

of 50. The Pumpkin Patch operates for six weeks every year, beginning in late September. Chapman also holds a tulip festival over two weekends in May and runs summer youth camps. His nonprofit, the Johnny Pumpkinseed Program, allows families with foster or special needs children to enjoy the pumpkin patch for free.

As the pumpkin patch became more successful, the number of cars parking at the property exceeded the permitted 50. This generated complaints from neighbors which saw the county issue code violations and led to Chapman applying for a special use permit to increase the parking cap to 325. Although the property is adjacent to Highway 105, it does not have direct access to it and so visitors use Canterbury Drive and then the unpaved Saddlewood Road to reach the property.

The county has received a lot of correspondence about the traffic driving to and from the property, both in support and opposition. At the Planning Commission, neighbors raised concerns about traffic congestion, public safety, noise, dust, fire danger in a heavily wooded area with no hydrants, and littering.

Eleven citizens voiced these complaints again at the BOCC hearing. Neighbor Rikki Van Pelt said, "My kids personally were almost hit on our own property. We've had people drive through our backyard to try to find the pumpkin patch." Other neighbors testified to the volume and speed of traffic making it dangerous to walk or ride horses in the neighborhood when the Pumpkin Patch is in operation. One neighbor stated that the particulates in the dust could stay airborne for 10 days and questioned what carcinogens or other contaminants might be in it.

Eleven citizens spoke in support, commenting that the patch provided good family entertainment in a safe place, created community, and gave families the opportunity to reconnect with agriculture and farming. Many commented that Chapman provides valuable work opportunities for young people and commended his mentoring of young employees.

The commissioners heard that county staff had recommended several road improvements both on and off the property to be paid for by Chapman as part of the special use permit and to mitigate the neighbors' concerns. These include turn lanes on Highway 105 at Canterbury Drive, the paving of Saddlewood Road up to the property's entrance, asphalt chippings in the parking lot and driveway, and a privacy fence on the western boundary. The recommendation was that all be completed by September 2024.

Nina Ruiz of Vertex Consulting Services, representing the owner, said Chapman was willing to make all the required improvements but would need longer to be able to afford them. Chapman is proposing an alternative timeline which would see the improvements completed in stages up to the end of 2028. Craig Dossey, also with Vertex, mentioned the cost of the improvements again as he argued for the special permit stating, "Quite frankly, if he's [Chapman] asked to do \$1 million of improvements, he needs to have more income. That's business. That's just good business. He can't afford \$1 million of improvements both onsite and offsite and operate six weeks of the year."

Earlier in the year, Chapman applied for a deviation to allow direct access from Highway 105 which was denied as county plans to reduce the number of access points directly onto the highway as part of its Highway 105 Improvements Project. The proposed access would also have been too close to other access points, raising safety concerns. Both Ruiz and Dossey argued again for access direct from the highway during the events, stating this would also be the neighbors' preferred solution and would reduce Chapman's costs.

Addressing the commissioners, Dossey said, "Today's the day to help a small business continue to survive." He added, "Agricultural uses are going by the wayside. If we do not allow them to supplement their income, they will be gone."

The vote to approve was 4-0 with Gonzalez absent. The commissioners adopted the longer time limits proposed by Chapman with the intention that the longer timeframe be used to explore further the possibility of access from Highway 105. Moving for approval, Commissioner Carrie Geitner said, "I'll say for my part specifically, I'm not convinced that routing the traffic through the neighborhood is more safe than providing an additional access point [on Highway 105], and safety is a primary concern."

The Pumpkin Patch opened for the 2023 season two days after the hearing, on Sept. 16. See photo and caption on page 1.

Neighbor David Elson addressed the Sept. 23 Planning Commission meeting to thank the commissioners for their Sept. 7 decision on the application and to criticize that of the BOCC. He said, "Our neighborhood's residents feel betrayed by the commissioners who cast aside our land code's restrictions in favor of a specific interest and their own self-interest." He continued, "The agritainment concept is relatively new, being adopted by the code in 2017. It was written specifically to enable the Colorado Pumpkin Patch to relocate from its proximity to Matthew Dunston's Preserve at Walden housing development into our neighborhood, zoned residential." "Having donated a 23-

acre site for the construction of Monument Academy High School and after his donations of thousands of dollars to election campaign funds of current county commissioners, Matthew Dunston is the darling of

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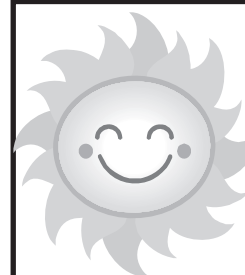
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