and enjoy every minute of them. Among the many activities we enjoy as a family are the hayrides, the slides, human foosball (my son's favorite), laser tag and the pony rides. Like our family, most of my local friends have also made this into a family tradition. My mom and stepdad have also travelled from North Carolina to attend the Pumpkin Patch, creating beautiful memories with my children.
- Giving back to our community: As a member of the Tri-Lakes Rotary Club, community service is part of my life. I will always support organizations that share this passion. The Chapman Family gives back to our community through the Johnny Pumpkinseed nonprofit, waiving admission for special needs kids and foster children. The Chapman family's desire to give back to our community is not a secret in Monument and they are well-known for their philanthropic pursuits to help our community.

While I understand that balancing the many needs of our growing community is a very difficult task, I urge you to consider the many benefits that the Colorado Kids Ranch brings to our community. I pray that some sort of compromise will be reached for this amazing business to continue its operations. If you have any questions, do not hesitate to contact me.

Sincerely,

Marianella Medelius

Attorney

The Wilhite Law Firm

1600 N. Ogden Street, Denver, CO 80218

303.839.1650 Ext. 1013 | Fax 303.832.7102

mmedelius@wilhitelawfirm.com | www.wilhitelawfirm.com



Marianella Medelius

Attorney

The Wilhite Law Firm

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mmedelius@wilhitelawfirm.com | www.wilhitelawfirm.com



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Ryan Howser

From: lorenpipkin@gmail.com
Sent: Friday, June 16, 2023 7:47 AM
To: Carrie Geitner; Stan VanderWerf; Longinos Gonzalez, Jr; Cami Bremer; Holly Williams
Subject: Highway 105 Access Colorado Pumpkin Patch

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To whom it may concern,

I am writing to support Colorado Pumpkin Patch in their efforts to gain access directly from Highway 105. My daughter worked for the Colorado Pumpkin Patch from the age of 11 through 15. Pumpkin Patch is a fun enjoyable experience from families that visit from all around the region to get out and have a fun day enjoying a farm experience. It generates jobs and entertainment. However, most importantly this organization creates an important training ground for young people who have never had a job. This experience taught my daughter how to work hard, show up on time, work with a team, manage animals and interface with people in a customer service situation. Many of our young teens need a training ground to gain their first job skills and the operators of the Pumpkin Patch do an excellent job of taking inexperienced workers and giving them some basic job training skills. Our economy needs small businesses like this one who build the skills of the people they hire. I have never seen another company that so tirelessly invests in the growth of their employees. I hope you will support their access appeal for traffic on to 105 so that they can continue to build the community around them.

Loren Pipkin
2505 County Line Road
Monument, CO 80132

Ryan Howser

From: Rebecca Rudder2
Sent: Monday, August 28, 2023 11:23 AM
To: Ryan Howser
Subject: FW: CO Pumpkin Patch

Hello Ryan,

I would appreciate if you could add Ms. Resner's email in support of the Colorado Pumpkin Patch to the record.

Thank you!!



Rebecca Rudder

Constituent Services Specialist
El Paso County | Government Affairs
Office: 719.520.6423
RebeccaRudder2@elpasoco.com

From: Pam Resner <pamaluv@gmail.com>
Sent: Saturday, August 26, 2023 2:48 PM
To: Carrie Geitner <CarrieGeitner@elpasoco.com>; Stan VanderWerf <StanVanderWerf@elpasoco.com>; Longinos Gonzalez, Jr <LonginosGonzalezJr@elpasoco.com>; Cami Bremer <CamiBremer@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>
Subject: CO Pumpkin Patch

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August 26, 2023

To Whom it May Concern,

I have had the opportunity to work for the Colorado Pumpkin Patch, as their outdoor kitchen manager, for the last several years. At the beginning of each season, I will have anywhere from 15-30 teens come through my kitchen for training. Due to this, I have had the opportunity to see many of these teen helpers grow both emotionally and physically.

JD & Bengetta Chapman strive to provide a safe and encouraging work environment for all of their employees. For many of these kids this is their first experience working a "real" job. At the beginning of the season, the Chapman's provide an opportunity for the kids to try out a variety of jobs throughout the patch, not only to broaden their experience but also to ensure that the "job" they end up with is a good fit for everyone involved.

The Colorado Pumpkin Patch helps instill these youth and teens with valuable life skills, such as; confidence, integrity and perseverance while building lasting friendships. In addition, they are gaining invaluable job experience; time management, team building & leadership skills. The Chapman's are building the future!

Because the Colorado Pumpkin Patch provides volunteer and job opportunities for so many youth and teens, our community benefits. They provide a safe and healthy place for our youth and teens to spend their time, keeping them off the streets and out of trouble. Once these kids reach 16, many of them choose to go out and find more permanent & long-term employment in the community, filling a vital need. The patch also attracts families from several nearby towns and cities, including Colorado Springs and Denver, increasing tourism to our beautiful city during non-peak times.

Please don't let a few disgruntled people keep this amazing program from continuing to positively impact our entire community. Help the Colorado Pumpkin Patch find a viable solution that is mutually beneficial to both them and the town of Monument, so it can continue to bring joy to all those who enter its gates.

Sincerely,
Pamela Resner
Canterbury Community Resident

Ryan Howser

From: Kirra Sabater <kirra.sabater@gmail.com>
Sent: Wednesday, June 28, 2023 12:17 PM
To: Carrie Geitner; Stan VanderWerf; Longinos Gonzalez, Jr; Cami Bremer; Holly Williams
Subject: Colorado Pumpkin Patch

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Hello board members of El Paso County! I am reaching out to you today to share my concern about possible limitations being placed on our beloved pumpkin patch. This place is definitely a community favorite and we would be saddened if it suffered any undesirable changes or restrictions that would affect their business. I am a part of a homeschool community in Monument with hundreds of families who enjoy visiting the pumpkin patch every year. Many of our middle school and high school students also volunteer and gain work experience there year after year. Please consider supporting them with their need of having access to Hwy 105 and also NOT limiting the number of people allowed to visit/park there. Thank you and I appreciate you taking your time to consider this!

Blessings,
Kirra Sabater
Classical Conversations
Challenge I Director

Ryan Howser

From: Scott and Kelly Sheehan <kellyandscott@hotmail.com>
Sent: Friday, June 9, 2023 8:46 PM
To: Carrie Geitner; Stan VanderWerf; Longinos Gonzalez, Jr; Cami Bremer; Holly Williams
Subject: Colorado Kids Ranch - Letter of Support

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

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Good Evening -

I wanted to reach out in support of the Colorado Kids Ranch. This is a family-owned business and I really appreciate the owners giving my daughter a job last September and October. She learned so much in 2 months! She was almost 14 when she got hired on to earn money for her Washington DC/New York Trip for 8th Grade. We told her that she needed to make half of what the trip cost and she was able to do that only working weekends with this awesome company. She was taught work ethic, how to work with others, about the animals and much, much more. She really enjoyed watching all the families show up and enjoy the pumpkin patch. There is so much to do and family time is special. My daughter was really hoping to work the next 4 years for the Colorado Kids Ranch as they really like to help motivate and teach kids hard work leads to success.

If this company could just get the backing from El Paso county and gain access to Highway 105 so that the neighborhood would see less traffic that would help move everyone in the right direction. The neighborhood would be happy and all the people that enjoy their time at the pumpkin patch would be happy. Let's not hinder this small business and move to put them out of business. Stand up for the small business owners who are just trying to make a living and in-turn creating family memories that will last a lifetime. Some of my best memories with my kiddo are at the pumpkin patch! Some of the best photos I have are her with the animals, the pumpkins and hay bales.

I thank you for taking the time to read this and I am more that happy to show up in person in support for the Colorado Kids Ranch!

Kelly Sheehan
719-210-2260

Ryan Howser

From: Jessica Taft <jessica@adamtaft.com>
Sent: Saturday, June 3, 2023 9:38 AM
To: Carrie Geitner; Stan VanderWerf; Longinos Gonzalez, Jr
Subject: Colorado Pumpkin Patch

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Commissioners,

It has come to my attention that a beloved family tradition of ours is threatened. Not only is the Colorado Pumpkin Patch a treasured memory for my family, but for thousands of people in Northern El Paso County. The Chapman family are the consummate hosts and give discounts for Special Needs children, school groups, and others. They foster a sense of community where friends can meet outdoors in our wonderful October weather when many city and county sponsored activities end in September.

The small family-owned company employs dozens of people for one magical month to put on a family-friendly festival for all to enjoy. My teenage sons have learned the value of working with their hands while volunteering and working for the Colorado Pumpkin Patch. Without this local entity, the quality of our lives would be significantly decreased.

Please figure out a solution that would relieve the traffic through the neighborhood and allow the Colorado Pumpkin Patch to continue to serve our community. Perhaps temporary unpaved access to the property via 105 with a right-turn only exit would be sufficient.

Thank you for your consideration,
~Jessica Taft
37 S Sherwood Glen, Monument

Ryan Howser

From: Rebecca Rudder2
Sent: Monday, July 3, 2023 7:33 AM
To: Ryan Howser
Subject: FW: Save the Pumpkin Patch and Colorado Kids Ranch

Rebecca Rudder
Constituent Services Specialist
El Paso County | Government Affairs
Office: 719.520.6423
RebeccaRudder2@elpasoco.com

-----Original Message-----

From: Jennifer Trutna <jennschrock@gmail.com>
Sent: Friday, June 30, 2023 2:13 PM
To: Carrie Geitner <CarrieGeitner@elpasoco.com>; Stan VanderWerf <StanVanderWerf@elpasoco.com>; Longinos Gonzalez, Jr <LonginosGonzalezJr@elpasoco.com>; Cami Bremer <CamiBremer@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>
Subject: Save the Pumpkin Patch and Colorado Kids Ranch

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To whom it may concern,

Thank you for taking the time to read and consider the fellow communities needs and desires.

I both live in the community and am a friend of the Chapmans.

My family has become friends with the Chapmans as a result of the Colorado Pumpkin patch. The patch is a wonderful safe, fun environment that many families enjoy. Starting with the welcoming smiles of the staff members and the heart felt love for the farm from the Chapman family as they work the patch. The hay rides are especially a sweet tradition watching patient men help family's on and off and bring us back to good old fun! The pumpkin patch does just that, helps families to connect and remember how simple life can be. A simple funny sack slide, sand box of corn for friends to burry each other in, face painting are some of them. It would t be the same without the animals though.

All of this would. It be possible to our community if the pumpkin patch can no longer exist. I do NOT feel that the patch is in any way a distraction to the neighbors. The roads are never torn apart from the traffic. The short distance in doesn't seem to allow people to speed either. I cannot imagine that if an entrance off of Hwy 105 would make any difference.

It is a joy to see the kids working at the patch and I love the life lessons of hard work that's modeled there. I have had hopes to soon have my children work at the Patch and learn along such well rounded children.

My family goes to the patch every year and sometimes several times a year. We also go with our homeschool group and it's such a treat to have field trips there. The farm camps are amazing where my kids learn to work with the animals, including the hard work of scooping muck 😊

Thank you for considering my thoughts and the thoughts of others who are reaching out.

Jennifer Trutna

Ryan Howser

From: Rebecca Rudder2
Sent: Thursday, June 29, 2023 3:34 PM
To: Ryan Howser
Subject: FW: Colorado Pumpkin Patch and Colorado Tulip LLC - access to Hwy 105

Ryan,

I am forwarding Alice and Kevin Magrino's clarification on their position regarding the Colorado Pumpkin Patch for the record.

Sincerely,



Rebecca Rudder
Constituent Services Specialist
El Paso County | Government Affairs
Office: 719.520.6423
RebeccaRudder2@elpasoco.com

From: Alice Weiss <weissal989@yahoo.com>
Sent: Thursday, June 29, 2023 6:51 AM
To: Rebecca Rudder2 <RebeccaRudder2@elpasoco.com>
Subject: Re: Colorado Pumpkin Patch and Colorado Tulip LLC - access to Hwy 105

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Hi Rebecca!

Thank you!

I shared your email with my husband, Kevin also.

We just want to make sure that it's recognized that our email is not in support of direct access to 105 by the Colorado Pumpkin Patch. But we do support their business overall.

Thanks again for your correspondence!

Have a great day!
Alice and Kevin

On Jun 28, 2023, at 11:34 AM, Rebecca Rudder2 <RebeccaRudder2@elpasoco.com> wrote:

You're welcome!

All emails in support of the Colorado Pumpkin Patch have been forwarded to the Planning Department for inclusion in the record.

Again, thank you for taking the time to write to the Commissioners on behalf of the Colorado Pumpkin Patch!

Sincerely,

<IMAGE001.PNG>

Rebecca Rudder

Constituent Services Specialist
El Paso County | Government Affairs
Office: 719.520.6423
RebeccaRudder2@elpasoco.com

From: Alice Weiss <weissal989@yahoo.com>

Sent: Wednesday, June 28, 2023 9:47 AM

To: Rebecca Rudder2 <RebeccaRudder2@elpasoco.com>

Subject: Re: Colorado Pumpkin Patch and Colorado Tulip LLC - access to Hwy 105

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Thank you for your reply and the additional information you shared.

Have a great day!

Alice Magrino

On Jun 28, 2023, at 9:34 AM, Rebecca Rudder2 <RebeccaRudder2@elpasoco.com> wrote:

Dear Alice and Kevin,

Thank you for contacting the El Paso Board of County Commissioners (BoCC) in support of the Colorado Pumpkin Patch. I welcome the opportunity to respond to your message on behalf of the BoCC.

The pumpkin patch is considered "Agritainment" and requires a special use approval when the events expect more than 50 vehicles. A special use request has been submitted to the Planning Department and is under review by staff. A special use approval is considered quasi-judicial as it requires public hearings before the Planning Commission and the BoCC. Considering the need for the decision-makers to remain impartial prior to the hearing, the Commissioners are limited in their ability to discuss

the substance of the application, as doing so could result in their becoming biased or creating an appearance of impropriety, either of which would result in the Commissioner(s) being unable to vote. As such, the Commissioners are unable to respond to inquiries about special use requests pending consideration by the Planning Commission. This is because if the request is approved by the Planning Commission, the BoCC will hear the application in a process similar to a judge hearing a court case. Here is a link to a video in which quasi-judicial land use matters is discussed in more detail: <https://vimeo.com/744759771/345616d310>.

Staff has sent comments back to the applicant that need to be addressed before it is scheduled for a public hearing. We have not been able to address specific design and access questions because the request is under staff review. Specifically, there is a request for access directly from Highway 105 that may cause a safety issue.

Your emailed correspondence will be forwarded to the Planning Department for inclusion into the record for consideration. If the Planning Commission approves the aforementioned request for special use, it will go before the BoCC at a future Land Use meeting. At this point, we don't have an anticipated public hearing schedule. When staff has a public hearing timeline, we will share the timeline with you and other concerned citizens.

Again, thank you for your interest and concern for the Colorado Pumpkin Patch. Please contact me if you have any questions or if I can assist you in any other way.

Sincerely,

<IMAGE001.PNG>

Rebecca Rudder

Constituent Services Specialist
El Paso County | Government Affairs
Office: 719.520.6423
RebeccaRudder2@elpasoco.com

From: Alice Weiss <weissal989@yahoo.com>

Sent: Friday, June 16, 2023 12:26 PM

To: Carrie Geitner <CarrieGeitner@elpasoco.com>; Stan VanderWerf <StanVanderWerf@elpasoco.com>; Longinos Gonzalez, Jr <LonginosGonzalezJr@elpasoco.com>; Cami Bremer <CamiBremer@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>

Cc: Alice Weiss <weissal989@yahoo.com>

Subject: Colorado Pumpkin Patch and Colorado Tulip LLC - access to Hwy 105

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To Whom It May Concern,

Good afternoon. This week, we saw a Facebook post from the Colorado Pumpkin Patch soliciting the public to help them petition the El Paso County Board for help to allow their business to have direct access to Hwy 105.

My husband and I live off on Cherry Spring Ranch Drive, just off of Hwy 105 and directly across (to the North of) from the Colorado Pumpkin Patch and Colorado Tulip LLC businesses. We have lived at our home for 10 years and have seen several different business ventures "try to make a go of it" at this location.

While we are happy these businesses have been successful, but we **do not** support allowing them to have direct access off of Hwy 105. It's our understanding that our own street (Cherry Springs Ranch Dr) is being considered to have access removed from 105 when the 105 construction occurs in this area. We are fine with that, but we don't think it makes sense to allow even more driveways or another street to have additional access to 105 in this area, especially for a business that is located in a residential area. (We also wonder if this land is properly zoned for a business to begin with.)

As you know, there are many vehicles up and down 105 everyday and because this area is "open" and out of the trees, many vehicles see this section of 105 as the time to speed down the hill (traveling west to east, coming out of the trees) or the time to pass the vehicles they've been following. We can see this stretch of road out our windows and have seen several near misses between vehicles, motorcycles and bicyclists. Adding additional access on the south side for this business, seems a recipe for disaster/fatal accident(s).

For the Colorado Pumpkin Patch and Colorado Tulip LLC, we agree that limiting the traffic they can allow each hour/day is a good idea. This would help reduce the volume of traffic going out the current neighborhood that visitors are traveling through to get to the site and help reduce overall congestion. These businesses can very easily advertising and implement a reservation system on their websites, adhere to this and still be successfully by being open longer hours, more days, etc.

We would also suggest better and more temporary signage off of 105 for the business when it's active (only), because many people going there, even now, have no idea where to turn to get there. We have seen several instances of vehicles going below the speed limit and then hitting their brakes at every intersection (all the way from Monument to Canterbury Drive) when heading east to go to the Pumpkin Patch because they have no idea where it is.

We appreciate your consideration.

Have a good week.
Alice and Kevin Magrino

Ryan Howser

From: Meggan Herington
Sent: Monday, June 12, 2023 1:20 PM
To: Ryan Howser; Justin Kilgore; Elizabeth Nijkamp
Subject: FW: Please Help Colorado Pumpkin Patch!



Meggan Herington, AICP
Executive Director
El Paso County Planning and Community Development
719-520-7941
<https://planningdevelopment.elpasoco.com>

From: Holly Williams <HollyWilliams@elpasoco.com>
Sent: Monday, June 12, 2023 1:13 PM
To: Meggan Herington <MegganHerington@elpasoco.com>
Subject: Fw: Please Help Colorado Pumpkin Patch!

Commissioner Holly Williams

200 S Cascade, Suite 100
Colorado Springs, CO 80903
(719) 520-6411 (office)
(719) 374-0856 (cell)

From: Nashonna Windsor <nashwindsor@yahoo.com>
Sent: Friday, June 9, 2023 5:06 PM
To: Carrie Geitner <CarrieGeitner@elpasoco.com>; Stan VanderWerf <StanVanderWerf@elpasoco.com>; Longinos Gonzalez, Jr <LonginosGonzalezJr@elpasoco.com>; Cami Bremer <CamiBremer@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>
Subject: Please Help Colorado Pumpkin Patch!

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Greetings, Board Members!

My family has attended/participated in the Colorado Pumkin Patch for many years now. Their large property offers many attractions and games. Because of the size of the property, people have always had more than enough room to roam freely - unlike Territory Days! Going to the patch is like stepping back in time - I'm reminded of the good old days and the ambiance feels like kinship!

My son volunteered there for several years in a row. He loved it! He also learned the value of honest, hard work. In addition, he was given the opportunity to interact with visitors, learning what valuable customer service looks like, a rarity in our society today.

This Pumpkin Patch operates on a large number of volunteers and people willing to work for minimum wage, not because they have to, but because they see the value in what the Colorado Pumpkin Patch has to offer to our Colorado Springs Community and the surrounding towns.

Limited access to the highway and limiting the number of cars allowed to attend would be unsustainable for the farm and would take away from the fellowship with our neighbors.

Please step in and help this farm out! We, along with many others, would love to continue our family traditions and would love to see others make it their tradition to visit the farm each year, especially as the Springs continues to grow.

Thank you for your time!

Sincerely,

Nashonna Windsor

RESOLUTION NO. 23-

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO

STATE OF COLORADO

APPROVAL OF SPECIAL USE

AGRITAINMENT – COLORADO KIDS RANCH – PUMPKIN PATCH (AL-22-017)

WHEREAS, Colorado Pumpkin Patch, LLC, did file an application with the El Paso County Planning and Community Development Department for approval of a special use to allow agritainment with additional conditions within the RR-5 (Residential Rural) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on September 7, 2023, upon which date the Planning Commission did by formal resolution recommend disapproval of the application with conditions and notations; and

WHEREAS, a public hearing was held by this Board on September 14, 2023; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Planning Commission and Board of County Commissioners.
2. Proper posting, publication and public notice was provided as required by law for the hearing before the Planning Commission and Board of County Commissioners.
3. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.

WHEREAS, pursuant to Section 5.3.2 of the El Paso County Land Development Code, as amended, in approving this special use, this Board considered one or more of the following criteria:

1. The special use is generally consistent with the applicable Master Plan;
2. 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;
3. 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;
4. The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access;
5. The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;
6. 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
7. The special use conforms or will conform to all other applicable County rules, regulations, or ordinances.

NOW, THEREFORE, BE IT RESOLVED, that the El Paso County Board of County Commissioners, Colorado, hereby approves the application for a special use to allow agritainment with additional conditions within the RR-5 (Residential Rural) zoning district with the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. The Special Use shall be limited to the agritainment use as shown on the site plan. Any subsequent addition or modification to the agritainment use beyond that as shown on the site plan shall be subject to administrative review, and if it is the opinion of the Planning and Community Development Department Director that it constitutes a substantial increase, then such addition or modification shall be subject to a new Special Use application.
2. The applicant shall receive approval of a Site Development Plan within one-hundred and twenty (120) days of Special Use approval. The deadline for receipt of approval of the Site

Development Plan may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.

- 3. The applicant shall install all required screening and buffering of the use to adjacent properties, pursuant to the applicable requirements of Chapters 5 and 6 the Land Development Code, within one-hundred and twenty (120) days of Site Development Plan approval.
- 4. The applicant shall install all required roadway improvements, as outlined in the traffic impact study provided with the Special Use request, prior to September 1, 2024.

NOTATIONS

- 1. Special Use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification, or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
- 2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or special use conditions/standards are being violated, preceded by notice and public hearing.
- 3. If the Special Use is discontinued or abandoned for two (2) years or longer, the Special Use shall be deemed abandoned and of no further force and effect.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 14th day of September 2023 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

That portion of Section 16, Township 11 South, Range 66 West of the 6th Principal Meridian, El Paso County, Colorado, described as follows:

Beginning at a point on the North line of said Section 16, which Point is 2,355.00 feet East of the Northwest corner of said Section 16; thence Southerly at right Angles to the North line of said Section 16, along the Easterly line of Tracts 29 and 30, Canterbury West, a distance of 720.00 feet to the Southeast corner of said Tract 30; thence deflecting $35^{\circ} 00'$ to the right along the Southeasterly line of Tract 31, Canterbury West, a distance of 580.00 feet to the Southeast corner of said Tract 31;

thence Deflecting $35^{\circ}37'13''$ to the Left along the Easterly line of Tracts 32, 34 and 35, Canterbury West, a distance of 1,002.46 feet to the Southeast corner of said Tract 35; thence Deflecting $80^{\circ} 01'55''$, to the Left along the Northerly line of Saddlewood Road, a distance of 370 feet; thence continuing along the Northerly line of Saddlewood Road along a curve to the right, having a radius of 1,332.92 feet and being Tangent to the Last described Course, a distance of 211.99 feet to the Southwest corner

of Tract 106, Canterbury East; thence Northerly along the Westerly line of said Tract 106 and being Radial to the Last described Curve, a distance of 97.78 feet; thence Deflecting $1^{\circ} 50'36''$ to the Left along the Westerly line of Tracts 106,112,111,110,109,108 and 107, Canterbury East, a distance of 2,281.00 feet to the Northwest corner of said Tract 107; thence Deflecting $16^{\circ}37'$ to the Left, a distance of 30 feet to a point on The North line of said Section 16; thence Westerly along the North line of said Section 16, a distance of 932.07 feet to the Point of Beginning.

RESOLUTION NO. 23-

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO

STATE OF COLORADO

DISAPPROVAL OF SPECIAL USE

AGRITAINMENT – COLORADO KIDS RANCH – PUMPKIN PATCH (AL-22-017)

WHEREAS, Colorado Pumpkin Patch, LLC, did file an application with the El Paso County Planning and Community Development Department for approval of a special use to allow agritainment with additional conditions within the RR-5 (Residential Rural) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on September 7, 2023, upon which date the Planning Commission did by formal resolution recommend disapproval of the application with conditions and notations; and

WHEREAS, a public hearing was held by this Board on September 14, 2023; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. That for the following reason(s), the proposed Special Use is not in the best interests of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County: *(check all that apply)*

- a. That the proposed special use does not conform to Chapter 5, Use and Dimensional Standards, Section 5.3.2, Special Use, of the El Paso County Zoning Resolutions.
- b. The special use is not consistent with the applicable Master Plan.
- c. That the special use is not consistent with the intent and purposes of the zoning district where the use is proposed to be located or does not conform to the approved development plan.
- d. The special use will not be in harmony with the character of the neighborhood, and compatible with the existing and allowable land uses in the surrounding area;
- e. That the special use will result in an over-intensive use of land.
- f. That the special use will overburden or exceed the capacity of public facilities and services or, in the alternative, the special use application demonstrates that it will not provide adequate public facilities in a timely and efficient manner.
- g. That the special use will create undue traffic congestion or traffic hazards in the surrounding area, and does not have adequate, legal access.
- h. That the special use will cause significant air, water, light, and/or noise pollution.
- i. That the special use will otherwise be detrimental to the public health, safety and welfare of the present or future residents of El Paso County.
- j. That the special use does not or will not conform to all other applicable County rules, regulations or ordinances.
- k. That the proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.

8. That for the above-stated and other reasons, the proposed special use is not in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED, that the petition for approval of a Special Use to allow agritainment with additional conditions within the RR-5 (Residential Rural) zoning district, as submitted by Colorado Pumpkin Patch, LLC, in the following described unincorporated area of El Paso County be disapproved.

DONE THIS 14th day of September 2023 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

That portion of Section 16, Township 11 South, Range 66 West of the 6th Principal Meridian, El Paso County, Colorado, described as follows:

Beginning at a point on the North line of said Section 16, which Point is 2,355.00 feet East of the Northwest corner of said Section 16; thence Southerly at right Angles to the North line of said Section 16, along the Easterly line of Tracts 29 and 30, Canterbury West, a distance of 720.00 feet to the Southeast corner of said Tract 30; thence deflecting $35^{\circ} 00'$ to the right along the Southeasterly line of Tract 31, Canterbury West, a distance of 580.00 feet to the Southeast corner of said Tract 31; thence Deflecting $35^{\circ}37'13''$ to the Left along the Easterly line of Tracts 32, 34 and 35, Canterbury West, a distance of 1,002.46 feet to the Southeast corner of said Tract 35; thence Deflecting $80^{\circ} 01'55''$, to the Left along the Northerly line of Saddlewood Road, a distance of 370 feet; thence continuing along the Northerly line of Saddlewood Road along a curve to the right, having a radius of 1,332.92 feet and being Tangent to the Last described Course, a distance of 211.99 feet to the Southwest corner of Tract 106, Canterbury East; thence Northerly along the Westerly line of said Tract 106 and being Radial to the Last described Curve, a distance of 97.78 feet; thence Deflecting $1^{\circ} 50'36''$ to the Left along the Westerly line of Tracts 106,112,111,110,109,108 and 107, Canterbury East, a distance of 2,281.00 feet to the Northwest corner of said Tract 107; thence Deflecting $16^{\circ}37'$ to the Left, a distance of 30 feet to a point on The North line of said Section 16; thence Westerly along the North line of said Section 16, a distance of 932.07 feet to the Point of Beginning.

From: PCD Hearings
Sent: Tuesday, September 12, 2023 10:12 AM
To: PCD Hearings
Subject: FW: Colorado Pumpkin Patch

From: Anne Andrews <andrewsannee@gmail.com>
Sent: Wednesday, September 6, 2023 5:15 PM
To: CarrieGeitner@elpasoco.com; stanvanderwerf@elpasoco.com; LonginosGonzalezJr@elpasoco.com; camibremer@elpasoco.com; HollyWilliams@elpasoco.com
Cc: Hello@coloradokidsranch.com; ryanhowser@elpasoco.com; Ruiz, Nina <nina.ruiz@vertexcos.com>
Subject: Colorado Pumpkin Patch

To whom it may concern:
I am writing in support of the Colorado Pumpkin Patch.

As a nearby resident, our family enjoys the patch annually, and all that it provides for the community. The Colorado Pumpkin Patch does so much good and gives a wealth of educational and recreational opportunities for the youth and families in the our community. The patch is a safe, wholesome place for families to enjoy and celebrate the fall season. The patch provides volunteer and employment opportunities for both young and older individuals. The high standards that the Colorado Pumpkin Patch strives to meet is apparent throughout any visit.

I am asking for the county to provide safe access and parking for all visitors to the patch that would allow this small family run business to continue to operate without hindering nearby residents.

Thank you for your consideration of this matter.

Sincerely,
Anne Andrews
540-354-7300
23 1st St.
Monument, CO 80132

Miranda Benson2

From: PCD Hearings
Sent: Tuesday, September 12, 2023 10:11 AM
To: PCD Hearings
Subject: FW: Colorado Pumpkin Patch

From: Scott Andrews <fctile303@gmail.com>
Sent: Wednesday, September 6, 2023 7:04 PM
To: CarrieGeitner@elpasoco.com; stanvanderwerf@elpasoco.com; LonginosGonzalezJr@elpasoco.com; camibremer@elpasoco.com; HollyWilliams@elpasoco.com
Cc: [Hello@coloradokidsranch.com](mailto>Hello@coloradokidsranch.com); ryanhowser@elpasoco.com; Ruiz, Nina <nina.ruiz@vertexcoc.com>
Subject: Colorado Pumpkin Patch

To whom it may concern:

I am writing in support of the Colorado Pumpkin Patch and to ask for the county to provide safe access and allow for ample parking for visitors to the Patch.

My family has enjoyed the Patch for years now and value the opportunities the owners of the Colorado Pumpkin Patch provide to those in need in our community. Our son has volunteered at the patch and gained invaluable skills from his time spent there that he will carry throughout the rest of his life. The Patch is a wonderful, wholesome place for families to have a fun day.

I understand that the concerns that have been raised were experienced sometime during the short time period the Patch is in operation during the year. I would ask you to find an agreeable solution to help all those involved and to please allow this small, family owned business to continue to operate safely and continue to invest in our great community.

Thank you for your consideration of this matter.

Sincerely,

Scott Andrews
303-472-3499
23 1st St, Monument, CO 80132

Miranda Benson2

From: PCD Hearings
Sent: Tuesday, September 12, 2023 10:10 AM
To: PCD Hearings
Subject: FW: Colorado Pumpkin Patch

From: Carter Jones <carterejones777@gmail.com>
Sent: Wednesday, September 6, 2023 7:11 PM
To: CarrieGeitner@elpasoco.com; stanvanderwerf@elpasoco.com; LonginosGonzalezJr@elpasoco.com; camibremer@elpasoco.com; HollyWilliams@elpasoco.com
Cc: [Hello@coloradokidsranch.com](mailto>Hello@coloradokidsranch.com); ryanhowser@elpasoco.com; Ruiz, Nina <nina.ruiz@vertexcoc.com>
Subject: Colorado Pumpkin Patch

To Whom It May Concern:

My name is Carter and I'm in 7th grade. I have volunteered at the patch in the past and am planning to volunteer this year. I very much enjoy my time spent there. I have made many great memories with friends and family. I hope that I can continue to make many more memories for years to come. I ask that you let the Colorado Pumpkin Patch keep operating for the small amount of time of the year it does and that you allow parking on their property for those visiting.

Thank you for reading this.

Carter Jones

Miranda Benson2

From: PCD Hearings
Sent: Tuesday, September 12, 2023 10:12 AM
To: PCD Hearings
Subject: FW: Colorado Pumpkin Patch

From: Maura Nordberg <maura.c.nordberg@gmail.com>
Sent: Wednesday, September 6, 2023 10:07 PM
To: Carrie Geitner <CarrieGeitner@elpasoco.com>; StanVanderwerf@elpasoco.com; Longinos Gonzalez, Jr <LonginosGonzalezJr@elpasoco.com>; Cami Bremer <CamiBremer@elpasoco.com>; HollyWilliams@elpasoco.com
Cc: Ruiz, Nina <nina.ruiz@vertexcoc.com>; hello@colordokidsranch.com; RyanHowser@elpasoco.com
Subject: Colorado Pumpkin Patch

Dear Honorable County Officials,

As we've been raising our children in this community, there are many wonderful traditions we've found great joy in as a family. One of those is visiting the Colorado Pumpkin Patch, which we usually do multiple times during the Fall season. In addition to loving our time spent together playing at the Colorado Pumpkin Patch, it has also been the first field trip each of our children have taken from their school and also a location which gladly stepped up to provide a fun and educational experience for our girl scout trip a few years ago.

It is more than apparent to me that this wonderful family run, small business truly makes our community the unique and wonderful place it is. As many others have shared, the Chapman family loves, supports, and employs many in our community. I have had the privilege to work with them while volunteering at church events and was delighted to see them at the county fair, where they hauled slides, games, and the beloved cow train out to Calhan to provide a free experience for children. They are leading, serving, giving of themselves and their resources, and making our community better.

As you review what is best moving forward, please consider the great value the Colorado Pumpkin Patch and the Chapman family bring to our community. Please make every effort to allow them to keep working in our community, realizing this is a family-owned, small business without unlimited resources.

Thank you for your time and effort!
Maura Nordberg

Miranda Benson2

From: sherrie@kasperfarm.com
Sent: Thursday, September 7, 2023 11:36 AM
To: PCD Hearings
Subject: Email pumpkin patch

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Sherrie@kasperfarm.com
719 650 9031

I disagree with pumpkin patch, it should be denied

Thanks
Sherrie Kasper

Sent from my iPad

Miranda Benson2

From: Becky c <rebekahc11@gmail.com>
Sent: Thursday, September 7, 2023 9:04 AM
To: PCD Hearings
Subject: OPPOSITION AL2217

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I am emailing in opposition of AL2217. As a member of the Monument community I can say at present this provides a severely UNSAFE environment.

The volume of people allowed at this site is unbelievable for a neighborhood setting. The traffic is not adequately managed and the sheer number of patrons driving through this neighborhood at dangerous speeds is absolutely unacceptable.

Please view this situation as if you or your loved ones lived nearby.

Thank you
Becky Loyd

From: The <theirishfolk@msn.com>
Sent: Saturday, September 9, 2023 9:01 PM
To: Ryan Howser
Cc: PCD Hearings
Subject: BOCC Hearing, File #: AL2217

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This letter is in opposition to the Special Use on 10.52 acres to allow agritainment activities with additional conditions in the RR-% zoning District, regarding the property at 18065 Saddlewood Road.

We live on Canterbury Drive, on the lot opposite the intersection of Saddlewood Road and Canterbury Drive. During the seven weeks of the Fall Festival and the 2 weekends of the Tulip Festival, it is quite difficult to turn out of our driveway onto Canterbury drive. There are hundreds of cars speeding faster than the 25mph speed limit. All the cars are focused on finding the 18065 Saddlewood Rd. address and do not pay attention to residential driveways, focusing in many cases on their Google Map directions to the exclusion of what is happening on the roadway. Cars come from both directions on Canterbury Drive in search of the Colorado Pumpkin Patch.

Mr. McCarthy has Parkinson's disease, and exercise is important. We attend the Y 4 days a week and try to walk on Canterbury on days we don't go to the Y. This is impossible during the Fall Festival. Cars are speeding along on Canterbury Drive and do not pay attention to resident pedestrians or dog walkers. It feels quite dangerous to be out on the roads during this time.

In the past, regulations limited cars to 50 at a time. This was ignored. Despite the argument that when the parking lot and overflow parking is full, cars will be turned away and told to come back another time, we do not trust that this will actually happen. The current regulations have been ignored since the establishment of this commercial business.

We recently decided to put our property up for sale and move near our grandchildren. The Real Estate Agent we consulted advised us that it would be foolish to put our house on the market during the time of the Fall Festival as prospective buyers would be discouraged from buying our home due to the excessive traffic. This puts the house on the market close to the holidays-not the best time to sell. The out of control traffic generated by CPP has affected our ability to sell our home.

Both of us are retired special educators. The statement that free admission is provided to foster children and special needs children and their families seems to be designed to be a purely emotional appeal, rather than a true "Invaluable Nonprofit Service."

"The success of CPP has allowed a greater number of residents and families in the area to be able to enjoy the benefits of a community-focused rural lifestyle, thereby strengthening and supporting existing and future residential neighborhoods." Nonsense! The "success" of CPP does not allow us to enjoy our rural lifestyle during the days that Mr. and Mrs. Chapmen and their family seek to gain commercial profit rather than operating a farm in the middle of a 5-acre rural neighborhood. This is a quiet, rural, residential neighborhood. We would like to keep it that way.

J. Michael and Toni L. McCarthy

18060 Canterbury Dr.
Monument, CO 80132

From: Schulte, James [USA] <schulte_james@bah.com>
Sent: Wednesday, September 6, 2023 6:14 PM
To: Ryan Howser; PCD Hearings
Cc: Schulte, Janet [USA]
Subject: File Number AL2217 - Pumpkin Patch Opposing Comments to Ryan Howser
Attachments: Pumpkin Patch.docx; 2022-10-09 12-22-56pm cl CPP Parking Lot dots on cars to help count - total 249 cars.jpg; 2022-10-09 12-22-56pm cm CPP Parking Lot dots on cars to help count - total 249 cars.jpg; 2022-10-22 11-18-19-20 am cm 290 Vehicles on Colorado Pumpkin Patch LLC Property.png; 2022-10-23 12-55 pm cm 157 Vehicles on Property of Colorado Pumpkin Patch LLC.jpg

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Dear Planning Commission,

My wife Janet and I live at 18270 Appaloosa Rd. which is on the property line with the Colorado Pumpkin Patch at 18065 Saddlewood Rd. I am writing to provide comments in opposition to the proposed Special Use approval File Number AL2217,

Being right next door to the Pumpkin Patch we have daily exposure to the chaos that goes on all day, 5-6 days a week for 6 straight weeks. It is our understanding that the original permitted use was granted with provisions that the Pumpkin Patch would mitigate noise, dust, and traffic. To our knowledge nothing has been done to accomplish this mitigation. If it has, it has been grossly ineffective.

On a given weekend there could be 250+ vehicles parked in what is essentially our back yard! (Picture included with this correspondence). The traffic in and out of Canterbury Estates when the Pumpkin Patch is operating is ridiculous and our normally quiet neighborhood becomes an absolute mess. The dust and hazard from this traffic is unacceptable. Not to mention the noise. One morning the Pumpkin Patch was blasting music so loud I thought it was coming from my living room. To their credit, I visited them to ask them turn down the music, they reoriented the speakers to the south (we are on the east side of their property) which lessened the noise somewhat.

We are an equestrian neighborhood; many residents ride their horses and walk on the dirt roads surrounding the Pumpkin Patch. At our last HOA meeting, several members reported that they have had close calls with the heavy traffic that comes during the Pumpkin Patch operation.

We oppose any additional Special Use, in fact, if the Pumpkin Patch cannot comply with the provisions of the original Land Development Code (e.g. 50 or less cars parked on the property), they should not be allowed to continue to operate.

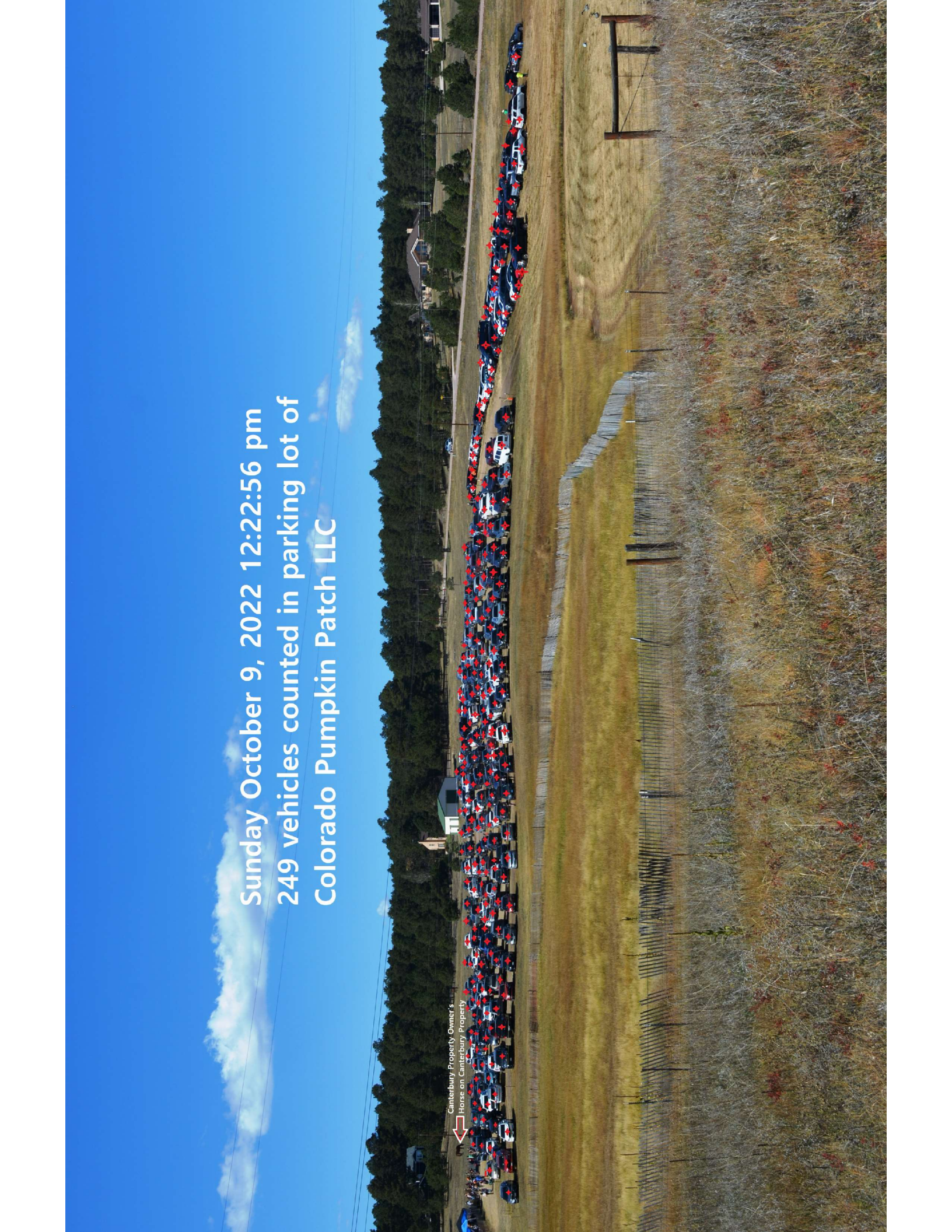
Thank you for considering our opposition to this Special Use proposal for agritainment purposes.

Sincerely,

Tim & Janet Schulte
18270 Appaloosa Rd.
Monument, CO 80132

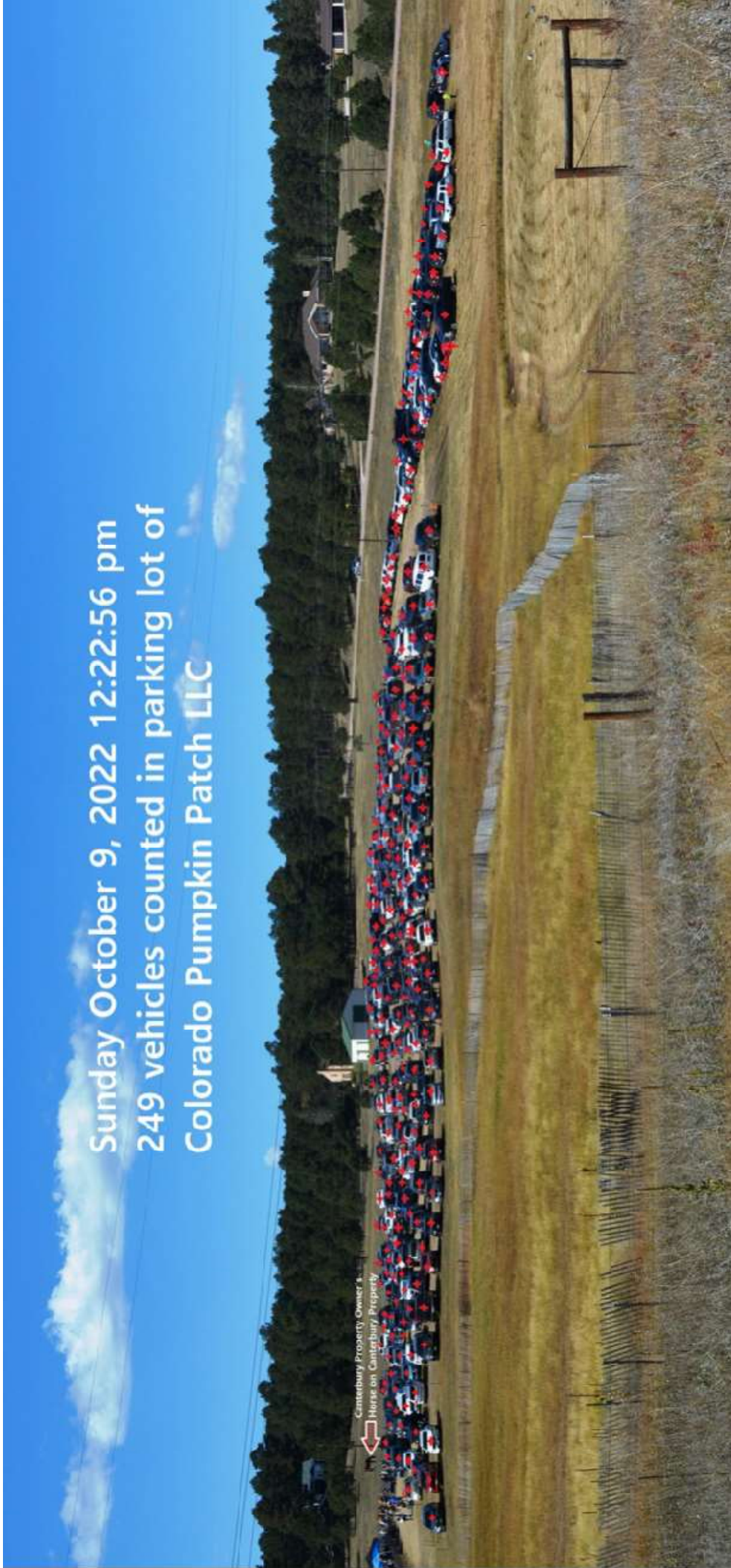
Sunday October 9, 2022 12:22:56 pm
249 vehicles counted in parking lot of
Colorado Pumpkin Patch LLC

Canterbury Property Owners
Horse on Canterbury Property



Sunday October 9, 2022 12:22:56 pm
249 vehicles counted in parking lot of
Colorado Pumpkin Patch LLC

Centisbury Property Owner's
Horse on Centisbury Property



Saturday October 22, 2022 11:18 a.m. Colorado Pumpkin Patch LLC
268 Vehicles in Parking Area
4 Vehicles in Middle Area
18 Vehicles in South Area
290 Vehicles Total on Property



Colorado Pumpkin Patch LLC "Wagon Ride"
on tour of Canterbury homes

Canterbury Estates Property Line

Saturday October 22, 2022 11:19 a.m.
Colorado Pumpkin Patch LLC Mid Area
4 Vehicles



Saturday October 22, 2022 11:20 a.m.
Colorado Pumpkin Patch LLC South Area
18 Vehicles



**Sunday October 23, 2022 12:55 pm Colorado Pumpkin Patch LLC
Parking Lot 131 Vehicles Middle Area 9 Vehicles South Area 17 Vehicles
Total 157 Vehicles**



**Sunday October 23, 2022 12:55 pm Colorado Pumpkin Patch LLC
Middle Area 9 Vehicles**



**Sunday October 23, 2022 12:55 pm Colorado Pumpkin Patch LLC
South Area 17 Vehicles**



**Colorado Pumpkin Patch
DBA Colorado Kids Ranch
Special Use- Agritainment
Letter of Intent**

May 11, 2023

PCD File No: AL2217

Colorado Pumpkin Patch LLC
18065 Saddlewood Road
Monument, CO 80132

Planner: Vertex Consulting Services, Nina Ruiz
455 E Pikes Peak Avenue, Suite 101
Colorado Springs, CO 80903
719-733-8605
Nina.ruiz@vertexc.com

Traffic Engineer: SMH Consultants, Brett Louk
411 S Tejon Street, Suite I
Colorado Springs, CO 80903
719-465-2145

Tax Schedule No: 61160-00-001

Acreage: 40.52 Acres

Zoning: RR-5 (Residential Rural)

Request:

A request to allow for Agritainment activities with up to 325 vehicles onsite whereas the Land Development Code limitation is 50 vehicles at any given time. The Agritainment use is an existing use on the property and the use itself is already permitted by the Land Development Code in the RR-5 zoning district, but approval of a special use is required if the use includes parking for more than 50 vehicles at any given time.

Site Location, Size, Zoning:

Vertex Consulting Services, on behalf of the Colorado Pumpkin Patch LLC (“CPP”), is respectfully submitting a special use application to obtain approval to allow the existing “Agritainment” use to exceed the parking allowance of 50 vehicles onsite for certain limited events and durations. Specifically, the request includes allowing up to a maximum of 325 vehicles at any one time during operation of the “Agritainment” use which occurs 6 full weeks and 2 additional weekends per year, as outlined on under “CPP Activities” below). The CPP property is located south of Highway 105 and approximately one-half (1/2) mile east of Roller Coaster Road. The 40.52-acre property is presently zoned RR-5 (Residential Rural) and is surrounded by properties zoned RR-5 (Residential Rural) as depicted below. The proposed special use is generally consistent with the existing Agritainment use and would continue to be compatible with the surrounding rural uses. In addition, the Agritainment use would continue to be consistent with the Your El Paso Master Plan.

CPP is located on the original homestead of the Brown family going back as early as the 1890’s that once included what is now the Canterbury and Jackson Ranch neighborhood. CPP is a family owned and operated business run by John (JD) and Bengetta Chapmen and their children. The Chapman Family moved to Colorado after JD served 12 years combined active and reserve duty. Along with CPP, the Chapmans established Johnny Pumpkinseed, a nonprofit where they waive admission for foster families and families with special needs children.



Background:

“Agritainment” is a permitted use on the subject parcel due to it being zoned RR-5 and being in excess of 35 acres. An Early Assistance meeting was held with El Paso County on February of 2018 where the requested “Agritainment” use was discussed as well as a potential request for a commercial stable.

The special use for the commercial stable was approved and is still in operation. The property owners, Mr. and Mrs. Chapman, requested approval of a site development plan to allow for “Agritainment” to occur on the property in 2018. The site development plan was approved on October 22, 2018. The site development plan depicted 49 parking spaces and required the planting of 23 trees for the purpose of screening the use from the adjacent rural residential properties. The owners planted the required trees several times and each time the trees failed survive.

The annual Fall Festival held on the property as part of the Agritainment use has been a success resulting in the need to expand the number of attendees, which ultimately resulted in the need to expand the vehicle parking allowance on the site. The Chapmans specifically relied on the statements of County Engineering staff during the Early Assistance meeting where they explained the trigger for a traffic study being required, which was stated as being based upon average daily trips. He did not realize that average daily trips standard was a different requirement than the relevant Code provisions allowing for up to 50 vehicles at any given time, and thus he believed that he only needed to be concerned about daily and weekly totals averaged over the year. The Chapmans believed they were in full compliance throughout the events and no malicious intent whatsoever in violating any County regulations or legal provisions.

El Paso County set up a site development plan submittal request in EDARP on August 19, 2021,

believing that submittal and approval of a site development plan would cure the violation due to Code Enforcement staff not having sent a Notice of Violation for the number of vehicles on the property. Due to the zoning violation not including the vehicle count, the planner created only the one project without a special use being included or discussed with the Chapmans. The property owners, not being familiar with the regulations and processes, had no reason to believe this was not the correct process.

At that time, the County and the County planner handling the request did not inform the Chapmans that the County or the Land Development Code required approval of a special use application. The Chapmans were not aware that their non-compliance with the Land Development Code included the number of vehicles parked on the property. These facts are supported by the County's records, documents, and events that are part of the official EDARP file, which is available online for public review. The amended site development plan was submitted in June of 2022 and it was accepted by a member of the County PCD staff. It was not until after the project had been transferred to a new planner and a new Notice of Violation was sent that the owner was notified that a separate special use application would also be required to address the increased parking issue.

State and El Paso County Enabling Legislature to Promote "Agritainment"

The State of Colorado supports "Agritainment" activities and has enacted legislation to encourage the use. House Bill 14-1280 was passed on April 21, 2014, to promote the growth and success of "Agrotourism" (AKA Agritainment) by eliminating certain liabilities. The Bill specifically identified that:

"The general assembly also finds that the state and its citizens derive numerous economic and personal benefits from these activities. It is, therefore, the intent of the general assembly to encourage these activities by limiting the civil liability of certain persons involved in providing the opportunity to participate in these activities." (emphasis added)

El Paso County has a long history of supporting rural and agricultural lifestyles and commercial endeavors. For that reason, the County almost immediately began drafting regulations to support and allow for "Agritainment" uses in response to the recent State legislation. Other factors were also encouraging this effort, including County planning staff receiving an increasing number of requests from property owners wanting to operate Agrotourism-based uses on their rural properties. At the time, each one of these requests required approval of a variance of use application regardless of the property size, duration of the activities, or scale of the operation. As a result, in 2017 the County's land use regulations were amended by the Board of County Commissioners in order to allow for "Agritainment" as a use by right in many zoning districts. The "Background" section of the staff report associated with the Land Development Code amendments included the following as the purpose for the amendment:

"The purpose of adding "Agritainment" to the Land Development Code is to encourage the preservation and utilization of ranches and farms in El Paso County and to address the numerous requests by the Planning and Community Development Department to initiate

agriculturally related entertainment uses. Introduction of “Agritainment” uses in the rural areas of the County could help provide supplemental income to landowners, which may increase the long term sustainability of the farm or ranch.”

County Adoption of Agritainment Regulations

During both the Planning Commission and Board of County Commissioner hearings concerns from both hearing bodies were brought up regarding the 50 vehicle limitation. The specific feedback regarding the 50 vehicle limitation included the following:

- **Planning Commissioner Gioia** “I believe that, although it is a move in the right direction, I believe the new Code to be too restrictive.” (Planning Commission written minutes)
- **Commissioner Littleton**- Expressed concern with the 50-vehicle max and described an event she attended with at least 800 participants and wanted to make sure the Code would allow for similar, larger events. (42 minute mark of the audio recording from the hearing)
- **Commissioner VanderWerf**- Expressed concern regarding a business growing to the point where it would exceed the 50 vehicle parking limitation and thereby becoming a violation. He wanted assurances there was an easy way to allow for businesses to succeed. It was specifically identified that fall festivals are the type of Agritainment uses that will consistently exceed the 50 vehicle limitation at certain times of the year, but that they should be allowed as Agritainment. (45 minute mark of the audio recording from the hearing)

Each time the concern regarding the number of spaces was brought up staff responded by identifying that the following language within the Code specifically allows the Director to administratively approve the use to have an excess of 50 vehicles on the property with approval of a Site Development Plan and that it does not require special use approval:

“The total number of vehicles at any given time shall not exceed fifty (50) unless otherwise approved by the PCD Director.” (emphasis added)

The BoCC did not amend the 50 vehicle limitation knowing that an increase to the number of spaces was allowed administratively without the need to obtain approval of a special use application. It was not the intention of the BoCC to require a special use every time the vehicle count could exceeded 50.

CPP Qualifies as Agritainment

The CPP property is zoned RR-5 and is in excess of 35 acres; therefore, Agritainment is a permitted use with the limitation of no more than 50 vehicles at any given time. It is important to note that the County’s Agritainment regulations do not provide any further limitations on Agritainment uses, such as:

- The scale/intensity of the use
- The total number of vehicle trips per day
- The total number of patrons onsite at any given time
- The total number of patrons per year

- The hours of operation
- The number of days per year the use is in operation.

CPP Activities

The requested special use does not include a request for approval of the “Agritainment” use itself due to the use already being allowed pursuant to the El Paso County Land Development Code. Instead, the proposed special use is exclusively limited to a request to allow more than 50 vehicles onsite at any time, and more specifically for up to 325 vehicles on the peak days of the Agrotourism season.

CPP holds three main events annually:

(i) The Fall Festival

The Fall festival is held during the last two weeks of September through November 7. Some of the activities include hay and barrel rides, face painting, giant slides, tire swings, and hay pyramids. Attendees can learn how to rope or milk a cow. They can also sip apple cider while enjoying the beautiful Colorado scenery surrounding the property. Attendees can also peruse the small shop filled with seasonal goods crafted by local artisans and farmers.

Festival provides a chance for community members from all walks of life to gather together and experience shared memories. The Fall Festival is a place where even the eldest of the group will become young again while getting lost in the swarm of face-painted kids proudly wearing their Halloween costume as they excitedly run from one activity to the next. The Fall Festival has become a beloved and important family and community tradition centered around education, quality family time, interacting with nature, and remembering our agricultural roots.

(ii) The Tulip Festival

The Tulip Festival is held during two weekends in May with the time depending upon when the bloom occurs. The Tulip Festival offers all of the fun and excitement of the Fall Festival except with Tulips and the beauty of nature being the main event. During the Tulip Festival attendees can walk through the colorful rows of blossoming flowers while enjoying the varied Colorado weather that comes with the spring season. The Tulip Festival often coincides with Mother’s Day, which affords families the opportunity to spend some intentional time with Mom in a garden setting. Families extending across multiple generations attend the Tulip Festival all with the shared purpose of celebrating the great women in their lives.

(iii) Farm Camp

The Farm Camps are held on weekdays throughout June from 8am-4pm with the goal of teaching young children about the operations of a farm. Children will learn about farm animals; how to grow fruits, vegetables, and flowers; and the basics of nature and the seasons. The typical camp day is divided into two separate classes with a morning class and an afternoon class, each lasting approximately 3 hours.

CPP provides services that are highly beneficial for the community, especially the youth. In addition, CPP employs a significant number of young adults and teenagers who gain critical life skills while employed. CPP is also involved in invaluable, nonprofit services such as the Johnny Pumpkinseed program, which offers free admission to the Annual Event for foster care and special needs children and their families. Please review each of the attached letters of support which further explain the endless benefits of each of the CPP events and programs.

As discussed above, the request is not to allow for the “Agritainment” use. “Agritainment” is already an allowed use on the property. Instead, the requested special use was required by the County to allow 50 vehicles to be parked onsite at any given time, with a specific allowance for up to 325 vehicles to be parked on the property at any given time. As mentioned above, CPP provides services that are highly beneficial to the community, and especially to children and teenagers. CPP employs a significant number of teenager/young adults, often providing them with their first formal employment and teaching them skills in the areas of agriculture, business, public service, and management.

The specific activities included within the allowed CPP “Agritainment” use include the following:

- Hayrides
- Petting zoo
- Pumpkin patch
- Bounce pad
- Slides
- Swings
- Corn box
- Face painting
- Education for children on how to rope an animal and how to milk a cow (fake animals only)
- Assortment of games and activities for all age groups
- Sale of homemade goods
- Field trips with local schools during the week
- Pick your own tulips
- Farm Camp
- Farm visitation days

Traffic Improvements:

As part of the special use application, the applicant was required to hire a traffic engineer to prepare a traffic impact study to analyze the traffic impacts of the temporary, seasonal events. The traffic study was based upon the peak days, and peak hours, which only occur approximately 24 days out of the entire year, with the other days of the year not triggering improvements whatsoever. Even at the peak, the level of service at the impacted intersections will only be reduced from a level of service A to a level of service

B. For comparison purposes, Pursuant to Section B.4.1.A of the County's ECM, the design objective is a level of service "D".

The traffic study prepared by the Chapman's transportation engineer recommends the following improvements:

- Construction of a left turn from Highway 105 to Canterbury;
- Construction of a left turn from Canterbury to Highway 105;
- Construction of a right turn from Highway 105 to Canterbury;
- Construction of a left turn from Canterbury Drive to Saddlewood Drive;
- Construction of a right turn from Saddlewood Drive to Canterbury Drive; and
- Paving of Saddlewood Road to the CPP driveway

The projected cost of these offsite improvements is estimated to exceed \$750,000.

The above list of improvements comes as a result of the limited scope of the County's criteria in only evaluating the level of traffic during the peak times without consideration given to seasonal fluctuations and the very limited number of peak days that may actually occur during the respective seasons. In addition, the County criteria only takes into consideration the number of projected turns at an intersection when determination whether intersection improvements are required, instead of giving deference to other consideration such as the projected level of service.

CPP is a family-owned business that serves as the sole source of income for the Chapman family. In 2022, the Chapman family reported an annual income of \$77,000, whereas the median income in the Monument area is \$102,278 per 2021 U.S. census data. The County criteria does not account for peak traffic being limited to a few days throughout the year; therefore, the roadway improvements being required on Highway 105, Canterbury Drive, and Saddlewood Drive would far exceed the projected traffic impacts created by the Agritainment use except during 6 full weeks (Fall Festival) and 2 additional weekends (Tulip Festival), for a total of approximately 48 days, out of the entire year. As discussed above, construction of the County-required improvements are anticipated to cost upwards of \$750,000, which represents a significant cost to the Chapman family that simply cannot be taken on in a single year. In order to financially survive as a business and to satisfy the requirements of the County, the Chapmans are requesting to fund construction of the improvements over the course of several years. The Chapmans have requested spreading the cost of the improvement out over several years, but the PCD staff has rejected this request and instead is requiring all improvements to be constructed up front.

CPP is requesting approval of the proposed special use to allow up to 325 vehicles onsite at any one time and requests the Planning Commission and Board of County Commissioners adopt the following conditions of approval:

- A watering truck/trailer will be utilized on the driveway until the driveway is resurfaced with asphalt millings.
- A site development plan demonstrating compliance with the applicable sections of the Land Development Code and Engineering Criteria Manual, subject to alternative standards if approved

by a deviation or an alternative plan as allowed in the Land Development Code and Engineering Criteria Manual, will be completed by May 15, 2024.

- Parking area and driveway will be resurfaced with asphalt millings prior to May 15, 2024.
- Privacy fencing, as depicted on the special use site plan, shall be constructed prior to May 15, 2024.
- The main and overflow parking areas shall be improved prior to May 15, 2024.
- Unless a deviation has been approved, the design for all roadway improvements required per the Traffic Impact Study shall be completed by December 31, 2025.
- Unless a deviation has been approved, the Highway 105 intersection improvements shall be constructed by December 31, 2026.
- Unless a deviation has been approved, the Canterbury Drive and Saddlewood Drive improvements shall be installed by December 31, 2027.

Justification:

Section 5.3.2.A, Special Use, of the Land Development Code states:

“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.”

When considering the impacts of an “Agritainment” use, such as the CPP, it is important to recognize that the applicable zoning, which is RR-5 (Residential Rural), also allows a number of permitted uses that have the potential to cause similar or even more prevalent impacts on existing and allowed uses in the same zoning district and in the same neighborhood. These uses include:

- Dairy
- Farm
- Kennel
- Wholesale Nursery
- Public Park and Open Space
- Ranch
- Religious Institution
- Tree Farm
- Agricultural Stand

Each of these permitted uses has the potential to generate impacts associated with dust, noise, odors, and additional vehicle trips and many could also result in large gatherings of customers and employees. The Land Development Code does not limit the hours of operation, total vehicle trips, number of vehicles at any given time, or scope and scale of any of the above listed permitted uses. The Code permits each of the uses without imposing limits due to traffic or the number of attendees. The proposed use is less impactful than these other permitted uses due to the limited seasonal nature of the use and the type of traffic generated by the use being primarily passenger vehicles rather than

large delivery trucks or heavy equipment.

Agritainment is a permitted use on the subject property provided the number of vehicles does not exceed 50. Therefore, the special use should be analyzed based upon if the potential impacts related to the number of vehicles exceeding 50 can be adequately mitigated. The Code does not limit the number of people, traffic, duration, level of noise, etc.; therefore, the only consideration for the special use should be whether the potential impacts related to a larger parking area can be appropriately mitigated. CPP will use the following specific mitigation measures to address any increased impacts due to the number of vehicles parked on the property during an event, including the following:

- The parking area will be located a minimum of 100 feet from all residential properties;
- The parking area is located north, adjacent to Highway 105 to allow for adequate stacking within the property and to also allow the parking area to be strategically screened from view from the adjacent residential properties with a 6-foot privacy fence/wall. In addition, the existing vegetation to the west of the parking area includes thick evergreens, which will also help to further screen the parking area from view.
- During the interim, prior to paving the driveway with asphalt millings, watering trucks will be used during peak hours and days, as needed, to wet down the driveway and parking areas to help ensure property dust mitigation.
- Parking areas will be paved with asphalt millings to eliminate dust.
- A fence will be constructed so as to screen the parking area from the adjacent residences to the west.
- CPP will provide directional signage from Highway 105 to the entrance of the property and will locate staff at the Canterbury/Charros Loop intersection to direct patrons south onto Saddlewood Road.
- If the main parking area and overflow parking areas are filled, CPP staff will ask patrons to leave and return to the site at another time.

The pages that follow address each one of the Special Use criteria included within Section 5.3.2 of the El Paso County Land Development Code:

- ***The special use is generally consistent with the applicable Master Plan;***

Chapter 1 of Your El Paso Master Plan (2021) states that the Plan is “general in nature-it cannot tackle every issue in sufficient detail to determine every type of necessary action.” In addition, Chapter 1 goes on to state that the Plan “is intended to provide clearer and more coordinated policy, resulting in a document that effectively communicates County goals and identifies specific actions to achieve both County-wide and local area objectives.” When taken together, these two statements suggest to the reader that the Plan may only address certain issues at a cursory level and that specific steps or actions for addressing such issues may not be offered within the Plan. That is certainly the case with respect to the special use request, as identified

below in an analysis of the Plan.

Key Area Analysis

The property is located within the Tri-Lakes Key Area. The Plan describes the key area as follows:

“Tri-Lakes is the northern gateway into the County along Interstate 25 and Highway 83. It is situated between Pike National Forest, the United States Air Force Academy, and Black Forest. With significant suburban development and some mixed-use development, this Key Area supports the commercial needs of many of the residents in northern El Paso County. Tri-Lakes also serves as a place of residence for many who commute to work in the Denver Metropolitan Area. It is also an activity and entertainment center with the three lakes (Monument Lake, Woodmoor Lake, and Palmer Lake) that comprise its namesake and direct access to the national forest. Tri-Lakes is the most well-established community in the northern part of the County with a mixture of housing options, easy access to necessary commercial goods and services, and a variety of entertainment opportunities. Future development in this area should align with the existing character and strengthen the residential, commercial, employment, and entertainment opportunities in the adjacent communities of Monument, Palmer Lake, and Woodmoor.” (emphasis added).

The Key Area recommends that entertainment opportunities be allowed within the key area. The proposed use is agriculturally-based entertainment, and is supported by the Master Plan. The use itself has already been determined to be consistent with the character of the RR-5 zoning district since it is an allowed use. The success of CPP has allowed a greater number of residents and families in the area to be able to enjoy the benefits of a community-focused rural lifestyle, thereby strengthening and supporting existing and future residential neighborhoods.

Area of Change Analysis

The subject property is identified in the Areas of Change map within the Plan as being within the “Minimal Change: Developed” area of change.

Page 21 of the Plan characterizes areas of “Minimal Change: Developed” by stating:

“These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of a denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may

occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.” (Emphasis added)

The site is a portion of an original homestead from the 1800’s and was not “developed” prior to the CPP activities. The area of change suggests that redevelopment of the large 40.52 acre property into more intense residential development could have been supported. However, the property owner instead chose to maintain the rural character of the 40.52-acre property by continuing the historic agricultural activities onsite with some limited agriculturally based commercial activities, thus maintaining the historic character of the site. With the events being occasional and seasonal, the property will remain a working farm for the greater majority of the year.

Placetype Analysis

The CPP property is within the Large-Lot Residential Placetype which includes agriculture, parks/open space, and commercial as supporting land uses. Parks/open space as well as commercial uses traditionally include large parking areas. The “Agritainment” use is a hybrid of all three supporting land uses and combines agricultural and commercial uses into a park-like setting and is a compatible use per the Master Plan. In addition to the use being compatible, the location is also compatible. The Plan specifically states “Commercial uses are minimal in this placetype with a small-scale standalone business located on a major roadway.” The property is located on Highway 105 and is a stand-alone business. Additionally, El Paso County has determined the use to be compatible by designating it as a permitted use in the zoning district and a special use if the vehicles exceed 50.

The Placetype promotes the preservation of farmland and scenic views within the Large-Lot Residential Placetype (page 65):

“Additionally, some Large-Lot Residential parts of the County include environmentally sensitive areas that need to be protected. Development should not be allowed within a certain distance of the critical natural assets to ensure they are not negatively impacted by future development. Protecting farmland and scenic views is also an important component of conservation design within Large-Lot Residential areas.”

The CPP property is encumbered by a large drainageway along the eastern boundary. The proposal is not for a subdivision, therefore conservation design is not being specifically considered. Setting aside land for overflow parking will preclude construction of any structures or development of the area, which ensures the land will be preserved as an open space area. The parking area has been strategically located to reduce potential visual impacts and is only utilized for a few days out of the year during the peak days of the Tulip and Fall season.

- ***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;***

The evaluation of compatibility is somewhat subjective. The authors of the Your El Paso Master Plan (2021) knew this to be true and provided guidance as to how to determine compatibility in terms of character. The property is within the Large-Lot Residential Placetype which includes agriculture, parks/open space, and commercial as supporting land uses. Both parks/open space as well as commercial uses traditionally include large parking areas. The “Agritainment” use is really just a hybrid of all three overarching supporting land uses categories by perfectly combining agricultural and commercial uses into a park-like setting making it a compatible land use within the Placetype. In addition to the use itself being compatible, the location is also uniquely suited for the Placetype, thereby increasing the level of compatibility. In fact, the Plan specifically states “Commercial uses are minimal in this placetype with a small-scale standalone business located on a major roadway.” The property is located on Highway 105 and is a stand-alone business. Additionally, El Paso County has determined the use to be compatible by designating it as a permitted use in the zoning district.

As discussed above, many of the permitted uses in the RR-5 zoning district may result in gatherings of vehicles similar to, or greater than, the requested special use. However, the difference between the proposed special use and the other allowed uses in the zoning district is that special use only operates seasonally and most of the other allowed uses are either year-round or, at the very least, operate for most of the year. With that understanding, it would not be unreasonable to determine the proposed use to have a significantly lower impact in the area than many of the other allowed uses over the course of a longer period of time.

CPP is located on the original homestead by the Brown family in the 1890’s that once included what is now the Canterbury and Jackson Ranch neighborhood. For the majority of the year, the property will remain a working farm. The Agritainment regulations were added to the Land Development Code as a way of preserving the rural lifestyle. Farmers can no longer make a living wage without subsidizing their income with Agritainment-type uses. More importantly, the Fall and Tulip Festivals are community gatherings. Community gatherings are critical to the health and wellbeing of all neighborhoods and should always be considered in harmony and compatible.

The special use request is to allow for 325 vehicles at any one time. The events that exceed 50 vehicles at any time include the fall festival and the tulip festival. This is a total of 6 weeks per year and 8 weekends per year. Screening the parking area with a solid fence/wall and placing it strategically north, adjacent to Highway 105 and adjacent to the thick vegetation located to the west allows for the parking area to be in harmony with the surrounding neighborhood for these few weeks that the parking exists.

The picture below clearly depicts how the use is compatible and in harmony with the surrounding neighborhood.



- ***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 traffic impact study submitted for the special use identifies that the existing roadway network can handle the anticipated traffic. The study identifies the need to make improvements to the roadway network as a result of the proposed use (see above for more details), regardless of the seasonal nature of the use.

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

Per the traffic study, all access points will maintain a level of service of A and B, including during peak days of the Events. The level of service is an A and B even prior to the installation of the roadway improvements required by the ECM, therefore, even in the interim situation prior to roadway improvements, the special use will not result in unmitigated traffic congestion. Peak days generally only occur during the weekends of the Fall Festival in October and the two weekends of the Tulip Festival in May.

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

The CPP property owner has posted the Colorado mandated disclosure required of all “Agritourism” operators. If the special use is approved the applicant will submit a site development plan demonstrating compliance with all local laws and regulations.

- ***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***

As identified in the traffic study accepted by El Paso County, the special use to allow for more

than 50 vehicles at any given time will not be a detriment to safety and welfare of the present or future residents of the County. In fact, the requested special use will enhance the mental wellbeing of the greater community by providing a place for the community to gather, for families to continue traditions, and for children to experience the joy of the holidays while gaining a better appreciation of the rural, agricultural lifestyle that is part of the heritage of the Pikes Peak area.

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

The special use meets all rules and regulations included within the Land Development Code. A site development plan will be submitted, demonstrating compliance with all applicable sections of the Land Development Code and Engineering Criteria Manual. The submission will include, but is not limited to, a landscape plan, parking plan, grading and erosion control plan, and drainage report.

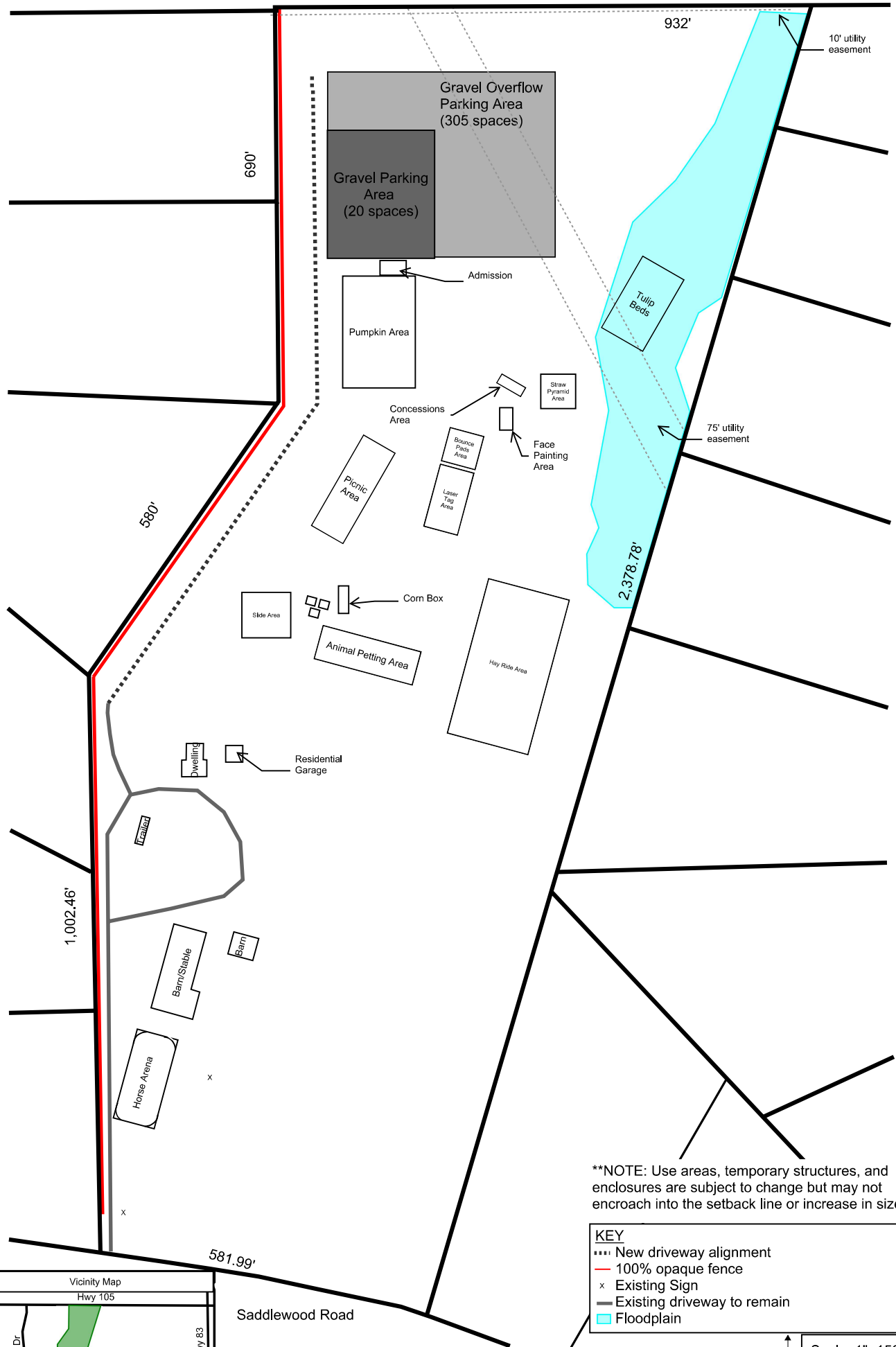
Neighborhood Outreach:

Vertex Consulting Services and one of the Colorado Kids Ranch youth employees visited all adjacent properties on December 7, 2022 to discuss the requested special use and to better understand the impacts to the surrounding properties. The primary area of concern of the adjacent property owners was traffic, with the majority of the neighbors identifying that these concerns would be mitigated if direct access from Highway 105 onto the CPP property were granted by the County. In an attempt to address the traffic concerns of the neighbors, CPP submitted a deviation request to the County on February 10, 2023. The deviation requested limited direct access onto Highway 105 for only the peak traffic days of the Events, totaling 24 days over a full calendar year. The requested deviation was intended to help mitigate the concerns of the neighbors by limiting the number of vehicle trips through the neighborhood. The deviation was denied by the County's engineering division and the County Engineer has indicated an appeal of this determination would not be successful. County engineering staff identified that deviation requests are not appealable beyond the County Engineer to the Planning Commission or Board of County Commissioners. For those reasons, direct access to Highway 105 is not a possible mitigation measure in association with the special use request.

Minor concerns regarding visual obstruction were identified by a few of the neighbors, but the majority of those neighbors believed the impacts could be mitigated with proper screening. Only one of the 37 adjacent property owner specifically identified noise as a concern.

In addition to speaking with the adjacent property owners in person, a total of 37 letters and requests for input were sent to those neighbors who are not adjacent but could be impacted by the special use. The majority of the surrounding neighbors chose not to provide feedback. However, a number of neighbors expressed their support for the CPP operations. Numerous letters of support from those in the neighborhood, as well as in the greater community have been attached to this letter.

Highway 105



****NOTE:** Use areas, temporary structures, and enclosures are subject to change but may not encroach into the setback line or increase in size.

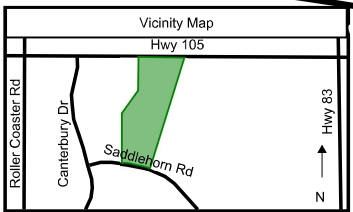
KEY

- New driveway alignment
- 100% opaque fence
- x Existing Sign
- Existing driveway to remain
- █ Floodplain

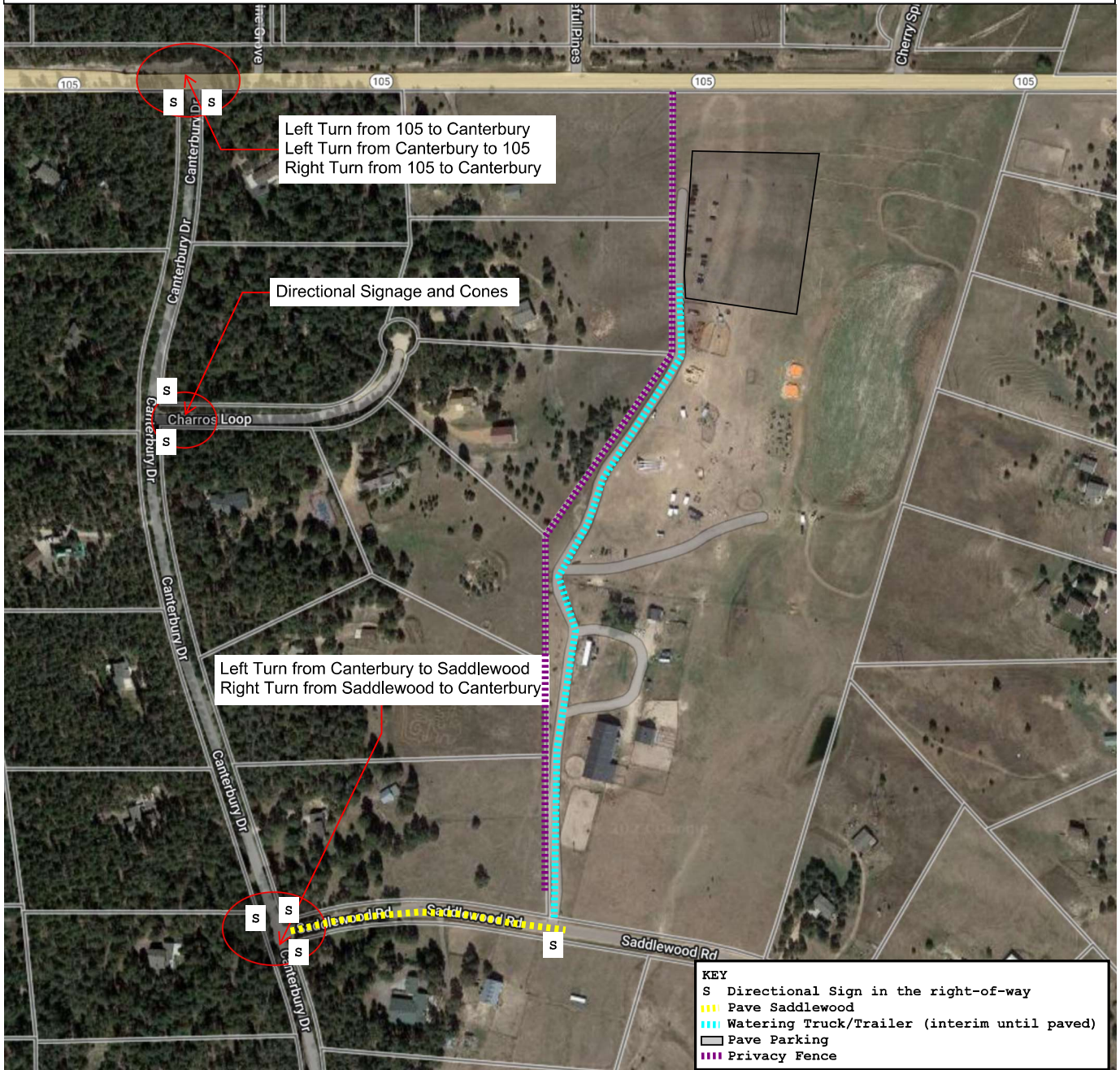
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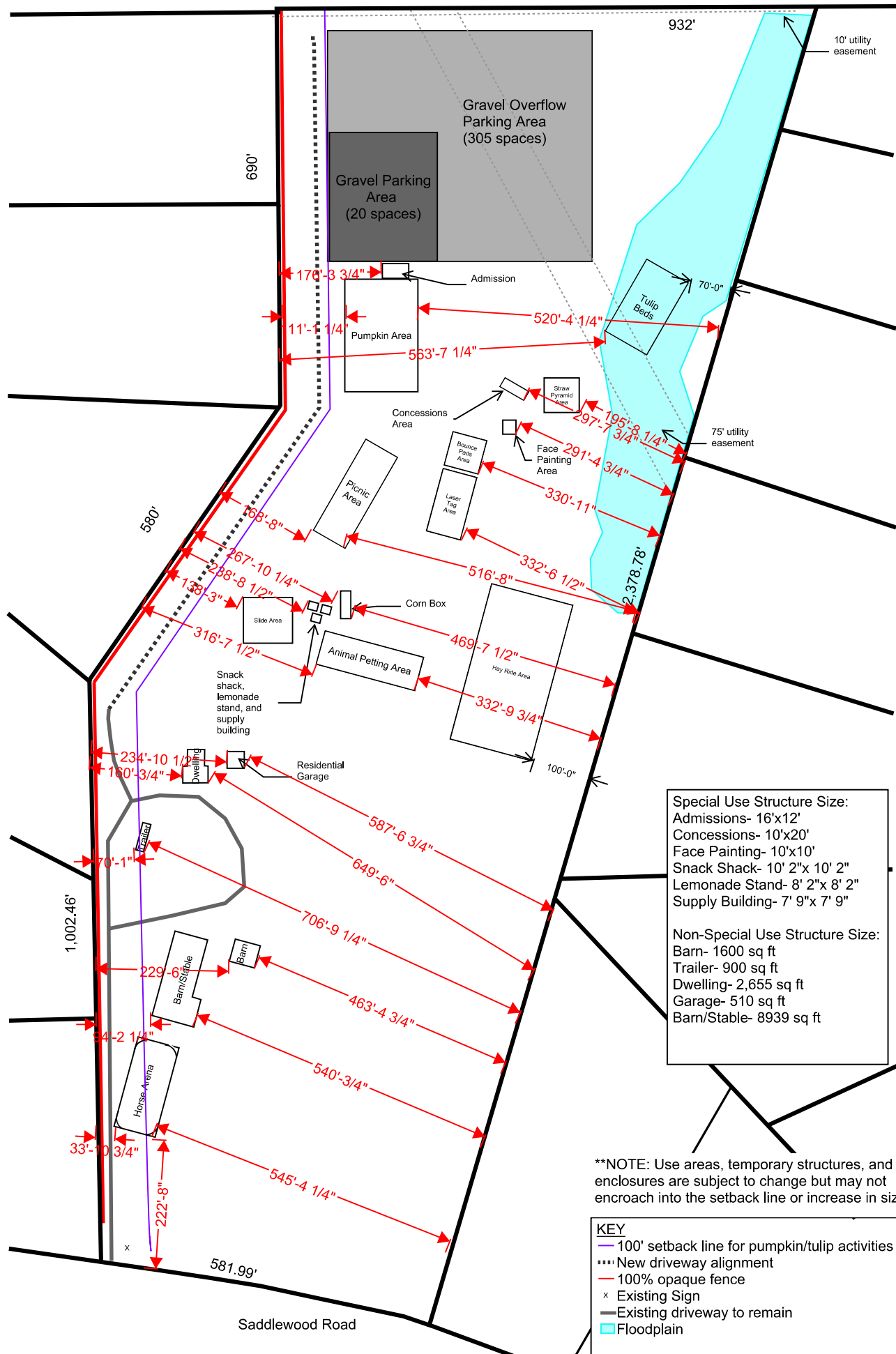
Date of Preparation: May 18, 2023



Mitigation Effort Exhibit



Highway 105



| | |
|--|----------------|
| Special Use Structure Size: | |
| Admissions- | 16'x12' |
| Concessions- | 10'x20' |
| Face Painting- | 10'x10' |
| Snack Shack- | 10' 2"x 10' 2" |
| Lemonade Stand- | 8' 2"x 8' 2" |
| Supply Building- | 7' 9"x 7' 9" |
| Non-Special Use Structure Size: | |
| Barn- | 1600 sq ft |
| Trailer- | 900 sq ft |
| Dwelling- | 2,655 sq ft |
| Garage- | 510 sq ft |
| Barn/Stable- | 8939 sq ft |

****NOTE:** Use areas, temporary structures, and enclosures are subject to change but may not encroach into the setback line or increase in size.

| | |
|------------|--|
| KEY | |
| | 100' setback line for pumpkin/tulip activities |
| | New driveway alignment |
| | 100% opaque fence |
| | Existing Sign |
| | Existing driveway to remain |
| | Floodplain |

*A survey will be provided at the time of the site development plan to include all permanent structures and to verify setbacks for all permanent structures. A self-imposed 100' setback is depicted on the west side of the property to address specific concerns voiced by neighbors.
 **A landscape plan will be provided with the site development plan.

Scale: 1"=150'

Date of Preparation: May 18, 2023