

Letter to Planner Rad Dickson December 16, 2020
for EDARP for Dec. 17, 2020 Planning Commission Meeting

Per Rezoning of Parcel at 12750 Black Forest Road Haddock Metal Roof CC201
Requested Rezone from A-5 (Agricultural -5 ac minimum) to CC (Community Commercial)

This a a letter of No Objection to this requested rezone and accompanying Land Uses from
Judith von Ahlefeldt of Black Forest

I am a 50+ year landowner/taxpayer and (most of that time) resident of Black Forest since 1969.

My property is 1.5 miles east of the proposed rezoning. If my property were adjacent to the rezone I would share the quarter-section line as my south boundary and Mr. Haddock's north boundary. (as shared in reality by Maria Wilson and James Botkin along the quarter-section line). If my property were in their location, adjacent to one of the long-standing commercial nodes in the *Black Forest Preservation Plan*, I would have No Objection to this rezone, and in fact be In Favor of the land uses proposed by a long-time resident of Black Forest (who has an even longer tenure here than mine), and is seeking necessary zoning update to accompany his proposal for desired commercial office use and in-house digital video studio.

One of my passions for the past 5 decades has been the ecology, history and land uses of the Black Forest which manifested itself in my association with the creation and update of both the 1974 and 1987 *Black Forest Preservation Plans*, its defense as the first chairperson (starting in 1974) of what is now the Black Forest Land Use Committee (currently headed by Mr. Terry Stokka), advocacy for the plan from 1974 to 1985, and then continued advocacy from 1996 to the present.

I have championed, for over four decades, the concepts to preserve the very special features of Black Forest, which are proximal concerns of many of the people who are now signing on to oppose Mr. Haddock's rezoning request and land uses.

I wrote and published a documented history of Black Forest in 1978 based on interviews of old timers. Since my return in 1996 (after an absence to earn a PhD in Ecology and serve in the US Forest Service in Wyoming, I have continued in an advocacy role for the *Black Forest Preservation Plan* during my 17 years of owner/publisher of *Black Forest News* from October of 1996 thorough July 31, 2014. The newspaper was housed for 9 years in the commercial center in the Forest Plaza suite now occupied by Black Forest Post Office.

More recently I was in service as a volunteer Local Outreach Team Member (through June 2020) for the El Paso County Master Plan.

So while I share the hope and vision of many of the Opponents to this Rezone, and the pain of loss and recovery from the 2013 fire, my heart is saddened and my head is confused about the hateful attacks on this Rezoning application and the abysmal ignorance of people who are willing to sign an opposition petition containing little factual information very early in the Plot Plan and Zoning Review process, and who are participating in vitriolic Social Media and other personal communication attacks

against both the Rezoning proposal itself and the new property owner who did his due diligence to learn about the *Black Forest Preservation Plan*. The Plan advises that Commercial Zoning be approved at ONLY at two Commercial nodes Specified in the Black Forest Preservation Plan of 1987. This has been implemented and respected by the County since 1987.

The Black Forest area had commercial uses at both the Burgess and Shoup Rd. intersections with Black Forest Road long before the El Paso County Board of Commissioners Administratively Zoned the greater Black Forest area of the northern County back in 1965 - nearly a decade before the 1974 *Black Forest Preservation Plan* was adopted by the County Planning Commission, and 22 years before the 1987 Plan was adopted.

Both plans were truly citizen-based and were created with open interaction among the citizens, the County Planners and the Planning Commission. The 1987 plan has been online since 1988 at <<http://dawog.net/BFPP/bfpp.htm>> courtesy of Mr. Bill McIntyre, and it is also on the County Planning Department Website.

The purposes of both versions of The Plan was to embody the citizen vision for preservation of the ecosystems, the lifestyle, individual choices and freedoms in perpetuity using and implementing the advice in the *Black Forest Preservation Plan*.

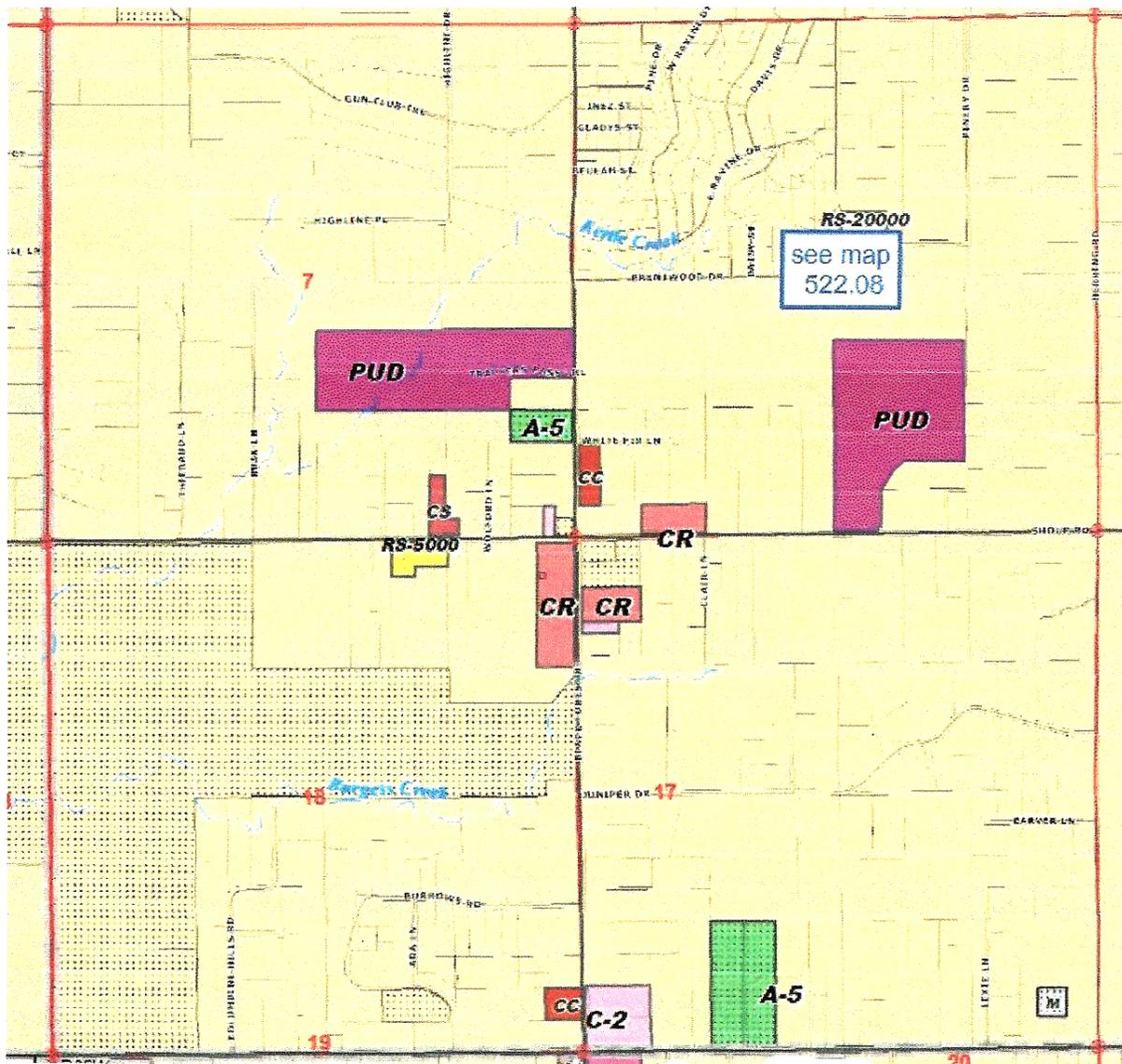
One critical aspect of this was for the County, and private landowners and developers, to respect rural residential and agricultural lifestyle choices, while also providing for community services, employment, and opportunities for the social environment to grow with the residential population.

To avoid the fragmentation of Rural Residential land uses, the Preservation Plan recommended two nodes where Commercial Zoning would be allowed.

These nodes are located within 1/4 mile in all directions from the two main intersections along Black Forest Rd. at Burgess and Shoup Roads, where there were already commercial uses predating the 1965 Zoning and continuing through 1987 and the present.

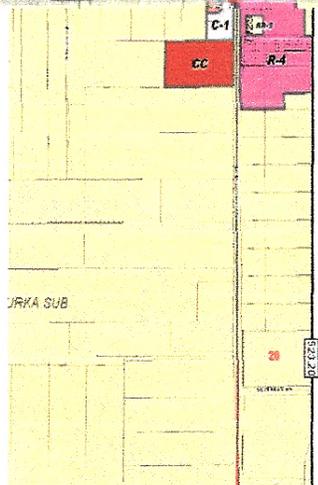
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ZONING at Black Forest/Shoup Rd. and Black Forest/Burgess Road for *Black Forest Preservation Plan (1987) Commercial Nodes* Zones as of Dec. 6, 2020 per El Paso County PCD Site



EPC Zoning Maps
522 and 523.19
joined together.
See next for Zone
Descriptions

The County Zoning map and legend below show the current status of these zones. Commercial uses which have old (Obsolete) commercial zones of C-1, C-2 and RR4 apply to areas where there are older buildings with commercial use and there has not been a reason to update the zoning established decades ago in the Commercial Node.



Zone Map 523.19

- El Paso County -

Development Services Department

Zoning Designations

	RS-20000: Residential Suburban (20,000 sq. ft.)		F-5: Forest & Recreation (5 acres)
	RS-6000: Residential Suburban (6,000 sq. ft.)		PUD: Planned Unit Development
	RS-5000: Residential Suburban (5,000 sq. ft.)		CC: Commercial Community
	RM-12: Residential Multi-Dwelling (12 DU/acre)		CR: Commercial Regional
	RM-30: Residential Multi-Dwelling (30 DU/acre)		CS: Commercial Service
	RR-0.5: Residential Rural (0.5 acres)		I-2: Limited Industrial
	RR-2.5: Residential Rural (2.5 acres)		I-3: Heavy Industrial
	RR-5: Residential Rural (5 acres)		A-5: Agricultural (5 acres)
	R-T: Residential - Topographic		A-35: Agricultural (35 acres)
	MHP: Mobile Home Park		C-1: ** Commercial
	MHP-R: Mobile Home Park, Rural		C-2: ** Commercial
	MHS: Mobile Home Subdivision		M: ** Industrial
	RVP: Recreational Vehicle Park		R-4: ** Planned Development

** Indicates an obsolete designation

Supporting Data

 Highways

 Major Roadways

 Creeks - Perennial

 Sections

 Parcels

 Military

 Incorporated Cities

 Zone Map Boundary

 Zoning Overlay

The current County Commercial Zoning Districts are CC (Commercial Community); CS (Commercial Service), and CR (Commercial Regional). Some of the old (Obsolete) C-1, C-2 and RR4 parcels have been updated to one of these, as well as used for more recent requested zone changes within the 1/4 mile Commercial nodes.

As you can see from the Zoning Map, these zones apply to a variety of parcels embedded in the underlying mainly RR-5 zones from 1965. There are also a few parcels all over Black Forest which have A-5 zoning in the Timbered Area.

The old (Obsolete) commercial zones (from the 1970s or later) which have been updated include the CR (Commercial Regional) parcel (east of the LDS Church on Shoup Road) which is also south of and adjacent to White Fir Estates, and the 10 acres south of Shoup Road along Black Forest Road.

A newer CR parcel is the Wedgewood Wedding and Event Center. All CR Zoning to date is near the Shoup Intersection. Black Forest Service Center is the only CS zone, while Black Forest Market (where Subway is located), and The Forest Center (adjacent to the requested Rezone) are both CC (Commercial Community Zones) as is the old 10 ac Black Forest Lumber site where the RnRCafe is located near Burgess.

The “old veterinary hospital” which was located for several decades in the parcel Mr. Haddock bought had decades of a commercial use as a Special Use in an A-5 zone. There are several A-5 zoned parcels scattered around the Forest from long ago - but Haddock’s parcel is only one of three A-5 zones located within the 1/4 mile commercial node. The other two are along Burgess road and currently have homes on them.

So those are the facts about zoning.

The rest of the facts have to do with Use Tables for specific land uses. There are specific Allowed Uses and specific Special Uses (which require special approval from the BoCC) in all County Zoning Districts.

Tables 5-1 El Paso County Code specifies Principal Allowed and Principal Special Uses, and Table 5-2 has Accessory Allowed and Accessory Special Uses.

The Commercial Community Zone has the fewest Principal Allowed Uses of the three current zones which apply to a 5 acre parcel, and they are the most restrictive.

The uses proposed for Mr. Haddock’s rezoning (General Office and Studio) are both allowed Principal Uses, or if the Planning Commission so chooses, the Principal Allowed Use could be General Office for the 8800 square foot building, and the Digital Video Production “Barn” could be a designated Allowed Accessory Use (Commercial Accessory Structure) in the CC zone. The Studio land use is an Principal Allowed Use for all three current Commercial Zones.

So, with an understanding of all this, and a little study of the existing Zoning map, it becomes apparent that the rezoning approval of this project does not set any precedents or violate any “laws”.

There are already many commercially zoned parcels in the Commercial nodes of Black Forest tied to specific Land Use Types- this is just the latest one - and it is sanctioned by the *Black Forest Preservation Plan* and can be implemented by a zoning district update.

Due diligence on the part of buyers for residential homes since 1987 would have shown that commercial zoning nodes were in the *Black Forest Preservation Plan*. Prudent buyers would also have done a property survey, especially if their desired purchases were not within a “modern” (post 2006) subdivision.

It is very sad to me to see so many divisive and accusatory arguments against this Rezone application by people who have not “learned up” about the Preservation Plan, become fluent in the processes El Paso County has for zoning and subdivision including use of EDARP (E-DARP), the transparency site where all documents pertaining to a subdivision or rezoning are posted for everyone to see the facts, and become informed as they participate as development proposals progress through the processes set up in this County for these purposes.

Of course everyone has a right to express an opinion - but for this project it is sad that many who signed the petition, or the boiler plate letter, or who wrote comments opposing or condemning this Rezone proposal, or who posted personal attacks on Social Media without ever seeking deeper and correct information have participated in a massive campaign based largely on misinformation and lack of understanding the situation.

I hope the information in this letter may inspire a better application of this citizen energy to defend Black Forest on many other fronts, or to do actions which make this community stronger and more united.

So I speak to this issue as a local property owner who has no objection to this Rezone and proposed Land Uses.

\Judy von Ahlefeldt\ December 16, 2020
Keeper of the Keys - 1998