From:	Katie Spence
To:	Meggan Herington
Cc:	Sabine Reynoso; Holly Williams; Justin Kilgore; Kylie Bagley; Brian Braaten; James Spence - ICE; 4juliebraaten@gmail.com; emcc719@aol.com; esfeltman@hotmail.com; Alberto Reynoso
Subject:	Re: Society of Classical Christian Education Secretary of State Filing
Date:	Tuesday, February 20, 2024 12:59:02 PM

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Hi Meggan and Holly,

Thank you for the reply, and I appreciate your insight. A few things I'd appreciate clarification on:

One, it was a planner from your office who told us a Special Use Permit for a school would require the developer to let adjacent property owners know their intentions, and a public hearing would be scheduled. She seemed to think it was a forgone conclusion that a public hearing for such a project would be held. Are you now saying that's not part of the process?

Because two, the El Paso County Planning and Community Development Department "Special Use Application Packet" says on page two, "1.6. STEP BY STEP REVIEW PROCEDURE
1.6.1. Summary of Steps
(B) Step 2 Neighborhood Meeting (optional)
Based on the input of neighbors, the applicant may choose to reassess the type of application to file. In all other cases, the PCD Director may elevate a special use application for review by the BoCC and/or the Planning Commission at his sole discretion. **Significant concerns expressed by the neighbors about the proposed special use my result in the PCD Director elevating the special use application to public hearings for review by the BoCC and/or the Planning Commission."** https://epc-assets.elpasoco.com/wp-content/uploads/sites/12/Special-Use-2022.pdf

We, as a neighborhood, are expressing significant concerns. Are you saying that it wouldn't be your intention to hold a public hearing for the development planned by Ms. Shell? Why would you skip that step?

It's concerning to us neighbors that Ms. Shell's development is being essentially allowed to subvert zoning regulations under false pretenses. We **know** it's a school—it's not simply a "feeling." The Secretary of State knows it's a school/business, Ms. Shell knows it's a school, the teachers who teach at Ms. Shell's school know it's a school, the students who attend Ms. Shell's school know it's a school, the parents who send their kids and pay $4,600 to $5,000 a year in tuition know it's a school, and I think if you're honest, County knows it's a school.

Moreover, per my CORA request, and resulting documentation, it appears the County is in some areas, coaching Ms. Shell/Vertex on how to proceed, and get around certain requirements.

On Oct. 24, 2023, Gina Mangino from Vertex emailed Kylie Bagley from Planning and Community Development, letting her know the development would be over an acre and be a ”major SDP.” After that determination, however, Ms. Mangino went back to Ms. Bagley and updated the site plan to less than an acre, while also seeking assurance that the change would also undo the need for a drainage report.

We know from drone footage that the development and excavation exceeds the 1 acre threshold. Why was this fraud allowed?

The so called “parsonage,” on the property is currently listed as a VRBO and is generating taxable income. Is this not a violation of the duel purpose zoning, and doesn’t that also necessitate an update in any exemption status?

The updated January 12th letter of intent from Vertex states, “(1) Daily vehicle trip-end generation is less that 100 or the peak hour trip generation is less than 10.” Where are those numbers coming from? And how are those numbers being verified? The enrollment at Twelve Stones already exceeds that amount, and just parents picking up children from the school (not including other proposed activities) will generate more traffic than stated.

Allowing a development to proceed when you **know** the applicant is lying about their intentions seems very concerning and we as a neighborhood are wondering why that approach was adopted. “Taking someone at their word,” seems like an inadequate response. What provisions does County have in place for when a developer tries to pull a fast one for their development? Also, can you please point us to the statute that requires you to “take an applicant at their word” and approve their project regardless of facts?

And for arguments sake, even if Ms. Shell’s school was a “religious institution,” RLUIPA does not permit any religious institute to be permitted anywhere. It pointedly says that local governments can’t create unduly burdensome regulations to **specifically** halt religious institutions—but local zoning still dictates what is and is not allowed. In other words, RLUIPA provisions are far from saying that religious institutions (places of worship, auxiliary uses, day care, etc.) can locate in any zoning district, and do so without regulation.

Finally, this question has been raised before, but not yet answered—if your office lacks the authority, who do we need to talk to about the outright fraud occurring, and get this development halted?

Regards,
Katie Spence

On Feb 20, 2024, at 9:17 AM, Meggan Herington <MegganHerington@elpasoco.com> wrote:

Please know you are being heard with all emails. Comments become part of the public record and provided to the applicant. The applicant will need to address comments as

part of future resubmittal of the plans. Staff will work to provide a better summary once we have more answers to the review comments. Also know we will update you with all information as we receive it from the applicant resubmittals. It is very early in this submittal process and there are still questions to ask of the applicant.

<image001.png>	**Meggan Herington, AICP** Executive Director El Paso County Planning and Community Development 719-520-7941 https://planningdevelopment.elpasoco.com

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From: Sabine Reynoso <sabinerey@aol.com>
Sent: Tuesday, February 20, 2024 9:02 AM
To: Meggan Herington <MegganHerington@elpasoco.com>
Cc: Katie Spence <katie.lynn.spence@gmail.com>; Holly Williams <HollyWilliams@elpasoco.com>; Justin Kilgore <JustinKilgore@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; Brian Braaten <bgbraaten@gmail.com>; James Spence - ICE <spencej466@gmail.com>; 4juliebraaten@gmail.com; emcc719@aol.com; esfeltman@hotmail.com; Alberto Reynoso <alrey007@me.com>
Subject: Re: Society of Classical Christian Education Secretary of State Filing

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Meggan,

With all due respect, this is what all of us neighbors have been told until now, that Shell (IF she were an upstanding, honest, Christian person) needs to notify all of us when filing for a special use permit for her SCHOOL and that we then have a chance to voice our concerns and finally be heard! This is becoming increasingly frustrating. How is it that one person who has never lived here and has never intended to live here appears to have more rights than all of us who moved here to this little paradise for peace and quiet?

Respectfully a very frustrated Walker Rd RESIDENT,

Sabine Reynoso, AAS, RVT

> On Feb 20, 2024, at 8:50 AM, 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

<image001.png>	**Meggan Herington, AICP** Executive Director El Paso County Planning and Community Development 719-520-7941 https://planningdevelopment.elpasoco.com

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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

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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 addressed as 3980 Walker Rd., Colorado Springs, CO 80909.

Colorado Secretary of State - Summary
sos.state.co.us

<image002.png>

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
sos.state.co.us

<image002.png>

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