

November 13, 2022

Kevin Mastin, Planning and Community Development (PCD) Executive Director
Ryan Howser, Planning and Community Development (PCD), Planner
El Paso County Board of County Commissioners (BOCC)

Re: Flying Horse North BOCC Hearing Nov 15, 2022

Opposition to the Flying Horse North plan

This submission presents my opposition to the Flying Horse North (FHN) sketch plan and proposal for increased development, particularly the proposed commercial development of a huge luxury resort hotel complex. **Request this submission be provided to and considered by the BOCC for the hearing on November 15, 2022.** As many others contesting this proposal have already written in and/or presented at the November 3, 2022 PCD meeting, the technical and legal descriptions of the numerous reasons as to why the BOCC must disapprove this over-development proposal, I see no need to repeat those intricate detailed explanations. Therefore, I am simply stating the main points of contention I fully and intentionally support, and refer you to consider the technical details of each issue as provided by other contesters.

First I wonder if any of you have actually been to the proposed development site to see for yourself the natural beauty, gorgeous mountain views, and roaming wildlife that this development will be destroying. The increased density and the proposed FHN luxury resort hotel complex development is so outrageously contradictory to maintaining *“the rural character of the County”*, *“the rural residential flavor of Black Forest”* or *“compatibility with the surrounding area”* as stated in and thus is in violation of the county master plan.

For once, members of the BOCC must put your personal interests and preferences aside and listen to and support the convictions of your constituents and residents in the area. Black Forest has always been and should remain a primarily rural area, and even though the historic Black Forest Preservation Plan was not honored or fully incorporated into the new County Master Plan, the Black Forest received assurances the new master plan would preserve the intentions of the BF Preservation Plan. The FHN proposal not only egregiously violates that plan, but totally ignores the current residents' concerns and objections, and commercializes a huge portion of the remaining open space rural environment within Black Forest and EPC in general.

I sincerely request the PCD and BOCC seriously consider the voluminous input and opposition to the FHN sketch plan and support EPC and Black Forest residents by disapproving this over-development by self-serving wealthy developers. The rural Black Forest area is not the appropriate place for a “tourist destination resort and event center” which will be detrimental to both the environment and the quality of life of the residents. I respectfully demand the BOCC put your constituents concerns above that of the developers and disapprove this plan.

The FHN proposal must be denied for several reasons:

1. **“The overall density is at least 2.5 acres/lot”** – Increasing the number of lots from the currently approved 202 to 846, and adding a 225-room luxury hotel with 16 casitas and 50 branded flats results in a significantly increased density. The proposal totally violates the 2.5-acre density conformance and compatibility requirements of the El Paso County Master Plan 2021. The proposed increase in density of this magnitude will destroy the current green environment, contribute to increased air, light, and sound pollution, traffic congestion, and fire danger, putting the lives of residents at increased risk. This is inconsistent with *“the rural, residential flavor of Black Forest”* and violates the county master plan.

2. **“It is compatible with the character of existing developed areas”** – The existing developments surrounding FHN consist of 2.5 to 40 acre properties. The proposed densities of 8-10 homes per acre in parts of the new FHN plan, and a huge luxury resort hotel complex are obviously unsuitable and NOT “compatible” with the existing larger densities “within the surrounding area”.

3. Water and Wastewater – Given water resources are a consistent and serious concern for all of El Paso County and Colorado in general, it is unconscionable that BOCC continues to approve massive new developments attaching to these water sources. The BOCC must have the foresight here to consider this serious aspect and disapprove the FHN expansion proposal. No residential or commercial development should be approved without a reliable renewable water supply source. They must not be permitted to attach to our finite non-renewable aquifers as the increased depletion will be detrimental to all residents.

4. Zoning Violation – Changing from RR-5 zoning to basically urban housing with as much as 8-10 homes per acre is not only a violation of the zoning regulations, it is a quality of life issue. Property owners are entitled to reasonable expectation that the existing living environment will be responsibly protected by the governing bodies in order to preserve their quality of life. The unjustifiable re-zoning to satisfy this FHN proposal is a flagrant abuse of authority, ignoring the parameters of the zoning requirements in place to protect current residents, and must be disapproved.

5. Fire, Medical, Security Support – A development of this size will require the construction and staffing of a new fire station and purchase of expensive specialized equipment, the staffing up of EPC Sheriff's Office Patrol Division, construction and staffing of new schools, and will have an impact on availability of medical treatment for all residents. Unless the developer will be required to significantly contribute to developing this supporting infrastructure, these costs will be unfairly borne by existing residents of the district. The initial strain on existing fire, police, medical, and schools will cause an increased risk of medical stress and loss of life and property to all residents in the area.

6. Traffic, Roads, Pollution, Wildlife – This development violates the “*rural residential flavor of the area*”, peace and quiet, open space and natural environment that has and still draws people to live in Black Forest. The increase in traffic and air, light and noise pollution will adversely impact overall air quality, intrude on the quiet serenity for residents, ruin the landscape and beauty of our rural environment, and disrupt wildlife patterns. When all is done, Black Forest will no longer be a rural small town and all the reasons tourists and residents come to Black Forest, and Colorado in general, will have been destroyed.

The FHN sketch plan proposal violates the County Master Plan, subverts the intent of the historic Black Forest Preservation Plan and protections of current property owners rights. This over-development, particularly the commercial development of a massive resort hotel and entertainment complex, will erode and eventually eradicate our rural residential environment, and with it all the reasons residents have made this area their home, and why future residents continue to pursue a more rural lifestyle in the Black Forest area.

The BOCC must support your constituents honoring the desires of the residents of Black Forest, to preserve the rural environment of Black Forest, by not approving this FHN extension proposal!

Respectfully,

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November 13, 2022

**Kevin Mastin, Planning and Community Development (PCD) Executive Director
Ryan Howser, Planning and Community Development (PCD), Planner
El Paso County Board of County Commissioners (BOCC)**

Re: Flying Horse North Hearing Nov 15, 2022

Opposition to the Flying Horse North plan

This submission is to voice my concerns and present my strong opposition to the Flying Horse North (FHN) sketch plan and proposal for increased development, particularly the proposed luxury resort hotel and entertainment complex. Request this be presented to and considered by the BOCC for the hearing on November 15, 2022. I know I am one of hundreds who have already written in and/or presented at the November 3, 2022 PCD meeting the multitude of reasons, technical and legal descriptions as to why the BOCC must disapprove this over-reaching over-development proposal. For time's sake, I see no practicality in repeating all of the complex or technical details of each of those reasons here, **so I present highlights of my contentions against the FHN plan, and refer you to consider the technical details of each issue as provided by other contesters, which I fully and intentionally support.**

Let me start by presenting for your consideration and perspective, the two enclosed photos. First, a recent photo of the current proposed development sight unequivocally establishing the rural nature of this location at Hodgen and Black Forest Roads, as evidenced by literally "where the antelope roam". The second is of the proposed FHN luxury resort hotel complex development. It is dramatically evident that the FHN development is appallingly outside the bounds of maintaining "*the rural character of the County*", "*the rural residential flavor of Black Forest*" or "*compatibility with the surrounding area*" as stated in and thus in violation of the El Paso County Master Plan 2021.



For too long the BOCC has voted with wanton hunger for the property taxes and subsequent revenues to be gained from major developments and developers throughout El Paso County (EPC), with total disregard for the desires, input, and oppositions by the community and your supporters. **ENOUGH!** The Black Forest has been, is now, and should remain a primarily rural area. Although the historic Black Forest Preservation Plan was not honored or fully incorporated into the new County Master Plan, the Black Forest received assurances the new master plan would preserve the intentions of the BF Preservation Plan. Although it seems the new master plan was purposely written with ambiguity and vagueness on this matter, to allow wiggle room and loopholes for the BOCC to approve whatever they want, the BOCC pledged publicly and in print to measure developments against the plan and uphold the new county master plan. This FHN proposal not only egregiously violates that plan, but totally ignores the current residents' concerns and objections, and commercializes a huge portion of the remaining open space rural environment within Black Forest and EPC in general.

It is my great hope the PCD and BOCC will seriously consider the voluminous input and opposition responses you are receiving on the FHN sketch plan and DO THE RIGHT THING in support of EPC and Black Forest residents by disapproving this over-development by greedy developers. Approval of this project would make a sham of the new master plan, turn Black Forest into a “tourist destination event center”, and be detrimental to both the environment and the quality of life of current residents. I respectfully demand the BOCC put your constituents concerns above that of the developers and disapprove this plan.

Issues of concern, incompatibility and/or violation of the El Paso County Master Plan 2021:

1. **“The overall density is at least 2.5 acres/lot”** – Increasing the number of lots from the currently approved 202 to 846, and adding a 225-room luxury hotel with 16 casitas and 50 branded flats results in a significantly increased density. Fewer and therefore larger lots reduce additional stress on the aquifers and risks associated with long-term water availability. Maintaining the current 202 lots as approved and not allowing the increased lots and luxury hotel complex will have a lesser impact on our current green environment for existing and future propagation of vegetation and woodlands, as well as the natural environment for wildlife preservation. The proposed increase in density of this magnitude will destroy the current green environment, contribute to increased air, light, and sound pollution, traffic congestion, and fire danger, putting the lives of residents at increased risk. This is incongruous with *“the rural, residential flavor of Black Forest”* and violates the county master plan.

2. **“It is compatible with the character of existing developed areas”** – The existing developments surrounding FHN consist of 2.5 to 40 acre properties. The existing larger densities are incompatible with densities of 8-10 homes per acre in parts of the new FHN plan, and a huge luxury resort hotel complex is so obviously unsuitable and NOT *“compatible with the surrounding area”* that it is hard to believe it is even being seriously considered at this location! The new FHN plan would establish a town of 4,000+ people plus a hotel complex with transient visitors in the middle of a rural area. This is in violation of the county master plan.

3. **Water and Wastewater** – Everyone knows, as do all of you on the BOCC, that water resources are a precious commodity in El Paso County and Colorado in general. Yet you continue to repeatedly approve new developments attaching to these water sources. The BOCC should not be short-sighted in considering this serious aspect of the FHN proposal. Even though the State of Colorado granted massive water rights to Cherokee Metro, “Paper water does not equal wet water.” No residential development, let alone a luxury resort hotel complex including golf course and other amenities, should ever be approved before providing proof of a reliable renewable water supply source. Our aquifers are a finite resource that is not renewable. Numerous recent developments and the water source restructuring for them has already increased the strain on current aquifer water resources. The combination of these water extractions plus the proposed increase in water extraction required for FHN will result in a serious concentrated depletion of the aquifers that could be catastrophic to the entire area, and therefore detrimental to both current and future residents.

4. **Zoning Violation** – Changing from RR-5 zoning to basically urban housing with as much as 8-10 homes per acre is a gross violation of the zoning regulations designed to protect people. Not only is this a violation, it is a quality of life issue. When people purchase their homes/properties, they are entitled to reasonable expectation that the existing living environment will be responsibly protected by the governing bodies in order to preserve their quality of life. While it is understood that people have no ‘guarantee’ that zoning around them will remain the same forever, they have a reasonable expectation that the zoning regulations in place will provide protection from flagrant changes to densities or arbitrary land uses. The magnitude of the FHN proposed zoning change is flagrantly arbitrary and capricious, making a mockery of the zoning requirements, and must be disapproved.

5. **Fire, Medical, Security Support** – A development of this size will require the construction and staffing of a new fire station in the Black Forest area. The hotel will also require a new expensive ladder truck and likely other specialized equipment. The BOCC has not allowed the fire district to collect fire impact fees from each lot that is sold, nor is it evident that the developer and/or the hotel complex will be required to significantly contribute to developing supporting infrastructure such as new health, safety, and security resources. Costs for a new Black Forest fire station and increased EPC Sheriff’s Office patrol staffing will

have to be unfairly borne by existing residents of the district. The cost of a new station and unique equipment to respond to 846 homes plus a 225-room hotel will place an unfair and huge burden on our already under-manned, under-equipped fire stations in the area causing an immediate increased risk of loss of life and property to all residents of this fire district.

Consider the current and continually understaffed EPC Sheriff's Office. According to the EPCSO website, the Patrol Division has only 8-15 deputies per shift patrolling 1990 square miles and numerous communities throughout the entire county. With this ridiculous FHN increase in population and commercial development will come a corresponding increase in incidents and crime, and decrease in response time from the limited EPCSO staff. Again, this creates increased risk of harm and actual survival to residents in the area.

Additionally, although medical resources in the county are expanding, due to staffing shortages the availability of medical treatment is not. The addition of this increased population, to include unknown numbers of transient guests at a huge luxury hotel complex, will also increase the current strain on medical resources and availability, putting residents at increased risk for critical medical care and loss of life.

6. Traffic, Roads, Pollution, Wildlife – This development violates the rural residential flavor, peace and quiet, open space and natural environment that has and still draws people to live in Black Forest. The increase in air, light and noise pollution is totally unacceptable as it will derogatorily impact overall air quality, will intrude on the quiet, darkness, and serenity for residents, and forever ruin the landscape and beauty of our rural environment. It will also further disrupt wildlife patterns, which has already been greatly impacted by the over-development within the county, leaving the antelope, deer, foxes, and numerous other wildlife to enter residential neighborhoods and sorrowfully become hazards on the roadways.

Others have provided the statistics and technical information on the incomprehensible volume of traffic this increase in the FHN development will create. Densities such as these will produce over six times as much traffic compared to the previously approved development plan. Then the ripple effect will be to expand many of the rural roadways through the area, resulting in traffic congestion not only in the immediate area but throughout Black Forest and surrounding roadways. An added dilemma is that new roads would have to follow current standards of shoulder, slope and ditch, resulting in undetermined swaths of trees being cut down, roads being widened and paved, until the "rural, residential flavor of Black Forest" no longer exists.

Lack of a logical and accessible evacuation routes is of dire concern, particularly given our wildfire susceptibility. There is no possible resolution to increase the population by 4000+ people and unknown numbers of transient hotel guests, and simultaneously develop a reasonable and efficient evacuation route. Current roads in Black Forest are already congested during evacuations, especially because multiple roads get closed. We personally were stuck in miles of traffic during the 2013 fire evacuation trying to exit The Forest. In times of crisis, the roads will be so congested there will literally be no escaping. Here again, you put all residents of the entire Black Forest and surrounding areas at increased risk for loss of life.

To conclude, this FHN sketch plan proposal violates the County Master Plan, subverts the intent of the historic Black Forest Preservation Plan and protections of current property owners rights, and will result in erosion and eventually utter obliteration of our rural residential environment...the primary reason residents have made this area their home, and why future residents continue to pursue a more rural lifestyle in the Black Forest area.

It is time for the BOCC to stand up to the developers and stand for your constituent residents, and not approve this FHN proposed plan.

Respectfully,

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To: Holly Williams, El Paso County Commissioner, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longino Gonzales, Jr., District 4
Cami Bremer, District 5
Ryan Howser, El Paso County Dept. of Planning and Community Development

From: Bill Heeter, President of Cathedral Pines Metro District Board
Kevin Ehlers, President of Cathedral Pines Homeowners Association

Date: November 10, 2022

Re: Proposed Changes to the Flying Horse North Development

Commissioners,

First and foremost, we fully understand that you have incredibly difficult decisions to make. We want to be clear up front; we are neither anti-development nor anti-growth – we understand that El Paso County and Colorado Springs are experiencing rapid expansion and we have tremendous need for affordable housing within our community. The developer of the proposed expansion of Flying Horse North is known to build high-quality products and award-winning communities. In fact, the proposed development has many very positive attributes, including community trails and open areas. The real question before us is whether the proposed development is compatible with the location and consistent with the El Paso County Master Growth Plan.

We are writing on behalf of our homeowners and residents of Cathedral Pines who are very concerned with the proposed, and very significant, changes to our surrounding Black Forest community. Based on Paragraph C. of the County's review criteria, it is our belief that such dramatic changes are not in keeping with the El Paso County Master Plan and are incompatible with every one of its surrounding neighborhoods (Figure 1). Further, the proposed changes dramatically deviate from the Black Forest's designation as a "Key Area" in the Master Plan which identifies the entire Black Forest area, which includes the proposed development, as Large-Lot residential placetype. Additionally, the Master Plan designates the area as "minimal change: developed ." This designation requires the new development to be compatible with the surrounding

existing developed communities. The “Key Area” designation also encourages “maintaining and expanding” large-lot residential development, which is the exact opposite of the Developer’s proposed suburban and commercial changes.

While the Developer’s recent changes may reflect some restraint and minor compromise, those changes are not nearly substantial enough. Although simply doubling the number of homes might seem reasonable to some homeowners and residents, the fact remains that the Developer’s proposal reflects a four-to-five-fold increase in housing density which will place suburban densities in the middle of existing large-lot residential communities.

Perhaps most alarming, from our community’s perspective, the proposed hotel on Flying Horse North is a large-scale commercial enterprise right in the middle of Large-Lot Residential areas – a clear violation of the Master Plan. Also, if past is prolog, then we are extremely concerned that the proposed hotel will dramatically alter the character of the Black Forest and if it follows the same path which the hotel at Flying Horse has followed, their proposed hotel and surrounding facilities will likely expand in size continuously with all of the inherently negative impacts. Contrary to the Developer’s claims, the Black Forest is not, nor should it be, a tourist area or destination – it is a “key area” meant to be preserved! In short, the hotel would be an “island” surrounded by other development not the least bit consistent with existing properties in the area.

At the Planning Commission hearing, the argument was put forth by one of the Planning Commissioners in favor of the Sketch Plan that a landowner can do what the landowner wants to do as it is their property. The implications of following that line of thinking could be disastrous for our community. Can you imagine your next-door neighbors wanting to use their property as a waste disposal dump, a restaurant, or as a hotel site? No, because there are zoning rules that prevent this from happening. In this case, there were rules in place when the developer bought the property of which the developer was fully aware. The purchase price the developer paid for the lot was based upon the rules to which the lot was subject. It is highly unlikely that the developer paid the price that one would pay for commercial land. The initial plan that the developer proposed to the County followed the established rules and so the County gave the developer the okay to proceed. We would suspect that the developer also used

the large-lot residential feeling as part of its sales pitch to prospective lot purchasers and capitalized on the current ambience of the Black Forest neighborhood. Nothing has changed in the two to three years since this occurred. This area and the surrounding areas remain those suitable for large-lot residential. The developer is still allowed to do what they want with the property provided that it is consistent with the rules in place when it was purchased - large-lot residential. If the Developer wants to build a large-scale commercial enterprise, there are likely to be many commercial areas within El Paso County which would support such a development, areas which have the existing infrastructure to support the needs of commercial development. This developer has given no justification for changing the rules.

Finally, it seems inconsistent to us to violate the intent of the Master Plan, especially since it was just recently updated and implemented. We know that a lot of time, research and effort went into developing that plan, and appreciate the forethought and many considerations that went into its completion. To now ignore the basic tenants of that plan would seem to render it of little value when considering future growth in the area.

We know you have tough jobs, and we truly appreciate all that you do for El Paso County and our communities. We remain confident you understand that high-density housing and significant commercial development violate the goals, objectives, and policies of the Master Plan and are incompatible with existing developed land uses within and adjacent to the sketch plan area for our Black Forest community. Thank you for making the time to listen: we appreciate your consideration.

Very respectfully,



William Heeter, President, Cathedral Pines Metro District Board



Kevin Ehlers, President, Cathedral Pines Homeowners' Association

Housing Densities of Developed Communities Surrounding Proposed Development

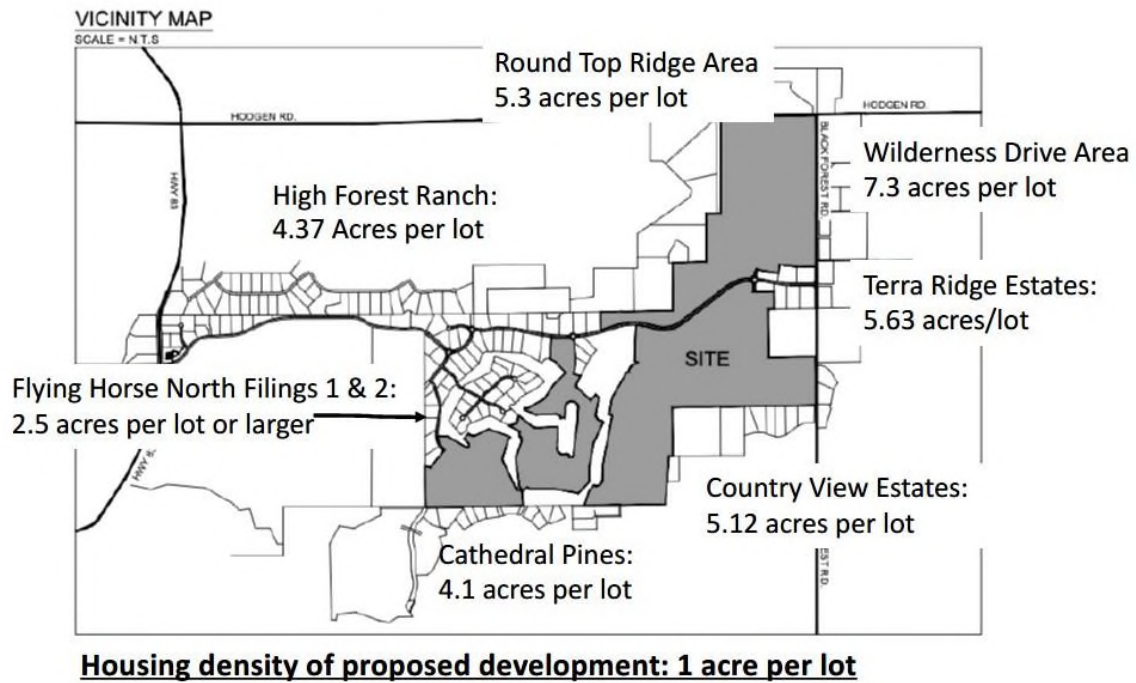


Figure 1