

Ryan Howser

From: jillfowler@earthlink.net
Sent: Wednesday, September 14, 2022 11:17 AM
To: Ryan Howser
Subject: RE: RE: Rael RV Storage

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Hi Ryan,

Thanks for the quick response. I appreciate it. I think I have some follow up questions, but I will sit on it for a little in order to try to avoid unnecessary back and forth.

It was never my intention of carte blanche giving up my right to oppose the special use permit - I was actually holding off on making that decision until I saw a finalized, code compliant plan. To date, the County's process has forced me to compartmentalize issues vs. addressing the whole picture, and most recently I needed to focus on the variance request and the special use separately. Since you and others made it very clear that it wouldn't serve any purpose to address the special use itself at the BoA meeting (you were right about that, by the way as one of the Board members admonished the group and suggested other presenters stick to the variance criteria as they weren't there to vote on the special use), I did not want to use any of my precious 3 minutes to address anything regarding the special use. In fact, I was the only one at the meeting in July who stuck to the variance criteria - everyone else, including Jonathan Moore, Rael, Dunston, etc. all spoke to how the RV storage was offering such a great service to the community and shouldn't be taken away.

Because Rael has been saying (and writing) all along that he wasn't able to meet the 50 foot setback in the current location due to access/egress issues and spelled out that the storage is between an existing roadway and a fence which cannot be moved, that led me and everyone else to believe that he had no other option but to relocate the storage to another area on his property if he had to meet the 50 foot setback. Based on our previous conversations as well as your redline comments on the site map, I believe you and others in the County were also going on the premise that he would have to relocate the storage to comply with the code based on what he presented. I never even considered that he now would essentially say "just kidding" and wouldn't relocate the storage elsewhere on his property. In fact, Rael outlined all of the extra cost and reasons why he could not relocate the storage elsewhere, so even he presented it to the County and to the Board as if he had no other options but to get the 30 foot variance approved. As you know, that was the basis of my opposition statement for the variance request and no one said anything otherwise (like, "we could move it 50 feet, but we just don't want to..." It was all based on "can't"). Turns out, he essentially lied about this for his own personal gain (and yet another delay tactic).

At this point, because Rael has been dragging his feet on this and has been less than truthful and forthright during this entire process, and because he has not made one good faith gesture to move those RVs off my property line even a little after his variance request was denied, I **do intend** to oppose the special use permit and wish to speak at the public hearings. And, I know most, if not all of the others, who were in opposition to the variance request will also be opposing the special use permit. Had he simply relocated the storage to another area on his property, like we all thought he had no choice but to do based on everything he stated, we might not be in this same place.

I believe I can make a case that Rael's request does not meet all of the special use criteria, nor do I believe he meets the Intent of a Rural Home Occupation as a Special Use. He is choosing to locate the storage where it has the most negative impact on me and my other neighbors and I am meeting with my real estate professional today to start the process of quantifying and documenting that impact. He had other options on his 40 acre property to mitigate negative impact for everyone concerned vs. just taking his personal preferences into account (I will add that at this point his current actions come across to me as spiteful). In my verbal opposition, I will plan to speak to the relevant criteria in the Code. The Special Use criteria and Rural Home Occupation as a Special Use seems a bit more subjective than the Variance criteria, and I am aware that I may not get the outcome I would like. But I feel like I might have just as much chance of prevailing as Rael has. On the other hand, if I do nothing at this point, then I'm fairly certain the special use permit would be approved out right since he would theoretically be in compliance with the Code in terms of setback, screening, etc.

I still would like a better understanding of the difference in focus of the Planning Commission meeting from the BoCC so I know where my focus should be on my verbal remarks. Could you please give me a call when you have a few minutes so we can discuss? Thank you.

Jill

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

From: Ryan Howser <RyanHowser@elpasoco.com>
Sent: Sep 13, 2022 8:48 AM
To: jillfowler@earthlink.net <jillfowler@earthlink.net>
Subject: RE: RE: Rael RV Storage

Jill,

Please see below for answers to all your questions. Let me know if you have any questions. If you are opposed and wish to speak in the public hearings, please let me know.

-----Forwarded Message-----

From: <jillfowler@earthlink.net>
Sent: Sep 9, 2022 3:57 PM

To: Ryan Howser <RyanHowser@elpasoco.com>

Subject: RE: Rael RV Storage

Hi Ryan,

Thanks for the heads up on this. I'll just say straight up that it is very interesting that all along, Rael has been saying (in writing as well) that he can't comply with the 50 foot setback in the current location due to access/egress issues as well as the fact that the storage is between an existing roadway and a fence which cannot be moved. His variance request was even based on this premise. Well, it's a MIRACLE! Turns out he apparently was not being forthright since now he is simply going to move everything out 50 foot after his variance request was denied. This is yet another example about why I am concerned about what is accurate and what is inaccurate in his site plan and letter of intent and I have always wondered who validates what he submits.

That be as it may, I do have some questions. Since I have a few, I wanted to email them to you so you had the opportunity to do any research, if required. Hoping we can talk about these once you are ready in case I have any follow up questions and to avoid back and forth emails.

1. Re: the 6'foot, 3 sided privacy fence - where will the fence be located? Is it at the 50 foot setback line on the north and west side (the south side is a moot point) or somewhere else? If it's less than the 50 foot setback requirement, what will be put in place so the RV owners know where the 50 foot mark is?

The fence is required to be located surrounding the entire storage use. It will need to meet the 50 foot setback requirement.

2. Regardless of where the fence will be located, is Mountain View OK with a fence potentially still in the utility easement?

If the fence is 50 feet from the property lines, it will no longer be located in the MVEA easements.

3. I assume he went with 25 trailers so he can continue to simply park everything on the grass/weeds/dirt? I think I remember at the BoA meeting that someone said there needs to be parking gravel or something else for anything more than 27 trailers. (And before anyone thinks he is being the big man by reducing the number of proposed trailers by almost half, there was no way he was ever going to get 45-50 trailers in the space he has always had designated as the RV storage area. The most I have seen in that area along my property line was 27 and there was no room for others. I had always wondered how he thought he was going to get up to 50 trailers in unless it extended beyond my southeast property line on to my neighbors property and outside of the area he had designated on the site map. But, I was told that I don't need to worry about that, because if anything was approved, he would be held to whatever area he designated on the map.) I assume all of the other stuff he has parked beyond my property line and on the property line of my neighbors to the south will have to be removed or moved, if it fits in where he has outlined it on his map.

Correct. He has elected to keep the number of vehicles stored at 25 to meet this requirement.

4. How is the rear of the property determined? I'm referring to the code where it talks about Storage of Equipment and Vehicles, specifically "All equipment and vehicles exceeding the height of the fence shall be stored on the rear 1/3 of the property except when adjacent to a residential zoning district..." I know that's what is partly resulting in the 50 foot setback requirement, but I'm curious what the rear of the property is, especially since there is at least one side of his property that is not adjacent to a residential zoning district. When I think rear, it seems like it's the property at the back of the residence, which in this case would be on the north side of his property. But, maybe it's determined based on the access off of Highway 83?

The rear of his property is the site adjacent to your property. His 'front' is the side facing Hwy 83.

5. Is there some setback requirement off of the access roadway going into a commercial business? Or, is it within code to possibly have the hitches/front of some of those RVs just inches from the access road?

Everything that is being stored is required to be enclosed within the fenced area.

6. What is the specific purpose of the Planning Commission meeting? Is it a public hearing that anyone can speak at? If so, I assume we get only 3 minutes each to speak? I'm thinking the meeting is just to confirm that the Site Plan and letter of Intent meet the requirements of the Code in order to have the BoCC review the special use? If that's the case, I'm trying to figure out if there is a purpose of me attending and/or speaking at that meeting. Just trying to assess what I would need to speak to since my opposition of the use is not approved or denied at this meeting but rather the BoCC?

This is correct. Special use permits by default are considered administratively by the Planning and Community Development Director. The hearing is the Director's decision if there are neighbor concerns. That is why we sent out the mailings advertising administrative approval, since the gauge we received from the neighbor input several weeks ago seemed to imply that your opposition (and the others that had issued formalized opposition statements) would go away if he demonstrates that he meets the Code requirements. Since it is not clear and I don't want to eliminate neighbor involvement, we have given the option – if neighbors are still in opposition and wish to speak at the public hearing and have substantial evidence that the project does not meet the special use criteria, I will need confirmation in writing (you can reply to this email to confirm). Planning Commission is advisory to the BoCC so they make a recommendation based on the testimony they hear and then the BoCC makes the final decision. I would recommend if you are opposed that you attend both hearings and plan to speak at both hearings.

7. If I decide it makes sense for me to speak (depending on what I am speaking to), is there a way to contact the Chair of the Planning Commission to get approval ahead of time to speak for up to 6 minutes? Again, that will depend on what I might need to be ready to address, but I want to be prepared ahead of time. (What I'm trying to get at here is that at the BoA meeting, I knew I needed to speak to the variance criteria. And, at the BoCC, I need to speak to the special use criteria. I'm trying to understand what I need to direct my remarks toward for the Planning Commission meeting, if that makes sense - and I'm not asking you to advise me on what to say; I just need to know where I am best served to place my focus.) FYI that I plan on

contacting the County Clerk ahead of time to ask for 6 minutes at the BoCC meeting. I know at least one of my neighbors is agreeable to having me take his time at the meeting.

You would need to have someone else present who is also opposed and wishes to donate their time to speak to you in order to increase your time. They must be present at the hearing and it will waive their right to speak. Same concept applies at BoCC.

8. Am I reading the site map correctly? All of the previous versions show the round pen on the northern end of Rael's property, but this revised one does not. I'm thinking he is planning on taking out the round pen and possibly moving the storage area further north?

Correct.

9. Everything I see shows that the storage area is less than 2% of the overall land. Is there anywhere where the actual dimensions are indicated?

This is accurate. It is approx.. 1% of the property under the current configuration.

10. I found info in the code regarding Recreational Vehicle Setback Standards. It indicates that a 20 foot setback from other recreational vehicles is required. I assume that applies to this storage? Currently the RVs are stored less than 20 feet from each other in most cases.

That is specific to the RVP (RV Park) zoning district and does not apply to storage of vehicles. It is intended for situations where people are residing in RVs in an RV park.

11. Also, there is a 25 foot setback from local or collector roads (this relates to question #5 below). Rael has called the road in front of the storage an "access" road and a "roadway" but I don't know how that might be different from local or collector roads.

The 'road' across his property is not a road per our standards. It's a private driveway. The Code you reference only applies to setbacks from roadways.

12. Lastly, I noticed on EDARP that you sent a letter out on September 7. I imagine we will get that any day now, but I'm confused about it. It indicates that the Planning and Community Development Director may make a formal decision on 9/22. How is that different from the Planning Commission meeting that you said would likely be October 20th? And I thought it was a public hearing?

13. The letter also says the approval process may be elevated to the BoCC for consideration. I'm confused on that as well because I thought BoCC is the one who approves or denies the special use request? And, you told me that would likely be November 2. I'm confused.

These last two questions are answered in my response to question 6 above. We are prepared to take this case to the October 20th and November 1st hearings if it is going to be elevated to a public hearing.

Thanks for your time Ryan. Please give me a call to discuss at your convenience.

Jill

719-660-4349

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

From: Ryan Howser <RyanHowser@elpasoco.com>
Sent: Aug 30, 2022 1:28 PM
To: jillfowler@earthlink.net <jillfowler@earthlink.net>
Subject: RE: Rael RV Storage

Jill,

They resubmitted the applications today. I am anticipating a Planning Commission hearing of October 20th and a Board of County Commissioners hearing of November 1st.

From: jillfowler@earthlink.net <jillfowler@earthlink.net>
Sent: Monday, August 29, 2022 5:01 PM
To: Ryan Howser <RyanHowser@elpasoco.com>
Subject: Rael RV Storage

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Hi Ryan,

I know Rael's revised application needs to be in by today, but I don't yet see it on the website. Can you please confirm that this is where it will be posted?

<https://epcdevplanreview.com/Public/ProjectComments/111156>

Thanks.

Jill

