

From: Dave Ellis <dai69@reagan.com>
Sent: Monday, September 4, 2023 4:03 AM
To: PCD Hearings
Subject: File Number: AL2217 Comments and Evidence In Opposition to Special Use Application by Colorado Pumpkin Patch LLC - Its Operation is an Amusement Park and Not Agritainment
Attachments: CPP Barrel Train with Wheel in Distress and Thrilling Hands Up over Bump 2022-10-09.jpg; CPP Three 100 foot long thrill slides from website.jpg

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To Whom It May Concern,

I am in possession of a one page Notice of Public Hearing, File Number: AL22127, mailed on 8/21/2023 but not to me. A copy of it was given to me by a neighbor who lives adjacent to the Colorado Pumpkin Patch LLC (CPP LLC) property and I am one 5 acre lot removed from the CPP LLC property.

A neighbor also gave me a copy of the CPP LLC Special Use - Agritainment Letter of Intent dated May 11, 2023, PCD File No: AL2217. In this Letter of Intent I see CPP LLC has only one limited request: "A request to allow for Agritainment activities 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."

I see no request by CPP LLC to conduct their for-profit business outside the scope of the county's Land Development Code "Agritainment" parameters except for the number of vehicles allowed on the property. Therefore I hereby present compelling evidence that the Colorado Pumpkin Patch LLC request must be summarily denied because CPP LLC clearly operates an Amusement Park on its property, not an "Agritainment" business.

The proponents and operators of the Colorado Pumpkin Patch LLC (CPP LLC) claim their operation merely involves "Agritainment" and

therefore “agriculturally related entertainment”. The county’s [Land Development Code](#) specifically prohibits amusement park attractions in an “Agritainment” endeavor. Paragraph 5.2.6 (G) of that Code states: “Excluded Uses. The following uses, among others, shall not be considered Agritainment: Indoor or outdoor amusement center.” The fact of the matter is Colorado Pumpkin Patch LLC operates a “barrel train” mechanized amusement park attraction requiring permitting, proof of inspection, and proof of liability insurance by the Colorado Department of Labor and Employment, Amusement Rides and Devices Program. In 2022 the Colorado Pumpkin Patch LLC operated this attraction illegally without the required state permit. Now they have obtained a permit from the state’s Amusement Rides and Devices Program to operate this mechanized barrel train amusement park ride through May 31, 2024. *Reference* Leslie Sohl, Amusement Rides and Devices Program Manager, Division of Oil and Public Safety, Colorado Department of Labor and Employment, email leslie.sohl@state.co.us , phone (303) 941-9438, address 633 17th St., Suite 500, Denver, CO 80202.

This in itself is irrefutable proof that Colorado Pumpkin Patch LLC is operating an amusement park and not an Agritainment endeavor as described in the Land Development Code. Although the state’s Amusement Rides and Devices Program concerns itself with permits for only mechanized amusement park attractions, Colorado Pumpkin Patch LLC operates numerous non-mechanized amusement park attractions that have nothing to do with agriculture in any way such as a laser tag attraction and three 100 foot long thrill slides that CPP LLC calls “hay slides” but which have absolutely nothing to do with hay or agriculture. These thrill slides are partly responsible for the loud amusement park screaming that incessantly emanates from the CPP LLC property for eight hours each day and can be clearly heard many Canterbury properties

away, triggering anguish and worse in the significant percent of the population that suffers from Post-traumatic Stress Disorder (PTSD). See “Post-traumatic Stress Disorder (PTSD) Statistics: 2023 Update” <https://cfah.org/ptsd-statistics/>.

In my youth I milked an average of 28 Guernsey cows twice a day, cared for three Belgian draft horses and various other animal species, raked, baled and put up hay, combined oats, etc. I am as well qualified as any to determine what CPP LLC attractions are agriculturally related, and probably better qualified than most among the county’s Planning Commission and those on the Board of County Commissioners. I hazard a guess that at least half of the CPP LLC attractions are in the amusement park category and are not “agritainment”. If you inspect the CPP LLC property to determine what is actually “agritainment” and what is not (and you absolutely should), please invite me to accompany you.

The implications of CPP LLC operating an amusement park and not an agritainment enterprise go far beyond denying the instant Special Use request. It is incumbent upon the county to immediately sanction CPP LLC for operating an amusement park outside the parameters established for "Agritainment", even if the limit of 50 vehicles on the CPP LLC property is complied with. County Code Enforcement has emailed me they have no enforcement power over CPP LLC. Surely there must be a remedy for the wrongs committed by CPP LLC. Do what you must to remedy the wrongs committed by Colorado Pumpkin Patch LLC that inflict pain and anguish on their surrounding neighbors, but **YOU MUST DO SOMETHING TO STOP THIS LAWLESSNESS.**

Almost as an aside, I would like to mention that during its autumn 2022 Pumpkin Patch month and a half run, animals on the CPP LLC property repeatedly escaped and sought refuge in surrounding non-adjacent Canterbury Estates properties. Neither were the

animals kept on returning to CPP, as after the second escape CPP LLC said they didn't want the animals back. It was quite evident that many hundreds of children and up to 300 vehicles in an amusement park at one time was not a proper environment for these animals.

I will submit at least two other emails filled with Comments and Evidence in Opposition to the Special Use Application by Colorado Pumpkin Patch LLC. As I am unable to participate in the September 7th hearing due to travel out of state and a schedule that prohibits remote participation in the public hearing, please ensure my comments here are provided to the Planning Commission for their consideration.

Thank you.

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Attachments

Photos of barrel train and thrill slide amusement park attractions



Wheel Toe, Caster and
Camber Issues



Hands Up for Jump
Over Bump



CPP LLC Amusement Ride
"Tractor Cow Train"

Sometimes operates with 12 cars in train.

