

From: Steve McCulloch <emcc719@aol.com>
Sent: Monday, February 26, 2024 9:44 PM
To: Katie Spence; Meggan Herington
Cc: Holly Williams; Justin Kilgore; Kylie Bagley; Brian Braaten; sabinerey@aol.com; James Spence - ICE; 4juliebraaten@gmail.com; esfeltman@hotmail.com; Barbara Caughlin; Don Caughlin; Grace and Jurgen Snyder; Al Reynoso; Megan Danks; J. Danks; Allison Boone; Hawks & Judi Abbott; Allena Baker
Subject: Re: Society of Classical Christian Education Secretary of State Filing
Attachments: [Traffic Conditions.docx](#)

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Meggan,

My name Robert (Steve) Mc Culloch. My wife and I live at 4755 Walker road. I am the boots on the ground road maintainer for our private Walker Rd. I have attached my summary of considerations that should be reviewed by both regional building and the fire professionals who make decisions on dead-end roads. My concerns for fire professional review can not be be passed on the 3980 Walker Rd owners for their response. They concern the County's policy decisions on fire ingress and egress for dead-end roads and need to be carefully weighed as lives could be at stake in a fire emergency. Please see that they are routed to the right people. Can you give me a schedule on when they will be addressed in the process and provide us with any decision analyes / materials to be used. We also request an on site meeting with the decision makers to satisfy ourselves that they understand what we face in fire emergencies. We also request that this decision process be moved far enough forward in time such that no great investment is made by the the proposed school / religious / VRBO owner until the vital resident /scool /religious / VRBO safety issues are resolved. Very little can be done by the developer to mitigate most of the physics of the decision so this should be able to be done upfront.

Thank You,
Steve McCulloch

rbo so that

On Tuesday, February 20, 2024 at 08:50:55 AM MST, Meggan Herington
<megganherington@elpasoco.com> wrote:

A special use does not require a public hearing. Those are administrative. Staff can refer all applications to the Board of County Commissioners if there are items of code or engineering criteria not being met. We aren't far enough through the plan review process to determine what the ultimate outcome might be. There are significant items that the applicant will need to address. Staff will be sure to send notice to everyone when comments are resubmitted, and all these comments will need to be addressed by the applicant. We'll dig in and get additional information.

Thank you, Meggan



Meggan Herington, AICP

Executive Director

El Paso County Planning and Community Development

719-520-7941

<https://planningdevelopment.elpasoco.com>

From: Katie Spence <katie.lynn.spence@gmail.com>
Sent: Monday, February 19, 2024 8:31 PM
To: Meggan Herington <MegganHerington@elpasoco.com>
Cc: Holly Williams <HollyWilliams@elpasoco.com>; Justin Kilgore <JustinKilgore@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; Brian Braaten <bgbraaten@gmail.com>; sabinerey@aol.com;
James Spence - ICE <spencej466@gmail.com>; 4juliebraaten@gmail.com; emcc719@aol.com;
esfeltman@hotmail.com
Subject: Re: Society of Classical Christian Education Secretary of State Filing

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Hi Meggan,

Thank you for the reply. I have a few points of rebuttal/concern that I'd appreciate you addressing:

One, you say that both a religious institution and a school are allowed in RR5. This is true, but it's my understanding that a school must first obtain a Special Use Permit, and that part of that process involves the County holding a public hearing where neighbors/those opposed to the Special Use Permit are allowed to voice their concerns, and recommendation by the planning commission. In that regard, a school vs. a religious institution are very different in how they're approved. Ms. Shell knows the neighborhood opposes her plan, and is trying to get around allowing us to voice our concerns at a public hearing.

Two, a church or religious institution may have classroom space or an educational component with it, but it is not primarily a school. Twelve Stones is a school by every available definition, and has operated as such since its inception. It has an application process, charges tuition, has classes for preschool through high school graduation, employs teachers, is full time, and confers a high school diploma and transcripts for college upon graduation. More importantly, it lists itself as a school, and under its FAQs replies to the question "If I enroll my child at Twelve Stones, are we still homeschoolers?" by saying, "Not legally. Your child is now considered a private school student."

As for the possibility of it being a "home based education program," under FAQs, Twelve Stones, itself, answers the question, "What is expected of parents," by replying "We love parents to be involved. Classroom opportunities are communicated by the teacher. There are many schoolwide opportunities that depend on parental leadership." Simply put, parents aren't in charge of the curriculum, teachers are. Any involvement by parents is at the teacher's discretion, or the school's. Ergo, it's not "home based."

Thus, by Twelve Stones' own admission in not one, but two of it's answers, it is not a home-based education program, and is in fact a private school.

As for the road—it is a one lane, privately maintained dirt road. The traffic study is deeply flawed. First, it utilized photos from before two homes were build off of Walker Rd. (which occurred in 2020). Second, it states it's a county road. Obviously, that's incorrect.

I look forward to your response, and consideration of the above matter.

Katie Spence

On Feb 19, 2024, at 7:16 PM, Meggan Herington <MegganHerington@elpasoco.com> wrote:

Katie, thank you for the email. I've sent similar emails to other neighbors and can provide you with that detailed information as well. I understand you are frustrated and feel this is a school, not a religious institution. As I'm sure you have seen, the County Code definition of Religious Institution also allows classroom space and educational components. A church or religious institution often has a school component – preschool or home-based education programs are two that we see often.

But let's also consider that a religious institution AND a school are both permitted uses in the RR5 zone district. Both schools and religious institutions have federal and state protections that give them certain rights to locate in residential areas. Neither use is prohibited in residential zoning within the County. A religious institution has a site development plan requirement. A school is a special use with a site development plan. Both processes are very similar, with staff evaluating the impacts and the documentation based on the County Code and the Engineering Criteria Manual. The County has limited authority to say no to either use in a residential neighborhood. The code and criteria focus on technical details and mitigation of any impacts. I've had several emails from neighbors saying this needs to be in a commercial zone district only. That is not a limitation for either use.

Staff evaluates the application and asks the hard questions of the applicant related to the provided traffic study, traffic distribution, generation, and overall roadway maintenance. I believe this private road has a joint maintenance agreement. I didn't read that the agreement limits use of the properties. Staff will be looking into the road requirements in additional detail. The applicant needs to address proportional use of the roadway. The site development plan submitted is under review. The review takes months. I've also addressed your questions below. Staff will keep you apprised as the application is updated.

What is your plan to address this deception, and hold Ms. Shell accountable?

Staff is not addressing the deception. The applicant signs the application stating that the information is correct, and staff evaluates the details. Calling it a religious institution or a school changes very little from the processing standpoint. It could still be permitted in a residential zone. Staff needs to focus on the details of the submittal and any impacts – determining if the impacts can and/or will be mitigated. There is a complaint on an existing address that we will be evaluating.

Is it your intention to do nothing until the school is in session? If so, why?

Not our intention at all. We are reviewing the traffic study, and all submitted documentation based on the County Code and Engineering Criteria Manual. We've also asked for details related to access easements and road maintenance. But this process is lengthy, and we don't have all the information yet from the applicant. Again – we are in the evaluation and review process and this takes time.

We are a rural neighborhood, not a commercially zoned area. Why isn't the County doing more to protect us and our rural status?

There are several federal and state laws that prevent the County from outright prohibiting religious institutions and schools from rural residential areas. One of those federal laws is RLUPA, Religious Land Use And Institutionalized Persons Act. These uses can exist within residential areas and are protected from being prohibited in residential areas.

Is it your position that under the guise of "religious institute," anyone can build anything on their property?

That is not the staff's position. Our position is that neither schools nor religious institutions are prohibited in residential zoning. And that each application submittal needs to be reviewed to determine if it meets the county code and engineering requirements. Again, not anywhere close to having a decision made.

Thank you, Meggan

<image001.png>

Meggan Herington, AICP

Executive Director

El Paso County Planning and Community Development

719-520-7941

<https://planningdevelopment.elpasoco.com>

From: Katie Spence <katie.lynn.spence@gmail.com>

Sent: Monday, February 19, 2024 11:58 AM

To: Meggan Herington <MegganHerington@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>; Justin Kilgore <JustinKilgore@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>

Cc: Brian Braaten <bgbraaten@gmail.com>; sabinerey@aol.com; James Spence - ICE <spencej466@gmail.com>; 4juliebraaten@gmail.com; emcc719@aol.com; esfeltman@hotmail.com

Subject: Society of Classical Christian Education Secretary of State Filing

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Hello Meggan and Holly,

As I'm sure you've heard from other neighbors, Donna Shell is attempting to subvert zoning regulations and restrictions to build her school, Twelve Stones Classical School (<https://twelvestonescs.org/>), under the guise of it being a "religious institution." Please see attached documentation from the Colorado Secretary of State, showing that this is 1) A school, and 2) Already lists its address as 3980 Walker Rd., Colorado Springs, CO 80909.

Colorado Secretary of
State - Summary

<image002.png>

sos.state.co.us

The Society of Classical Christian Education, the name of the development you're currently considering, is Twelve Stones Classical School. It was formed on 02/27/2015, and was run out of First Baptist Church Black Forest (now Cross Fellowship <https://www.crossfc.org/>) until last year. Again, it was, and is, a school.

<image003.png>

ViewImage

PDF Document · 157 KB

Colorado Secretary of
State - Session Timeout

<image002.png>

sos.state.co.us

We know from administrators that work for Ms. Shell that Ms. Shell is purposefully trying to deceive the County. She is doing so willfully, and with the expectation that she can "ask for forgiveness later." I am aware that you've informed her she needs a permit, and it's your current stance that you have to "take her at her word." However, in this situation, there is overwhelming evidence that she is lying to you, and in the process, bringing destruction to our neighborhood.

What is your plan to address this deception, and hold Ms. Shell accountable?

Is it your intention to do nothing until the school is in session? If so, why?

We are a rural neighborhood, not a commercially zoned area. Why isn't the County doing more to protect us and our rural status?

Is it your position that under the guise of “religious institute,” anyone can build anything on their property?

I appreciate your attention to the above matter, and look forward to reading your reply.

Katie Spence