



## TELLER COUNTY COMMUNITY DEVELOPMENT SERVICES

P.O. Box 1886 • Woodland Park, CO 80866 • Phone: (719) 687-3048 • FAX: (719) 687-5256

VIA US CERTIFIED MAIL #7019 2280 0001 2467 0634 AND VIA U.S. REGULAR MAIL

Code Enforcement File: Newell /21478 S Hwy 67

May 14, 2020

Ms. Betty J. Newell  
P O Box 37  
Divide, CO 80814

**Re: Notice Violation of Teller County Codes and Regulations**

Legal Description: 19-13-69 NW4 SW4 or L3 19-13-69 SW4 or L4 30-13-69 L2+ W2 SW4 NW4 30-13-69 W2 L3+ NE NW SW4 + NW NE SW4 + W2 E2 SE4 NW4 + N2 SW4 NE4 SW4 +NW4...

Physical Address 21478 South State Highway 67  
Account No. R0014359/Parcel ID 3043.302000400  
Zone District: A-1 (Agricultural) 307.9700 acres

Dear Ms. Newell,

The Teller County Community Development Services Department ("Department") received a code enforcement complaint against your property. Based on the information provided it appears that there is an ongoing and active gravel pit operating on the parcel mentioned above. Mining (i.e. gravel pits) in the A-1 Zone District is not a use by right and would require a special use permit per Section 2.6.1 of the Teller County Land Use Regulations.

**Specific Violations of the Land Use Regulations: Section 2.6.1**

**Section 2.6.1**

**AGRICULTURAL ZONE DISTRICT (A-1)**

That portion of Teller County primarily devoted to the purposes of general farming, forestry, ranching, and other such agricultural and residential uses not otherwise zoned.

A. **Uses.** (For Rural Land Preservation Subdivision Exemption uses see *Chapter 9, Section 9.11.*)

1. **Permitted Uses**

PERMITTED USE	CROSS-REFERENCE
Accessory Dwelling Unit (as restricted)	Section 2.5
Agricultural uses including general farming, forestry, and ranching	
Animal Hospital / Veterinary Clinic: ≥35-acres	Section 8.3.A

only. See Use Restrictions below.	
Animals - pet animals	
Animals - commercial and non-commercial domestic hoofed livestock; commercial and non-commercial small livestock, poultry, fowl	
Camping on property less than 60 days/year	Section 2.4
Child Care Center - 4 or fewer	Section 8.3.Q
Communication facility - roof or wall mounted	Section 8.3.I
Communication facility - "stealth"	Section 8.3.I
Dwelling - up to 3 single-family residential units (as restricted) (includes mobile home)	Section 2.5; Section 2.6.1.B
Emergency services facilities (subject to Location and Extent review)	Section 8.4
Essential services (subject to Location and Extent review)	Section 8.4
Family Child Care Home: 5 or fewer	Section 8.3.Q
Foster Care Home: 5 or fewer	Section 8.3.Q
Guest House (as restricted)	Section 8.3.M
Home Business - No Impact	Section 8.3.N; Chapter 12
Home Health Services/Home Health Care (peripatetic)	Section 8.3.Q
Homemaker Agency/Services (peripatetic)	Section 8.3.Q
Hospice care - (peripatetic)	Section 8.3.Q
Independent Residential Support Services (peripatetic)	Section 8.3.Q
Livestock Boarding facility: ≥35-acres only. See Use Restrictions below.	Section 8.3.D
Personal Care Agency/Services (peripatetic)	Section 8.3.Q
Public uses and facilities (subject to Location and Extent review)	Section 8.4
Respite Care Provider/Services (peripatetic)	Section 8.3.Q

2. **Administrative Review Uses**

ADMINISTRATIVE REVIEW USE	CROSS-REFERENCE
Assisted Living Residence: 8 or fewer	Section 8.3.Q
Communication facility - co-location only	
Community Residential Home: 8 or fewer	Section 8.3.Q
Family Child Care Home: Between 6 and 12	Section 8.3.Q
Foster Care Home: Between 6 and 12	Section 8.3.Q
Group Home for the Aged: 8 or fewer	Section 8.3.Q
Group Home for the Mentally Ill: 8 or fewer	Section 8.3.Q
Temporary Construction Office Trailer	Section 8.3.BB
Temporary Housing	Section 2.4

3. **Conditional Uses**

CONDITIONAL USE	CROSS-REFERENCE
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CONDITIONAL USE	CROSS-REFERENCE
Adult Day Care Facility	<i>Section 8.3.Q</i>
Alternative Care Facility	<i>Section 8.3.Q</i>
Animal Hospital / Veterinary Clinic. See Use Restrictions below.	<i>Section 8.3.A</i>
Assisted Living Residence: 9 or more	<i>Section 8.3.Q</i>
Bed and breakfast operations	<i>Section 8.3.C</i>
Cemetery	<i>Section 8.3.G</i>
Child care center - 5 or more	<i>Section 8.3.Q</i>
Church, temple, synagogue, or other religious worship facility	<i>Section 8.2</i>
Communication facility - free standing	<i>Section 8.3.I</i>
Communication facility - public safety	<i>Section 8.3.I</i>
Community Residential Home: 9 or more	<i>Section 8.3.Q</i>
Educational Institution- public or private	<i>Section 8.2</i>
Family Child Care Home: 13 or more	<i>Section 8.3.Q</i>
Foster Care Home: 13 or more	<i>Section 8.3.Q</i>
Fuel storage and bulk sales	<i>Section 8.3.L</i>
Group Home for the Aged: 9 or more	<i>Section 8.3.Q</i>
Group Home for the Mentally Ill: 9 or more	<i>Section 8.3.Q</i>
Group Meeting Facility (except those uses otherwise specifically described in this table)	<i>Section 8.2;</i> <i>Chapter 12</i>
Home occupation	<i>Section 8.3.O</i>
Intermediate Nursing Facility: Mentally Retarded	<i>Section 8.3.Q</i>
Kennel: <30 animals. See Use Restrictions below.	<i>Section 8.3.S</i>
Life Care Institution	<i>Section 8.3.Q</i>
Livestock Boarding Facility. See Use Restrictions below	<i>Section 8.3.D</i>
Nursing Facility	<i>Section 8.3.Q</i>
Parking - commercial or public	<i>Section 8.3.W</i>
Respite Care Provider/Services (facility)	<i>Section 8.3.Q</i>
Sawmill	<i>Section 8.3.Z</i>
Storage Yard: (1) Construction [Contractor's] or Construction Equipment; (2) Rental Storage Yard; and (3) Vehicle Towing and Storage Yard only	<i>Section 8.3.AA</i>
Wild Game Packaging	<i>Section 8.3.DD</i>

#### 4. Special Uses

SPECIAL USE	CROSS-REFERENCE
Batch Plant - Concrete or asphalt	<i>Section 8.3.B</i>
Campgrounds or Recreational Vehicle Park	<i>Section 8.3.F</i>
Day Treatment Center: any number	<i>Section 8.3.Q</i>
Elderly or Disabled Low-Income Residential	<i>Section 8.3.Q</i>

Facility	
Family Service Facility	<i>Section 8.3.Q</i>
Homeless Youth Shelter/Homeless Shelter	<i>Section 8.3.Q</i>
Kennel: $\geq 30$ animals. See Use Restrictions below.	<i>Section 8.3.S</i>
Low-Income Household Residential Facility	<i>Section 8.3.Q</i>
Mining - Including aggregate mining (gravel pits)	<i>Section 8.3.U</i>
Mobile Home Park	<i>Section 8.3.V</i>
Recreational facilities (Public/Private)	<i>Section 8.3.X</i>
Regional Center: Developmentally Disabled	<i>Section 8.3.Q</i>
Residential [Child] Care Facility: any number	<i>Section 8.3.Q</i>
Resorts	<i>Section 8.3.Y</i>
Secure Residential Treatment Center: any number	<i>Section 8.3.Q</i>
Specialized Group Facility [Child]: any number	<i>Section 8.3.Q</i>
Transitional Housing Facility	<i>Section 8.3.Q</i>
Waste-related uses	<i>Section 8.3.CC</i>

### **Ten (10) Day Period to Correct the Violation(s):**

Pursuant to § 30-28-124 and § 30-28-124.5, C.R.S., you are hereby notified that the above-referenced violation(s) must be corrected within ten (10) days of the date of this notice.

### **Remedies:**

In order to correct the above-described violations, you must do the following within ten (10) days from the date of this notice:

1. Cease and desist all gravel pit operations and contact Michael Crepeau, Planning Official to discuss this code enforcement matter. Mr. Crepeau can be reached at 719-686-5414 or via e-mail at [crepeaum@co.teller.co.us](mailto:crepeaum@co.teller.co.us).

### **Penalties:**

Failure to correct the violation(s) within such 10-day period may result in the issuance by the Teller County Sheriff of a summons and complaint stating the nature of the violation(s) with sufficient particularity to give notice of said charge(s). The summons and complaint shall require you to appear in County Court at a definite time and place to answer and defend the charge(s), and/or the assessment of costs to abate or correct the illegal condition(s) and/or issuance and service of a Stop Work or Use Order.

In addition to any other penalties that may be legally imposed, any person, individual, firm, corporation, partnership, or other entity violating any zoning provisions of these Regulations is subject to the imposition, by order of the County Court, of civil penalties provided and set forth in Section 30-28-124.5 of the Colorado Revised Statutes.

Each day that a violation continues is deemed to be a separate offense under certain provisions of Colorado law and the County's regulations, ordinances, and codes.

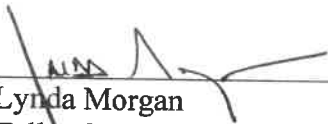
In addition to any other remedies provided herein and by law, and without the requirement of giving any violation notice, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use. If such action is filed, the violator is responsible for all court costs and shall pay any reasonable attorney's fees which the Board of County Commissioners may incur in enforcing this provision.

**Informal Resolution:**

It is the strong preference of the Department that this matter be resolved without the necessity of enforcement action. Accordingly, you are asked to contact the Teller County Planning Official, Mr. Michael Crepeau, at (719) 686-5414 or at email [crepeaum@co.teller.co.us](mailto:crepeaum@co.teller.co.us) within ten (10) days of the date of this notice to discuss a plan to resolve and remove the violation(s). Unless you are granted additional time within which to comply (in writing), you must correct the violations(s) within ten (10) days. If you fail or refuse to respond to this request, the County will proceed as authorized by Colorado law and the County's regulations, ordinances and codes.

You may research this issue by reviewing the Colorado Revised Statutes § 30-28-124 and § 30-28-124.5 or the Teller County Land Use Regulations, available at the Teller County Offices, 800 Research Drive, Suite #100, Woodland Park, Colorado, or on-line at [www.co.teller.co.us](http://www.co.teller.co.us)

Respectfully,

  
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Lynda Morgan  
Teller County Zoning Official

Cc: Michael Crepeau, Teller County Planning Official  
Teller County Attorney – *via e-mail*  
Code Enforcement File