

EL PASO COUNTY



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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Board of County Commissioners
 Mark Waller, Chair

FROM: Nina Ruiz, Planner II
 Steve Kuehster, PE Engineer III
 Craig Dossey, Executive Director

RE: Project File #: P-18-008
 Project Name: 824 Acres
 Parcel Nos.: 43000-00-541, 43000-00-542, 43000-00-543, 43000-00-554,
 43000-00-561, 43000-00-562, 43000-00-556, 43000-00-555, 43000-00-557

OWNER:	REPRESENTATIVE:
ROI Property Group, LLC 2495 Rigdon Street Napa, CA 94558	William Guman & Associates, Ltd. 731 N Weber Street, Suite 10 Colorado Springs, CO 80903

Commissioner District: 2

Planning Commission Hearing Date:	3/19/2019
Board of County Commissioners Hearing Date:	4/23/2019

EXECUTIVE SUMMARY

A request by ROI Property Group, LLC, for approval of a map amendment (rezone) of 824 acres from the A-35 (Agricultural) zoning district to the RR-2.5 (Residential Rural) zoning district. The seven (7) properties are located at the southeast corner of the Judge Orr Road and North Curtis Road intersection and are within Sections 3 and 10, Township 13 South, Range 64 West of the 6th P.M. The property is located within the Falcon/Peyton Small Area Master Plan (2008).

If the rezoning request is approved, the applicant is proposing to make a service plan application to form a special district. The purpose of the District would be to provide services to the future residents within the District boundary. These services would include, but not necessarily be limited to, the provision of central water and ongoing maintenance of floodplain areas.

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

WWW.ELPASOCO.COM

331/2019 for 4/23/19 BoCC

Meadow Lake Airport has outstanding comments and concerns regarding development within proximity of the private airport. Please review the outstanding comments section below for additional information.

A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

Request: A request by ROI Property Group, LLC, for approval of a map amendment (rezoning) for 824 acres from A-35 (Agricultural) to RR-2.5 (Residential Rural).

Waiver(s)/Deviation(s): There are no waiver(s)/deviation(s) associated with the map amendment (rezoning) request.

Authorization to Sign: There are no documents associated with this application that require signing.

B. Planning Commission Summary

Request Heard: As a Regular item at the March 19, 2019 hearing.

Recommendation: Approval with recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 5 to 0

Vote Rationale: N/A

Summary of Hearing: The applicant was represented at the hearing. Planning Commission draft minutes are attached.

Legal Notice: Advertised in Shopper's Press on April 3, 2019.

C. APPROVAL CRITERIA

In approving a Map Amendment (rezoning), the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5, Map Amendment (Rezoning), of the El Paso County Land Development Code (2018):

1. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
2. The rezoning is in compliance with all applicable statutory provisions including, but not limited to C.R.S §30-28-111 §30-28-113, and §30-28-116;
3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
4. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

D. LOCATION (see attached vicinity and zoning map)

North: A-35 (Agricultural)	Vacant/Agricultural
South: A-35 (Agricultural)	Vacant/Agricultural
East: A-35 (Agricultural)	Vacant/Agricultural
West: RR-5/PUD	Meadow Lake Airport/Rural Residential

E. BACKGROUND

The subject parcel was previously part of a larger proposed development known as Santa Fe Springs. The Board of County Commissioners approved the Santa Fe Springs PUD1

(northeast of the intersection of Curtis Road and Falcon Highway) (PCD File No. PUD-04-002) on November 18, 2004, which included 1,018.72 acres of property and authorized the following land uses:

- 2,039 single-family residential lots on 435 acres
- 78 multi-family units on 12.65 acres
- 39.46 acres of commercial land
- 422.39 acres of open space, which includes trails, parks and open space, preservation easements, and detention facilities

Santa Fe Springs PUD 1 was a zoning concept plan that required individualized rezoning applications for each specific use area/neighborhood prior to subdivision. The PUD was never perfected by subsequent rezoning and none of the development allowed within the concept PUD was ever established. The Santa Fe Springs PUD 1 was approved with the following condition which was never met:

Rezoning requests for property within this project may be considered by the Board of County Commissioners. If, however, the requisite level of urban services has not been provided within five years of such rezonings, applicant agrees the County, after the required public hearing process, may reinstate the zoning districts in effect on the date of such approval or otherwise zoning it to an Agricultural classification

Pursuant to C.R.S §30-28-116, the Board may amend the number, shape, boundaries, or area of any zoning district. Pursuant to Section 5.3.5.E, County Initiated Zoning, of the Land Development Code, the County "may initiate the rezoning of any property within the unincorporated area of the County". Staff requested the Board of County Commissioners rezone Santa Fe Springs PUD1 back to the A-35 zoning based upon failure to comply with the condition of approval. The Board of County Commissioners approved a County initiated rezone of the subject parcels on December 12, 2017, to rezone the land from the PUD zoning district to the A-35 (Agricultural) zoning district.

F. ANALYSIS

1. Land Development Code Analysis

The subject property is zoned A-35 (Agricultural) and is surrounded by other A-35 (Agricultural) parcels to the north, south, and east, and RR-5/PUD to the west (Meadow Lake Estates).

Immediately to the west, across Curtis Road, is the Meadow Lake neighborhood, which consists of multiple zoning districts; R-4 (R-4-81-005), PUD (Planned Unit Development), RR-5 (Residential Rural), and RR-2.5 (Residential Rural). Meadow Lake Airport is a unique private airport that allows for airport runways, hangers, and commercial uses, as well as single-family residences to co-exist within the same subdivision. The Federal Aviation Administration advises that Meadow Lake Airport Authority is a general aviation, public use, airport. Meadow Lake Airport Filing No. 14, for example, includes platted taxiways on the residential lots and allows for hangers as well as commercial uses on the same parcel. The allowed uses and density of the RR-2.5 zoning district are compatible with the allowed uses within the Meadow Lake neighborhood.

This area of the County was rezoned to A-35 (Agricultural) in 2017. Although much of the immediately adjacent parcels are within the A-35 zoning district, the parcels to the west are developed and this area of the County continues to grow in population. There are three (3) existing RR-2.5 zoned subdivisions within one (1) mile of the subject parcels to the east (Sagecreek South), immediately west of Meadow Lake Airport (Falcon Heights), and immediately southeast of Meadow Lake Airport and south of the subject parcel (Southfork).

Across Highway 24, also located within one (1) mile of the subject parcel, there is dense suburban development consisting of 7.8 dwelling units per acre within the Woodmen Hills and Meridian Ranch developments. Similar suburban development is not compatible for the subject parcels at this time. As the population of El Paso County continues to grow, development continues to creep further to the east. The development of these parcels as RR-2.5 (Rural Residential) is a logical extension and density transition from the existing development in this area and is compatible in terms of uses and densities.

2. Zoning Compliance

The applicant is requesting to rezone 824 acres to the RR-2.5 (Residential Rural) zoning district. The RR-2.5 (Residential Rural) zoning district is intended to accommodate low-density, rural, single-family residential development. The density and dimensional standards for the RR-2.5 (Residential Rural) zoning district are as follows:

- Minimum lot size - 2.5 acres
- Minimum width at the front lot line - 200 feet
- Setbacks - 25 in the front and rear, 15 on the sides
- Maximum height - 30 feet

A preliminary plan and final plat will be required to subdivide the 824 acre area into individual lots. The applicants will need to demonstrate compliance with the RR-2.5 zoning district in association with each of the future preliminary plan and final plat applications.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

***Policy 6.1.3-** Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use, and access.*

***Policy 6.1.11-** Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.*

The subject property is zoned A-35 (Agricultural) and is surrounded by other A-35 (Agricultural) parcels to the north, east, and south, and by RR-5/PUD zoned property to the west (Meadow Lake Estates).

This area of the County was rezoned to A-35 (Agricultural) in 2017. Although much of the immediately adjacent parcels are within the A-35 zoning district, much of the area has developed and continues to grow in population. There are three (3) existing RR-2.5 zoned subdivisions within one (1) mile of the subject parcels to the east (Sagecreek South), west (Falcon Heights), and south (Southfork). Immediately to the west, across Curtis Road, is Meadow Lake Airport, which includes rural residential development within the private airport.

As the population of El Paso County continues to grow, development continues to creep further to the east. The development of these parcels as RR-2.5 (Rural Residential) is a logical extension and density transition from the existing development in this area and is compatible in terms of uses and densities. The proposed subdivision is contiguous to and compatible with the previously developed areas.

4. Small Area Plan Analysis

The property is located within the Falcon/Peyton Small Area Master Plan (2008). The Plan states that "The primary purpose of this plan is to set forth a framework within which proposed new land uses may be analyzed. This document describes the characteristics and features which are unique to this planning area. The plan is intended to serve as an advisory planning tool to guide future land use decisions." (Page 1)

Figure 4-5 - Recommendations Plan, shows this area as being recommended for urban density development. The Plan defines "Urban Density" as:

"Parcel sizes are less than 2.5 acres, typically less than 1 acre. These areas are served by urban level infrastructure, including roadways, water distribution, and wastewater treatment."

The subject parcel is adjacent to the Meadow Lake subarea. Section 4.4.3- Meadow Lake Airport, (page 4-23) includes the following goals and policies:

- 4.4.3.1 Recognize the economic and safety importance of Meadow Lake Airport and encourage compatible land uses within and around the facility
- 4.4.3.2 Promote the Airport property as a center for mixed use commercial, business airport-compatible residential uses under the assumption that urban services will ultimately be extended to the property.
- 4.4.3.3 Encourage effective notice of Airport operations and impacts to adjoining property owners, preferably in advance of purchase and development of these properties.
- 4.4.3.4 Recognize the Meadow Lake Airport area as an appropriate location for non-residential uses including those industrial uses which are compatible with Airport operations and surrounding residential areas.

The Planning and Community Development Department sent Meadow Lake Airport a referral and requested comments on the proposed rezoning request. Please see the Status of Major Issues section below for more information on the comments provided.

The Plan does not provide recommendations that would indicate any restrictions on potential residential land uses, nor does it provide recommendations that densities in this area should differ from the recommendations of Figure 4-5 (page 4-13). Rather, as stated in Policy 4.4.3.4 above, the Plan suggests that the non-residential uses on the Airport should be compatible with surrounding residential areas. Urban density residential development is recommended for the subject parcel with the provision of central services.

Figure 2-22, Meadow Lake Airport Influence Area, (page 2-62) depicts the potential Federal Aviation Administration (FAA) Part 77 obstruction. Part 77 surfaces are imaginary surfaces within the airspace that depict aircraft flight patterns to and from the runway(s). It is important to note that the Board of County Commissioners has not adopted the Part 77 surfaces as a component to of the County's land use regulations. The accompanying description of Figure 2-22 (page 2-63) includes the following language:

"In actual practice, these surfaces trend upward at a steep enough rate that they will only impact very tall structures such as transmission towers"

Figure 2-22 shows the potential Part 77 surfaces to be 150 feet above the airport elevation at Curtis Road, which is the westernmost boundary of the proposed rezone area. The RR-2.5 (Residential Rural) zoning district does not allow for structures over 30 feet in height, which would be 120 feet below the potential Part 77 surface. The proposed rezoning request will not have an impact upon any potential future adoption of the Part 77 surfaces.

In addition to the Part 77 surfaces, properties surrounding the airport may experience additional noise from aircraft operations. The El Paso County Board of County Commissioners has adopted the Commercial Airport Overlay District for the Colorado Springs Airport. Included within this overlay is Airport Noise Sub-Zone (ADNL), which limits the allowed uses and requires construction methods to mitigate potential noise impacts. However, El Paso County has not adopted such overlay restrictions for Meadow Lake Airport. The accompanying description of this map (page 2-63) includes the following language:

"Unlike with the Colorado Springs Airport, there are no noise contours adopted for this facility. Again, in practice, the noise levels that would require land use regulation are currently limited to the airport property."

The Board of County Commissioners has not adopted the Part 77 surfaces or an amendment to the Code pertaining to limiting uses within the vicinity of the Meadow Lake Airport, nor has the airport initiated a formal application with the County to do so. Please see the Status of Major Issues section below for more information on what would be required of Meadow Lake Airport for the County to adopt the Part 77 surfaces.

To summarize, the Plan recommends urban density residential development with lot sizes being less than 2.5 acres in size when central services can be provided. Should the rezoning application be approved, the applicant is proposing to establish a Title 32 special district to provide central water service to the proposed development. The Plan recognizes the existence and importance of Meadow Lake Airport from a land use perspective, but does not further limit development near the airport and, furthermore, recognizes that the Part 77 surfaces and any noise overlay district for Meadow Lake Airport have not been adopted by the Board of County Commissioners..

5. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Environmental Health was sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies potential upland deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, severed mineral rights exist. The mineral rights owner has been notified of the application and hearing date..

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

Please review the Floodplain section below.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

3. Floodplain

Per FEMA Flood Insurance Rate Map (FIRM) panel number 08041CO558G indicates a large portion of the development is located within Zone X, areas outside of the 500-year floodplain. Portions of the development (the portions containing the three drainage ways) are located with Zone AE, 100 year floodplains where base flood elevations are provided on the FIRM Panel.

4. Drainage and Erosion

A drainage report is not required nor was one provided with this map amendment (rezone) application. The next phase of development for this site, which will be the preliminary plan stage, will require the submittal of a preliminary drainage report.

5. Transportation

The El Paso County Transportation Impact Fee will be applicable to final plats within this development. A list of improvements to the El Paso County Roadway system is included in the transportation impact study (table 10). Improvements that will need to be constructed by the developer include auxiliary turn lanes associated with the Falcon Highway/Curtis and Judge Orr/Curtis intersections; and intersection improvements, when triggered for either/or both of these adjacent intersections. Staff is recommending a condition of approval below that requires Curtis Road be improved to minimum/current standards during the development of this site.

H. SERVICES

1. Water

Water is proposed to be provided via an anticipated special district.

2. Sanitation

Wastewater is proposed to be provided by individual onsite wastewater treatment systems (OWTS).

3. Emergency Services

The property is within the Falcon Fire Protection District.

4. Utilities

Mountain View Electric Association will provide electrical service and natural gas service will be provided by Black Hills Energy.

5. Metropolitan Districts

The property is not included within a metropolitan district at this time, but the applicant is proposing to form a special district if the rezoning is approved.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a map amendment (rezoning) application.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a map amendment (rezoning) application.

I. APPLICABLE RESOLUTIONS

See attached Resolution.

J. STATUS OF MAJOR ISSUES

The Meadow Lake Airport was sent a referral for the rezoning application. They supplied two different comment letters. The letter dated December 24, 2018 includes the following:

Should the County consider approving this proposal, we submit that the following considerations apply. Given that:

- *The Meadow Lake Airport is not currently requesting any physical or operational change to the airport activities;*
- *The (out-of-state!) applicant requests a rezoning from AG-35 (a "compatible" land use) to RR-2.5 (an "incompatible" land use ... ref: FAA Airport Assurance #21);*
- *The applicant's Letter of Intent expresses that the proposal for this development is "single-family detached manufactured dwelling units";*
- *That El Paso County has a responsibility to adopt and enforce, at a minimum, rules and regulations to protect the land areas defined in 14 CFR part 77" [C.R.S. 43-10- 113].*

Therefore, we believe that El Paso County must:

1. Require that the developer grant and record an "Avigation Easement" to run with the land, and a Disclosure Agreement to advise owners and occupants (i.e.: renters and tenants of the homes and businesses) that they may be subject to noise and/or vibrations from aircraft overflight and acknowledge that they waive the right to complain or object. We request the opportunity to work with the County in developing these documents.
2. Require that the sub—division plats be drawn to reflect consideration for and not interfere with the approach surfaces to the current and future cross-wind runway, as depicted on the Meadow Lake Airport Layout Plan (ALP).

Meadow Lake Airport submitted revised comments on February 27, 2019 with the following language:

The Meadow Lake Airport Association (MLAA) continues to be adamantly opposed to these development plans. The Falcon area has been under tremendous growth for several years, and the MLAA has been attempting to work with El Paso County Planning to assist the County in developing zoning and planning standards around this public-use relieved airport in accordance with the County's obligation under Colorado statutes (reference a). The development proposals listed above are directly in line with the existing approach and departure paths of the runways at this significant federally-obligated General Aviation facility. The current AG-35 zoning in the area allows for emergency options for aircraft, which are used every year, and is a considered to be a "compatible land use". But construction in accordance with these proposals is not compatible (see reference b) and will endanger both persons on the ground and occupants of the aircraft and will most probably result in serious injuries, if not fatalities.

At present, without the County's adoption of a "1041" plan for Meadow Lake Airport there are no appropriate planning standards with which to evaluate development proposals in the "Airport Influence Area". Reference (b) is the letter from the FAA Denver Airport District Office (ADO) (encl 1) that was provided to County Planning in response to the Meadowlake Ranch Sketch Plan, but applies generically to all three proposals. The Judge Orr PUD proposal is even closer and lies within the charted "Runway Protection Zone" of Runway 15. The 824 Acres Curtis Road project (aka 629 CO Springs Residential Rezone) lies within the approach and departure paths of Runway 8-26. (see enclosure 2).

El Paso County must delay any consideration of these proposals, and any others within the Meadow Lake Airport Influence Area, until a 1041 plan has been developed and published. The most recent correspondence from El Paso County Planning requires MLAA to resubmit a 1041 Application with a final FAA approved Master Plan and ALP (Airport Layout Plan). These documents are under final review at the FAA Denver Airport District Office and will be submitted to El Paso County upon receipt of the signed copies. Continued failure to comply with the State statute will result in litigation.

The Board of County Commissioners has not adopted the Part 77 surface overlay for Meadow Lake Airport. As such, staff recommends that the County cannot impose conditions of approval restricting the applicant's right to develop the land based upon such Part 77 surfaces.

Any request from Meadow Lake Airport of the County to adopt the Part 77 surfaces and impose land use restrictions would require the airport to submit an application for a 1041 permit as well as applications for an amendment to the Land Development Code to create a new overlay zoning district and for a map amendment (rezoning) to apply the new overlay zoning district.

The Board of County Commissioners has adopted 1041 Regulations including Site Selection and Expansion of Airports. Staff notes that these regulations require applicants for a permit to develop or expand an airport, such as Meadow Lake Airport Association, to ". . . provide evidence that sufficient property rights or restrictions exist, or alternatively, that adequate measures have been or will be taken and property rights have been or will be acquired to demonstrate that the airport site or expansion, and uses and activities associated with or generated by it, can be legally operated as proposed." Guidelines and Regulations for Areas and Activities of State Interest, Chapter 7, Site Selection and Expansion of Airports, § 7.202(15).

Meadow Lake Airport was sent a letter dated October 3, 2018, which outlined these requirements and the position of the Planning and Community Development Department regarding the status of the Part 77 surfaces in substantial detail (see attached). Meadow Lake Airport has not submitted a complete application to date to initiate the required processes.

The applicant may choose to work with Meadow Lake Airport and accommodate their requests with the future applications for a preliminary plan and final plat(s), but staff is not recommending a condition of approval to the same effect.

K. CONDITIONS AND NOTATIONS

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2018), staff recommends the following conditions and notations.

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include, but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, Federal Aviation Administration, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.

2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RR-2.5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. The adjacent portions of Curtis Road shall be improved to meet the minimum standards of an arterial roadway per the Engineering Criteria Manual. Improvements will be made as part of the Curtis Road access permitting. The necessary improvements and phasing will be clarified with the future applications for Preliminary Plan and Final Plat. This work may be subject to any reimbursement as outlined in the El Paso County Road Impact Fee Program.

NOTATION

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the BoCC may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 32 adjoining property owners on February 27, 2019, for the Board of County Commissioners hearing. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map

Letter of Intent

Rezone Map

Zoning Map

Figure 2-22 from the Falcon/Peyton Small Area Master Plan

Meadow Lake Airport Comment Letter

Letter to Meadow Lake Airport from PCD dated October 3, 2018

FAA, Meadow Lake Airport, and Applicant Correspondence

Planning Commission Draft Minutes

Planning Commission Resolution

Board of County Commissioners' Resolution

P-18-008

File Name: **CE-18-041**

Zone Map No. --

Date: **FEBRUARY 26, 2019**

El Paso County Parcel Information

PARCEL	NAME
4300000561	ROI PROPERTY GROUP LLC
4300000562	ROI PROPERTY GROUP LLC
4300000556	ROI PROPERTY GROUP LLC
4300000554	ROI PROPERTY GROUP LLC
4300000555	OLD WEST RANCH CO PARTNERS LLC
4300000557	OLD WEST RANCH CO PARTNERS LLC
4300000543	ROI PROPERTY GROUP LLC
4300000541	ROI PROPERTY GROUP LLC
4300000542	ROI PROPERTY GROUP LLC



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd
 Colorado Springs, CO 80907
 (719) 520-6600



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William Guman & Associates, Ltd.

Bill Guman, RLA, ASLA | Principal
Colorado Springs City Councilman 1993-2001
Colorado Springs Planning Commissioner 1992-1993
Regional Building Commissioner 1997-2001

URBAN PLANNING | COMMUNITY DESIGN | LANDSCAPE ARCHITECTURE | ENTITLEMENT

731 North Weber Street, Suite 10 | Colorado Springs, CO 80903 | (719) 633-97
<http://www.gumanltd.com/>

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EL PASO COUNTY

LETTER OF INTENT FOR: 824 ACRE CURTIS ROAD SUBDIVISION REZONE REQUEST FROM A-35 (Agricultural) TO RR-2.5 (Rural Residential 2.5 Acre)

OCTOBER 22, 2018 AMENDED JANUARY 18, 2019

OWNER/APPLICANT, AND PLANNING CONSULTANT:

Owner/Applicant:

ROI Property Group, LLC
Rob Fuller
2495 Rigdon Street
Napa, CA 94558
707-365-6891

Planner:

William Guman & Associates, Ltd.
Bill Guman, RLA/ASLA
731 North Weber Street, Suite 10
Colorado Springs, CO 80903
(719) 633-9700

El Paso County Planner:

Nina Ruiz, Project Manager/Planner II
El Paso County Development Services
2880 International Circle
Colorado Springs, CO 80910
(719) 520-6313

PROJECT LOCATION/DESCRIPTION AND HISTORY OF PROPERTY:

The *824 Acre Curtis Road Subdivision* property to be rezoned is located in El Paso County in Peyton, CO, approximately 12 miles east of downtown Colorado Springs, situated east of Curtis Road and the Town of Falcon, Colorado, and south of Judge Orr Road. The site is bordered by Judge Orr Road on the north and Curtis Road on the west. It is approximately 2-1/2 miles east of CO Highway 24.

The property had previously been zoned PUD and had been approved when it was formerly known as *Santa Fe Springs Ranch* until February 2018, when El Paso County rezoned it back to its original A-35 zone district. *[Note: the subject property is an 824 acre portion of the overall former Santa Fe Springs Ranch, which had been approved by the county in 2007 as a PUD zone district with an urban density of up to 5,370 dwelling units on 6,300 acres].*

The Applicant proposes to develop the site as a planned community of new single-family detached manufactured residential dwelling units that recognizes and respects the character of the rural surrounding community. The total acreage of the proposed development is approximately 824 acres, of which approximately 629+/- acres will be developed with up to 250 single family residential lots of not less than 2.5 acre size.

Approximately 135 acres (16.4%) of the 824 acre site is bisected in three distinct areas by jurisdictional and non-jurisdictional wetlands, which are identified on the Rezone Plan as "floodplain." The areas will be preserved as open space with limited recreational use with a primary emphasis on walking and equestrian trails. None of the proposed residential lots would encroach into the floodplain.

Public infrastructure to serve the new lots, including roads, drainage facilities, and utilities will all be constructed in compliance with applicable county standards, regulations and criteria in effect at the time of this application. In keeping with the rural character of the surrounding Peyton and Meadow Lake Estates communities, internal circulation will be comprised of Rural Local roads with roadside ditches.

No development has occurred on the site. It is presently used for livestock grazing as it has been for decades. A small windmill and water tank related to grazing activity exist on the property and will remain to help preserve and promote a rural identity for the proposed development. Two existing capped well heads also are located on the site.

Adjacent land to the east of the property is vacant. Land to the south and west of the property is zoned A-35. Single family residences exist to the west of the site, across from Curtis Road, and to the north of the site across from Judge Orr Road and are zoned RR-5.0, with RR-2.5 zone districts located about one mile farther south from the site on Curtis Road, PUD zoning within the adjacent Meadow Lake Airport, and RR-2.5 zoning approximately two miles west of the site on Judge Orr Road.

DEVELOPMENT REQUEST

The Owner and Applicant request a zone change from A-35 to RR-2.5 to allow for the development of rural residential single family residential lots on approximately 629 acres.

TOTAL NUMBER OF ACRES IN THE REQUESTED RR-2.5 REZONE AREA: 629.54 acres single family residential, 135.23 83 acres jurisdictional and non-jurisdictional wetland (floodplain/open space, no-build), and 109.40 acres roads/ROW for a total of 824 acres.

TOTAL NUMBER OF ACRES WITHIN THIS APPLICATION: 824.00+/- acres

JUSTIFICATION FOR REQUEST

The re-zoning request is consistent with the purposes of the EPCLDC including the ***Falcon/Peyton Small Area Master Plan***. The proposed Rezone Plan is in conformance with subdivision design standards and establishes an adequate level of compatibility with surrounding areas of the site already constructed and other known surrounding areas currently proposed for development.

EXISTING AND PROPOSED IMPROVEMENTS

Proposed improvements will include the construction of county-owned (e.g. public) and maintained asphalt roadways ('Rural Local' classification with roadside ditches). Drainage and storm water detention facilities will be constructed and maintained in conformance with County standards and specifications. Electric, natural gas, and telecommunication service points-of-connection will be extended for all new lots. Water will be provided via a central water system to be developed by the Owner/Applicant (A Metropolitan District is being organized for the project), with individual septic systems to be provided via an On Site Wastewater Treatment (OSWT) plan being prepared by the Owner/ Applicant in accordance with El Paso County Department of Health policy guidelines.

Grading and earthmoving activities will be limited to roadway, drainage and utility construction areas. Individual lot owners will assume responsibility for grading their respective lot; no 'overlot' grading is proposed to occur over most of the site.

LAND DEVELOPMENT CODE, COMPREHENSIVE PLAN AND COUNTY MASTER PLAN CONSISTENCY

EL PASO COUNTY LAND DEVELOPMENT CODE

The Land Development Code Section 5.3.5 (A) states four circumstances in which rezoning is justified. This Application satisfies the first circumstance, which states: "when the requested rezoning is in general conformance or consistency with the County's Master Plan."

REZONE (MAP AMENDMENT) APPROVAL CRITERIA

Under Section 5.3.5 (B) of the Land Development Code, the County's approval of a rezone (Map Amendment) requires a finding that the following four criteria have been met:

1. *The application is in general conformance with the El Paso County Policy Plan including the **Falcon/Peyton Small Area Plan** or there has been a substantial change in the character of the neighborhood since the land was last zoned.*

The application conforms to the *El Paso County Master Plan* for the project area which provides for rural residential use, and is conformance with the *Falcon/Peyton Small Area Master Plan*.

2. *The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. §30-28-111 §30-28-113, and §30-28-116.*

The rezoning is in compliance with all statutory provisions required, including C.R.S §30-28-111, §30-28-113, and §30-28-116.

3. *The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions.*

The proposed land use will [at full build-out] include single family residential dwelling units on lots no smaller than 2.5 acres in size and open space. The balance of the land subject to this application (e.g. jurisdictional and non-jurisdictional wetlands/ floodplains) will also be rezoned RR-2.5 and will remain as open space.

RR-2.5 zoning is compatible with adjoining zone districts because it is; i) similar in character to the zoning of existing communities on Judge Orr Road and Curtis Road; ii) will not negatively affect *view corridors* from the existing homes due to home placement on the new lots; iii) will not have negative drainage impacts on the existing neighborhoods because storm water will be retained onsite or appropriately discharged in conformance with plans approved by the County; iv) will not have significant traffic impacts on the surrounding neighborhood, as shown by the Applicant's traffic report; and v) the project will not introduce incompatible or different land uses, as the surrounding Judge Orr Road and Curtis Road neighborhood is predominantly single family residential lots similar in size and character to the lots to be developed under this Application. The proposed development will retain the feel and character of the existing community.

4. *The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5: Use and Dimensional Standards of the Land Development Code, for the intended zone district.*

The site is suitable for the intended use and proposes uses that are compatible with surrounding RR-2.5 and RR-5 zones, as defined in Chapter 5 of the Land Development Code, as it matches existing single family residential lots and open space uses of all adjacent land.

Existing public infrastructure and services, such as roads, utilities, water, sanitation, fire, and drainage will be used to the extent available and adequate to meet the needs of the new development. New infrastructure, to include drainage improvements, roadways, utilities, erosion control, etc. will be planned and installed in accordance with standards of the Land Development Code (LDC), Engineering Criteria Manual and Drainage Criteria Manual (ECM).

ADHERENCE WITH THE EL PASO COUNTY POLICY PLAN

Goal 6.1 a Encourage patterns of growth and development which complement the regions' unique natural environments and which reinforce community character.

The El Paso County Policy Plan (the "Master Plan") addresses issues directly related to the rezoning and development of the *824 Acre Curtis Road Subdivision* development. The policies specifically related to the rezone request from A-35 to RR-2.5 include:

Policy 6.1.3 - Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.

The rezone from A-35 to RR-2.5 to accommodate new single family rural residential lots is compatible with the existing adjacent rural residential lots in the Judge Orr Road and Curtis Road corridors. New lots will be similar in size to existing lots and roads serving the new lots will be compatible with the types of rural roadways in nearby adjacent neighborhoods.

Policy 6.1.5 - Support the development of well-planned mixed use projects which promote all, or most, of the following objectives:

- maximize the economy and efficiency of land use
- preserve open space or natural areas
- integrate employment, housing, shopping, schools and other use
- accommodate multi-modal transportation linkages
- allow for variations in design and character

The rezone from A-35 to RR-2.5 preserves approximately 16.4% as natural open space areas; jurisdictional and non-jurisdictional wetlands (identified as 'floodplain on the Rezone Plan) will remain as no-build areas.

Policy 6.1.6 - Direct development toward areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently.

The Project is proposed as a development of single family rural residential lots within a non-urban density area of the Falcon/Peyton community. Utilities and road infrastructure needed to

serve the new lots, such as new roads, drainage and detention facilities, erosion control, etc. will be constructed as part of the development.

Policy 6.1.8 - *Encourage incorporating buffers or transitions between areas of varying use or density where possible.*

Buffers and transitions between areas of varying use and density will be achieved using lot sizes that are no smaller than 2.5 acres. Existing jurisdictional and non-jurisdictional wetlands will be used as buffers between residential lots.

Policy 6.1.11 - *Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.*

RR-2.5 zoning proposed for the site is harmonious and compatible with the rural character of adjacent and nearby neighborhoods that are also zoned RR-2.5, RR-5, and PUD.

Policy 6.1.14 - *Support development which complements the unique environmental conditions and established land use character of each sub-area of the County.*

The Applicant proposes to avoid overlot grading across the 824 acre site, and instead will limit grading to roadways and drainage infrastructure in keeping with the established land use character of surrounding sub-areas of the county. Lower density will help to sustain the appearance and unique environmental conditions of adjacent properties.

Goal 6.2

Protect and Enhance Existing and Developing Neighborhoods

Policy 6.2.1 - *Fully consider the potential impact of proposed zone changes and development on the integrity of existing neighborhoods.*

Policy 6.2.2

Promote the unique identity of neighborhoods through the use of focal points, parks, trails and open spaces, preservation of significant natural features, compatible location and design of mixed uses, and promotion of pedestrian and other non-motorized means of travel.

The Applicant proposes to incorporate hiking and equestrian trails in various part of the proposed development to promote non-motorized multi-modal transportation linkages within the development. Ideally, residents might travel by horseback from their home to their neighbor's home.

Policy 6.2.12 - *Ensure that proposed zone changes and/or use variances in established neighborhoods are of compatible scale and physical character.*

The proposed rezone to the RR-2.5 zone district will permit for lower density development that is compatible with the character and use of the non-urban density communities of Falcon/Peyton. Jurisdictional and non-jurisdictional wetlands within the floodplain areas of the site will be preserved as open space no-build areas, which will also lend themselves well toward sustaining the rural nature and character and maintaining the integrity of the surrounding community.

The owner and applicant furthermore propose to introduce a new public trail system within the 824 Acre Curtis Road Subdivision to include equestrian use to further promote a rural character that is compatible with existing adjacent neighborhoods.

Policy 6.2.14 - *Encourage the reasonable accommodation of mixed uses within neighborhoods for the purposes of promoting land use efficiency and providing housing options.*

The Applicant proposes that varying housing types will be developed within the project, including the introduction of manufactured housing products to promote attainability by a wider segment of home buyers.

Goal 6.4 *Develop and maintain rural residential areas in a manner which protects their integrity, addresses the carrying capacity of the natural environment and provides for an adequate level of non-urban facilities and services.*

Policy 6.4.3 - *Allow rural residential development in those areas with sufficient "carrying capacity" including roadway capacity, water supply, septic suitability, educational facilities and organized structural fire protection.*

The surrounding area of the proposed Rezone Plan has sufficient carrying capacity to support the new development with regard to roadway capacity, water supply, septic suitability, educational facilities, and organized structural fire protection. Commitment Letters from entities that would supply this development with essential services have been submitted with this Rezone Plan application.

Policy 6.4.4 - *Encourage new rural residential subdivisions to be located within or contiguous with existing rural residential areas or to be incorporated as a buffer between higher density and undevelopable areas.*

Rezoning from A-35 to RR-2.5 ensures that development of this site will remain compatible and contiguous with existing rural residential areas.

Policy 6.4.6 - *Allow for the accommodation of necessary supporting commercial uses within or in proximity to rural residential areas in a manner that preserves the rural character of these areas.*

Policy 6.4.11 - *Support planning and regulatory approaches which limit the adverse impacts of grazing on lots of 5 acres and less.*

Existing uses on the current site which is zoned A-35 includes livestock grazing operations. The proposed rezoning from A-35 to RR-2.5 will not accommodate nor will the Applicant seek livestock grazing on lots of 5 acres and less.

ADHERENCE TO THE FALCON / PEYTON SMALL AREA PLAN

The property is within the boundaries of the Falcon Peyton Small Area Plan (2008) [Section 4.4.7 Stapleton-Curtis Corridor]

With specific regard to the Stapleton-Curtis Road Corridor, the 824 Acre Curtis Road Subdivision adheres to the following criteria of the Plan:

3 Goals and Principles

3.1 Land Use

*3.1.1 Provide a **balance of land uses** that respects existing and historical patterns while providing opportunities for future residents and businesses.*

*3.1.3 Preserve the **core rural character** of the area.*

*3.1.4 Provide a **variety of different densities** of development options.*

The proposed rezone will provide for single-family detached homes on 2.5 acre lots, which is compatible with the RR-2.5 and RR-5 zone districts and current uses within the adjacent areas of the Plan. This lower density of the development, combined with over 135 acres of non-jurisdictional and jurisdictional wetlands and floodplain area that are to be preserved in perpetuity as no-build open space parcels also help to preserve the core rural character of the area. A system of equestrian trails proposed throughout the open space parcels also will help to maintain the rural character of the Plan area.

3.3 Residential Areas and Densities

*3.3.1 Encourage **diversity and variety in housing** types, sizes, locations, and prices to meet the needs of existing and new residents.*

*3.3.2 Promote **predictable growth** in the housing market that is consistent with the Small Area Master Plan.*

*3.3.4 Meet the **housing needs** of as many existing and new residents of differing ages, incomes, and desired living accommodations.*

The proposed Rezone Plan encourages diverse housing types and prices to meet the needs of existing and new residents. The applicant envisions manufactured housing products as an alternate to stick-built tract housing, which will provide for new homes on 2.5 acre lots that are attainably priced (in comparison to tract subdivisions within the Plan area). This will help to meet the needs of existing and new residents of differing ages and incomes by providing an alternative housing product to that offered elsewhere within the Plan area.

The Rezone Plan also anticipates a finite quantity of homes that can be built on 2.5 acre lots within the 824 acre development, which promotes predictable growth that is consistent with the Plan.

3.4 Facilities and Services (Fire Protection, School Districts, Wastewater Facilities, etc.)

*3.4.1 Encourage development in urban areas where **adequate public facilities** or services exist or can be provided in an efficient manner.*

*3.4.2 Provide for the efficient provision of **public safety** in the area.*

*3.4.3 Encourage the **availability** of facilities and services within the planning area, close to the residents.*

Letters of Commitment to Serve all the area within the Rezone Plan have been provided with this submittal for public safety, gas, and electric. No new facilities for fire protection or schools are proposed or required for this application.

The Applicant is in the process of establishing a Metropolitan District for the creation of a water district that will develop two existing wells (located in the southeast vicinity of the 824 acre site) to facilitate the construction of a central water supply that will service all new homes within the proposed Rezone Map.

3.5 Transportation

*3.5.1 Recommend land use patterns that make **efficient use** of existing transportation infrastructure and limit the cost of future extensions and upgrades.*

*3.5.2 **Mitigate congestion** by providing flexibility for areas of higher population densities while protecting lower density areas from the negative effects of traffic.*

*3.5.5 Enhance the future role of **Meadow Lake Airport** through the recommendation of compatible land uses.*

3.5.6 Balance long term transportation infrastructure needs with current requirements.

A Traffic Impact Study [TIS] has been prepared and provided with this Rezone Plan application. The TIS addresses the use of the two major transportation corridors (e.g. Curtis Road and Judge Orr Road) that provide primary access/egress to and from the Rezone Map area. No “negative effects” of traffic would be triggered as a result of the need to construct additional major arterial infrastructure; all new roads within the Rezone Map area would be a local residential category.

With regard to Meadow Lake Airport, as originally indicated on Page 2 of this LOI the Rezone Plan area had been approved by the county as a PUD development with up to 5,370 urban-density dwelling units on 6,300 acres. This Rezone Plan application proposes significantly fewer units on 2.5 acre lots within the 824 acre site, and would be very compatible with the character and type of residential development that has been allowed to occur immediately adjacent to the Airport.

3.6 Water Supply

3.6.1 Plan for *water resources* in a thoughtful way that recognizes the non-renewable nature of water resources in the area, accommodates existing and historical uses, and allows for sustainable, planned growth.

The Applicant is in the process of establishing a Metropolitan District for the creation of a water district that will develop two existing wells (located in the southeast vicinity of the 824 acre site) to facilitate the construction of a central water supply that will service all new homes within the proposed Rezone Plan. This will allow for sustainable, planned growth as the Rezone Plan area will not rely on development of numerous new wells as a primary source of water for new residences.

3.7 Parks, Trails, and Open Space

3.7.1 Provide *recreational amenities* for area residents.

The Rezone Plan indicates that there are 135 acres of jurisdictional and non-jurisdictional wetlands and floodplains that will remain as no-build open space area. The applicant proposes that equestrian trails will be developed for area residents within some of these open spaces.

3.8 Natural Systems

3.8.1 Preserve *important natural features* that are critical to the function of natural systems such as watersheds and wildlife corridors.

The Rezone Plan indicates that there are 135 acres of jurisdictional and non-jurisdictional wetlands and floodplains that will remain as no-build open space area. These areas will remain as no-build preservation tracts to protect natural watersheds and wildlife corridors.

END

OWNER/APPLICANT:

824 ACRES CURTIS ROAD
PEYTON, CO 80000

PREPARED BY:

WILHELM & ASSOCIATES, INC.
1000 W. 10TH AVENUE, SUITE 100
DENVER, CO 80202
TEL: 303.733.1100
WWW.WILHELM-AND-ASSOCIATES.COM

DATE:

11/15/2011

PROJECT:

REZONE MAP

PROJECT ADDRESS:

824 ACRES CURTIS ROAD

PROJECT DESCRIPTION:

REZONE MAP

PROJECT NUMBER:

11111111

PROJECT DATE:

11/15/2011

PROJECT STATUS:

PREPARED

PROJECT OWNER:

WILHELM & ASSOCIATES, INC.

PROJECT CONTACT:

WILHELM & ASSOCIATES, INC.

PROJECT PHONE:

303.733.1100

PROJECT FAX:

303.733.1100

PROJECT EMAIL:

WILHELM@WILHELM-AND-ASSOCIATES.COM

PROJECT WEBSITE:

WWW.WILHELM-AND-ASSOCIATES.COM

PROJECT ADDRESS:

824 ACRES CURTIS ROAD

PROJECT CITY:

PEYTON, CO

PROJECT COUNTY:

EL PASO COUNTY, CO

PROJECT STATE:

COLORADO

PROJECT ZIP:

80000

PROJECT ZONE:

REZONE MAP

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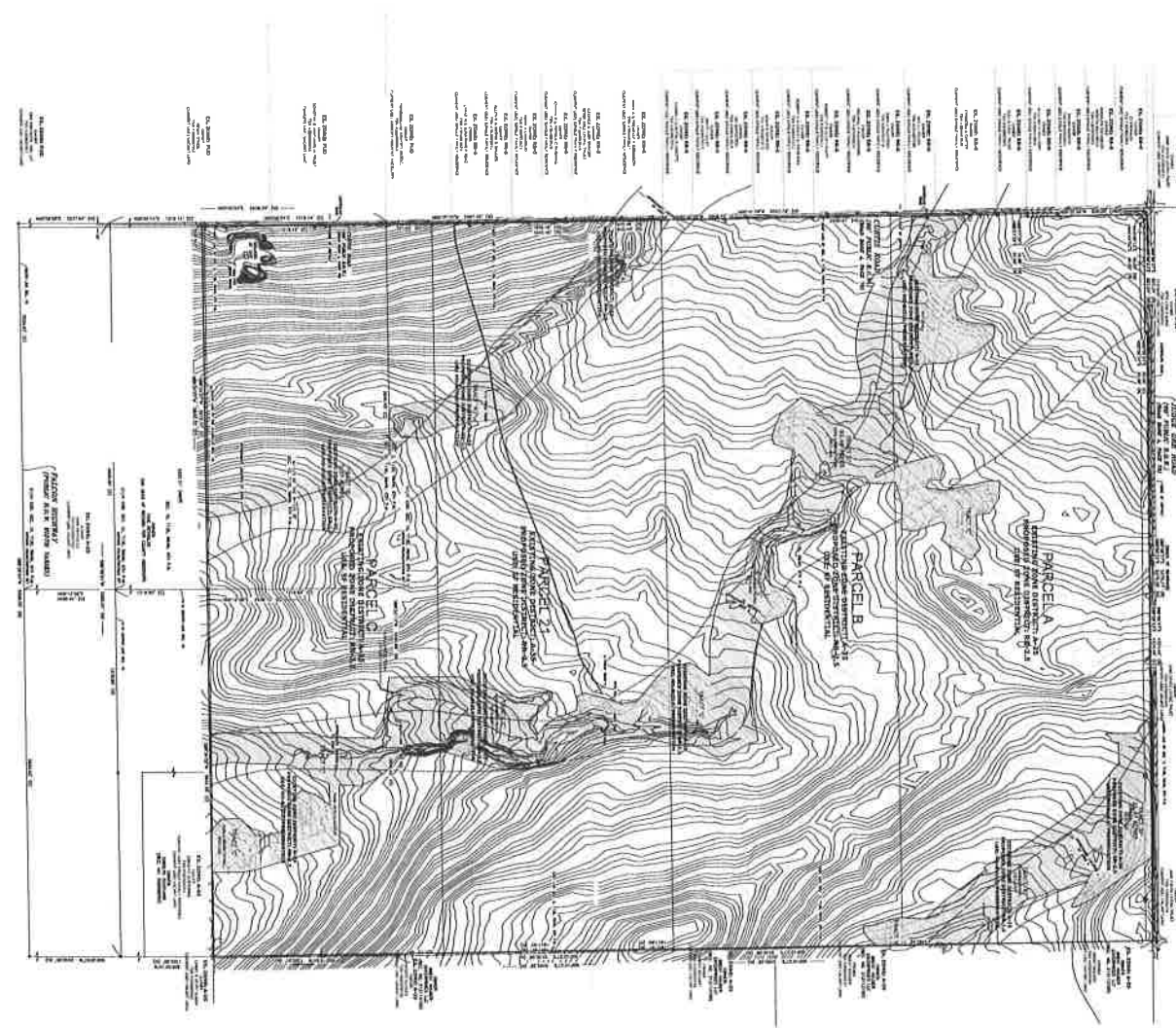
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303.733.1100

PROJECT FAX:

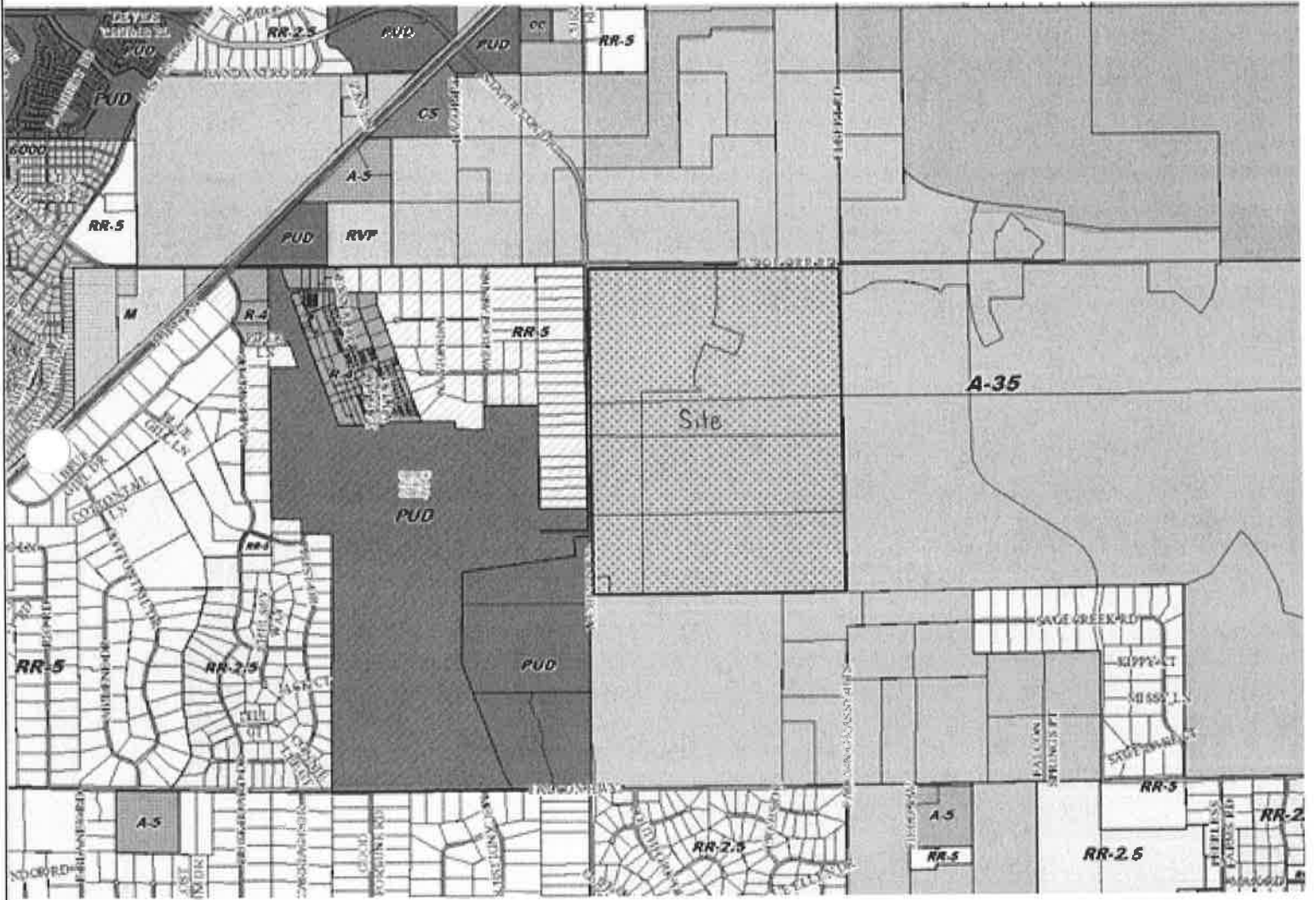
303.733.1100

REZONE MAP
A REZONE FROM AGRICULTURAL RESIDENTIAL (R8-2.5)
824 ACRES CURTIS ROAD DEVELOPMENT
A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13, SOUTH
RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO



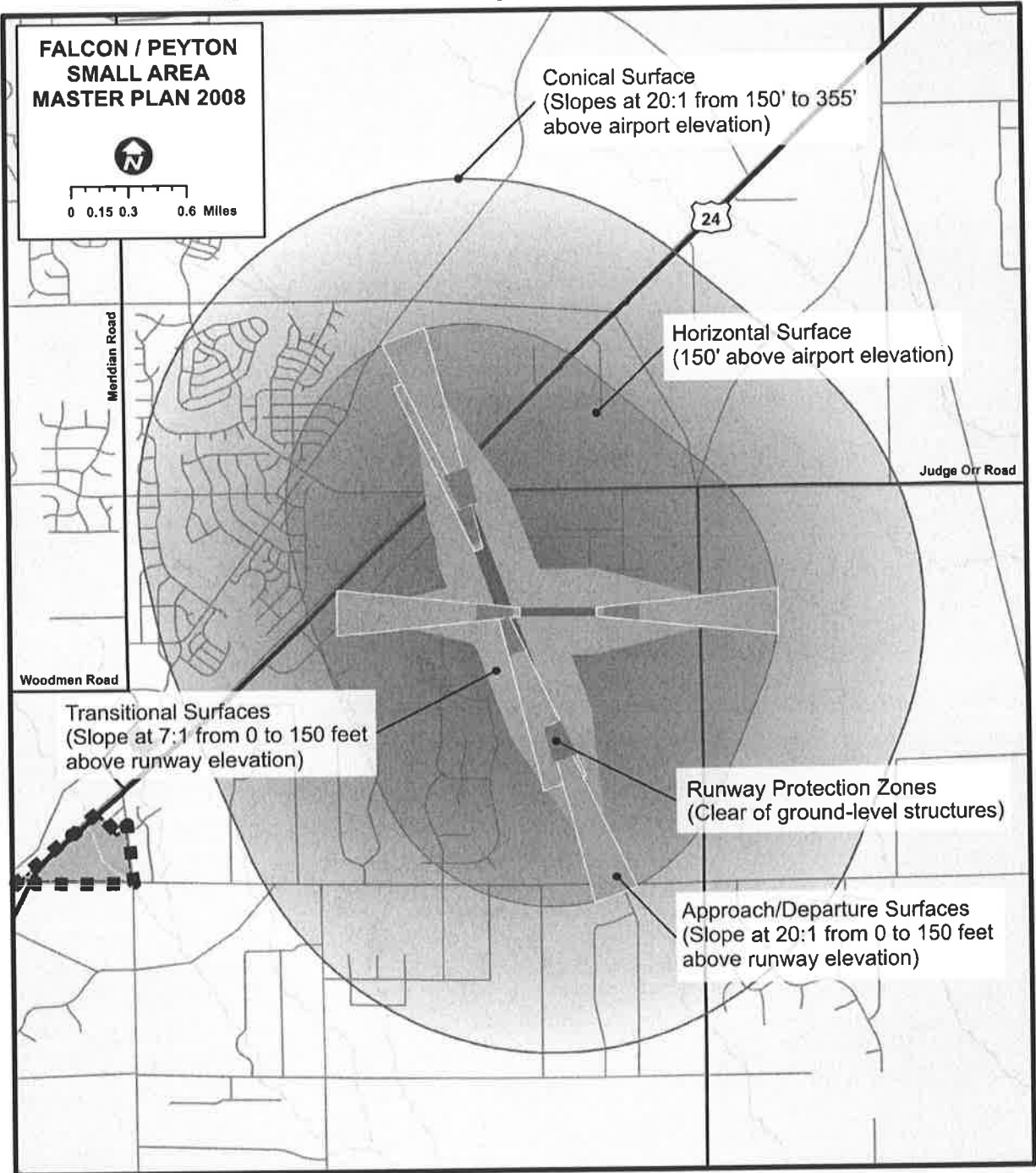
0' 400' 800' 1200'
SCALE: 1" = 400' - 0"

<p>PROJECT NAME: 824 ACRES CURTIS ROAD PROJECT ADDRESS: PEYTON, CO 80000 PROJECT DESCRIPTION: REZONE PLAN</p>	<p>DATE: 11/15/2011 PROJECT NUMBER: 11111111 PROJECT STATUS: PREPARED PROJECT OWNER: WILHELM & ASSOCIATES, INC. PROJECT CONTACT: WILHELM & ASSOCIATES, INC. PROJECT PHONE: 303.733.1100 PROJECT FAX: 303.733.1100 PROJECT EMAIL: WILHELM@WILHELM-AND-ASSOCIATES.COM PROJECT WEBSITE: WWW.WILHELM-AND-ASSOCIATES.COM PROJECT ADDRESS: 824 ACRES CURTIS ROAD PROJECT CITY: PEYTON, CO PROJECT COUNTY: EL PASO COUNTY, CO PROJECT STATE: COLORADO PROJECT ZIP: 80000 PROJECT ZONE: REZONE MAP PROJECT DATE: 11/15/2011 PROJECT STATUS: PREPARED PROJECT OWNER: WILHELM & ASSOCIATES, INC. PROJECT CONTACT: WILHELM & ASSOCIATES, INC. PROJECT PHONE: 303.733.1100 PROJECT FAX: 303.733.1100 PROJECT EMAIL: WILHELM@WILHELM-AND-ASSOCIATES.COM PROJECT WEBSITE: WWW.WILHELM-AND-ASSOCIATES.COM PROJECT ADDRESS: 824 ACRES CURTIS ROAD PROJECT CITY: PEYTON, CO PROJECT COUNTY: EL PASO COUNTY, CO PROJECT STATE: COLORADO PROJECT ZIP: 80000 PROJECT ZONE: REZONE MAP PROJECT DATE: 11/15/2011 PROJECT STATUS: PREPARED PROJECT OWNER: WILHELM & ASSOCIATES, INC. PROJECT CONTACT: WILHELM & ASSOCIATES, INC. PROJECT PHONE: 303.733.1100 PROJECT FAX: 303.733.1100 PROJECT EMAIL: WILHELM@WILHELM-AND-ASSOCIATES.COM PROJECT WEBSITE: WWW.WILHELM-AND-ASSOCIATES.COM</p>
<p>PROJECT NO.: 1 PROJECT TITLE: TITLE2 PROJECT TITLE: TITLE3</p>	<p>SCALE: 1" = 400'</p>



1 mile

Meadow Lake Airport Influence Area



Meadow Lake Airport Association

13625 Judge Orr Road, Meadow Lake Airport (kFLY), Peyton, CO 80831-6051

Date: February 25, 2019

To: El Paso County Planning and Community Development Department

Subj: **DEVELOPMENT PROPOSALS WITHIN THE MEADOW LAKE AIRPORT INFLUENCE AREA** ... including, but not limited to:

Meadowlake Ranch Sketch Plan	File: SKP184
Judge Orr PUD	File: PUD-17-005
824 Acres Curtis Rd, Residential Rezone	File: P188

Ref: (a) CRS 43-10-113. Safe Operating Area Around Airports
(b) FAA Denver Airport District Office (ADO) letter dated October 9, 2018
(c) Meadow Lake Airport Master Plan and Airport Layout Plan (2018)(Draft)

The Meadow Lake Airport Association (MLAA) continues to be adamantly opposed to these development plans. The Falcon area has been under tremendous growth for several years, and the MLAA has been attempting to work with El Paso County Planning to assist the County in developing zoning and planning standards around this public-use reliever airport in accordance with the County's obligation under Colorado statutes (reference a). The development proposals listed above are directly in line with the existing approach and departure paths of the runways at this significant federally-obligated General Aviation facility. The current AG-35 zoning in the area allows for emergency options for aircraft, which are used every year, and is considered to be a "compatible land use". But construction in accordance with these proposals is not compatible (see reference b) and will endanger both persons on the ground and occupants of the aircraft and will most probably result in serious injuries, if not fatalities.

At present, without the County's adoption of a "1041" plan for Meadow Lake Airport there are no appropriate planning standards with which to evaluate development proposals in the "Airport Influence Area". Reference (b) is the letter from the FAA Denver Airport District Office (ADO) (encl 1) that was provided to County Planning in response to the **Meadowlake Ranch Sketch Plan**, but applies generically to all three proposals. The **Judge Orr PUD** proposal is even closer and lies within the charted "Runway Protection Zone" of Runway 15. The **824 Acres Curtis Road** project (aka 629 CO Springs Residential Rezone) lies within the approach and departure paths of Runway 8-26. (see enclosure 2).

El Paso County must delay any consideration of these proposals, and any others within the Meadow Lake Airport Influence Area, until a 1041 plan has been developed and published. The most recent correspondence from El Paso County Planning requires MLAA to resubmit a 1041 Application with a final FAA approved Master Plan and ALP (Airport Layout Plan). These documents are under final review at the FAA Denver Airport District Office and will be submitted to El Paso County upon receipt of the signed copies. Continued failure to comply with the State statute will result in litigation.

Respectfully,



David E. Elliott
President, MLAA Board of Directors
cell: (719) 339-0928

email: falcon20flier@msn.com

Copy: Holly Williams El Paso County Commissioner (District 1)
Mark Waller, El Paso County Commissioner (District 2, Airport Liaison)
Stan VanderWerf, El Paso County Commissioner (District 3, Airport Liaison)
Longinos Gonzalez, Jr, El Paso County Commissioner (District 4)
Cami Bremer, El Paso County Commissioner (District 5)
Office of the Colorado State Attorney General
FAA Denver Airports District Office
Colorado Division of Aeronautics
Aviation, Inc.

Encl: (1) FAA Denver Airport District Office (ADO) letter dated October 9, 2018
(2) Meadow Lake Airport Traffic Patterns



U.S. Department
of Transportation
**Federal Aviation
Administration**

Denver Airports District Office
26805 E. 68th Avenue, Room 224
Denver, Colorado 80249
303-342-1250; FAX 303-342-1260

October 9, 2018

Craig Dossey
Executive Director
Planning and Community Development
El Paso County
2880 International Circle, Suite 110
Colorado Springs, CO 80910

RE: Meadowlake Ranch Development, EA # EA17227 - File # SKP184

Dear Mr. Dossey:

The Federal Aviation Administration, Denver Airports District Office (FAA) was notified by the Meadow Lake Airport Authority (MLAA) that El Paso County is considering approval of the above referenced residential development, Meadowlake Ranch. The FAA is opposed to residential uses of this proposed project. Due to the close proximity to Meadow Lake Airport's Runway 15/33, residential uses of this proposed development could potentially have negative impacts on persons and property on the ground and the safety and utility of the National Airspace System.

Meadow Lake Airport is a busy General Aviation airport, with approx. 383 based aircraft and 65,000 annual operations (a take-off or landing). It is utilized by a variety of aircraft, ranging from small, single-engine propeller airplanes up to jet aircraft that operate during the day and night. The airport is a Federally-funded, public use airport that is required by Federal law to remain open to all types of aircraft 24 hours a day, 7 days a week.

The Federal Government has made a significant investment of public funds in the Meadow Lake Airport. Under the current Federal airport aid program, the FAA has provided over \$7.5 million in development and planning grants to this airport. This investment requires the MLAA, as the airport sponsor, to comply with specific Federal obligations, known as Federal grant assurances. Among many other requirements, Federal grant assurances require MLAA to preserve and operate Meadow Lake Airport in accordance with FAA regulations and standards and to protect the airport from non-compatible land uses.

Incompatible land use at or near airports may result in the creation of hazards to air navigation and reductions in airport utility due to obstructions to flight paths or noise-related incompatible land use caused by residential construction development too close to the airport. FAA considers residential development adjacent an airport to be a non-compatible land use (see FAA Order 5190.6B, Airport Compliance Manual, Chapter 20, *Compatible Land Use and Airspace Protection*).

The southern boundaries of the proposed Meadowlake Ranch is less than 1,300 feet from the end of Runway 15/33 along the extended centerline of this runway. Runway 15/33 is the primary runway at Meadow Lake Airport, serving approx. 95 percent of the airport's annual aircraft operations. This means residents of Meadowlake Ranch will be subject to an average of 95 overflights daily. These aircraft will be at low altitudes as they approach and depart the airport. In accordance with standard operating procedures, aircraft approaching and departing Runway 15/33 could be operating at altitudes lower than 400 feet above the proposed project. This is particularly the case over higher terrain to the north of the airport.

As a consequence of aircraft overflights, residents would be subjected to considerable "single-event" noise impacts from aircraft overflights, which residents are particularly sensitive to during nighttime hours. In addition, there could be visual (perceptual) impacts from aircraft operating into and out of the airport. While these types of operations represent safe and typical flight procedures, it may be disconcerting to many people due to a perceived hazard of low flying aircraft.

Further, there is no guarantee that noise levels at the proposed development will remain the same. The proposed development is so close to Meadow Lake Airport that any change to aircraft operations, and the type of aircraft that use the airport, could readily increase the amount of aircraft noise and overflight over the proposed development. Please be aware FAA would not support any Federal assistance to mitigate aircraft noise or incompatible land uses associated with this proposed development, including soundproofing, the acquisition of houses and relocation of residents. Per FAA policy, remedial noise mitigation measures for new non-compatible development constructed after October 1, 1998 are not eligible for Federal funding (see FAA Final Policy on Part 150 Approval of Noise Mitigation Measures: Effect on the Use of Federal Grants for Noise Mitigation Projects, dated April 3, 1998).

Although the frequency of aircraft accidents is comparatively very low, the numbers of aircraft using the concentrated airspace of airport approach and departure areas, together with the complexities of takeoff and landing operations, does mean that accidents are proportionately higher in those areas than in other locations farther away from airports. MLAA reports that aircraft annually make emergency landings in the area of the proposed development. Most of these aircraft can be towed back to the airport because they have landed in an open field. The most recent incident was on August 23, 2018, when an aircraft lost power and crashed in the area of the proposed development, approx. a ¼ mile north of Runway 15/33. This aircraft sustained substantial damage. This is why the FAA strongly discourages the congregation of people under airport traffic patterns and approach and departure areas. The proposed Meadowlake Ranch development is within the approach and departure areas for Runway 15/33.

The FAA works with airport sponsors and their surrounding communities to keep approach and departures areas near an airport as clear as possible in order to protect people and property on the ground. In particular, land uses involving large congregations of people, including schools, churches and hospitals are strongly discouraged under approach and departures paths. The State of Colorado also has enacted similar requirements to protect persons and property near airports (see Colorado Revised Statute 24-65.1-202, Criteria for Administration of Areas of State Interest, and 43-10-133, Safe Operating Areas Around Airports).

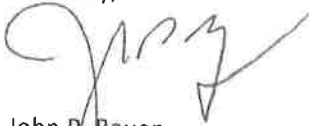
In accordance with Title 14 of the Code of Federal Regulations (14 CFR) Part 77, *Safe, Efficient Use, and Preservation of the Navigable Airspace*, and Colorado state law, the developer of Meadowlake Ranch must request an airspace analysis of the proposed development to determine potential aeronautical hazards in advance of construction to prevent or minimize the adverse impacts to the safe and efficient use of navigable airspace. In particular, multi-storied buildings in the proposed development must be analyzed to determine if they need to be lowered and/or lighted with obstruction lights.

FAA reviews construction proposals through the submittal of FAA Form 7460-1, *Notice of Proposed Construction or Alteration*. If any portion of the proposal is located within 20,000 feet of a public use runway (and breaks a 100:1 plane coming off the nearest point of the nearest runway); or, is more than 200 feet above ground level at any location, the FAA requires the project's proponent to file a Form 7460-1. If the proposal does not meet any of the criteria above, it may still be necessary to file a Form 7460-1 if the structure requires an FCC license or there is a potential for navigational equipment interference. The FAA uses information provided on this form to conduct an aeronautical review to determine if the proposal will pose an aeronautical hazard and to minimize the adverse effects to aviation. FAA Form 7460-1 can be filed electronically at www.oa.faa.gov.

For the reasons discussed above, the FAA cannot support the construction of residences so close to Meadow Lake Airport. We recommend El Paso County not approve residential development as proposed and explore alternative uses of this land that better conform with Federal, state and industry recommendations for compatible land uses near airports.

If you have questions regarding the above comments or would like to meet to discuss our concerns, please contact me at (303) 342-1259.

Sincerely,



John P. Bauer
Manager
FAA/Denver Airports District Office

cc: Darryl Glen, El Paso County Board
Leo Milan, Colorado Office of the Attorney General
David Ulane, CDOT – Division of Aeronautics
Dave Elliot, Meadow Lake Airport Association

Tracey Garcia

From: Nina Ruiz
Sent: Friday, March 15, 2019 11:22 AM
To: Tracey Garcia
Subject: FW: 824 Acres Rezone/ File #P-18-008
Attachments: Letter to Meadow Lake Airport.pdf

Please use this one with my response to her.

From: Nina Ruiz
Sent: Friday, March 15, 2019 11:22 AM
To: 'linda.bruce@faa.gov'
Cc: 'John.Bauer@faa.gov'; 'todd.green@state.co.us'; 'falcon20flier@msn.com'; 'Dellah.Colin@faa.gov'; Craig Dossey; Mike Hrebenar; Cole Emmons; 'Bill Guman (bill@guman.net)'; 'Brady Williams (brady@whitmirecapitaladvisors.com)'; 'Rob Fuller (rob@roipropertygroup.com)'
Subject: RE: 824 Acres Rezone/ File #P-18-008

Hello Linda,

Thank you for these comments and for the conversation we just had over the phone.

Can you please submit the comments via EDARP so that they are a part of the official record for this project?

As we discussed we are just at the zoning stage at the moment so the subdivision design is unknown. We will send referrals to your department if the rezone is approved and the preliminary plan and final plat are been submitted. We will look forward to any comments you may have in relation to the actual layout of the subdivision.

We also discussed the County process in order for the BoCC to adopt the Part 77 surfaces and an overlay to legally restrict land uses and densities. I have attached a copy of the letter that was sent to Meadow Lake last year outlining the required process in great detail. To date no complete submission has been made by Meadow Lake.

Thank you again for providing your comments and for taking time out of your day to talk with me. Have a wonderful weekend!

Nina Ruiz
Planner II
El Paso Planning & Community Development
2880 International Circle
Colorado Springs, CO 80910
(719) 520-6300 (Main)
(719) 520-6313 (Direct)

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From: linda.bruce@faa.gov [mailto:linda.bruce@faa.gov]

Sent: Thursday, March 14, 2019 4:06 PM

To: Nina Ruiz

Cc: John.Bauer@faa.gov; todd.green@state.co.us; falcon20flier@msn.com; Delilah.Colin@faa.gov

Subject: RE: 824 Acres Rezone/ File #P-18-008

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Ms. Ruiz,

Thank you for requesting the FAA's comments on the proposed 824 Acres Rezone project (File #P-18-008).

The FAA is opposed to rezoning the subject parcel to allow residential use. Due to the close proximity to Meadow Lake Airport's Runway 8/26 and Runway 15/33, residential use of this land could potentially have negative impacts on persons and property on the ground and the safety and utility of the National Airspace System.

Meadow Lake Airport is a busy General Aviation airport, with approx. 383 based aircraft and 65,000 annual operations (a take-off or landing). It is utilized by a variety of aircraft, ranging from small, single-engine propeller airplanes up to jet aircraft that operate during the day and night. The airport is a Federally-funded, public use airport that is required by Federal law to remain open to all types of aircraft 24 hours a day, 7 days a week.

The Federal Government has made a significant investment of public funds in the Meadow Lake Airport. Under the current Federal airport aid program, the FAA has provided over \$7.5 million in development and planning grants to this airport. This investment requires the MLAA, as the airport sponsor, to comply with specific Federal obligations, known as Federal grant assurances. Among many other requirements, Federal grant assurances require MLAA to preserve and operate Meadow Lake Airport in accordance with FAA regulations and standards and to protect the airport from non-compatible land uses.

Incompatible land use at or near airports may result in the creation of hazards to air navigation and reductions in airport utility due to obstructions to flight paths or noise-related incompatible land use caused by residential construction development too close to the airport. FAA considers residential development adjacent an airport to be a non-compatible land use (see FAA Order 5190.6B, Airport Compliance Manual, Chapter 20, Compatible Land Use and Airspace Protection).

The western boundary of the subject 824 acres is approx. 5,280 feet from Runway 15/33 and approx. 2,000 feet from the end of Runway 8/26, along the extended centerline of this runway. This means residences built on the 824 acres would be subject to regular aircraft overflights at low altitudes as they approach and depart the airport. Due to the close proximity to Runway 8/26, individuals living on the subject acreage could experience an average of 70 weekly overflights of aircraft arriving and departing Runway 8/26, as well as overflights of aircraft entering or departing traffic patterns for the airport's other two runways. In accordance with standard operating procedures, aircraft approaching and departing the airport could be altitudes lower than 400 feet above the subject property.

As a consequence of aircraft overflights, residents would be subjected to considerable "single-event" noise impacts from aircraft overflights, which residents are particularly sensitive to during nighttime hours. In addition, there could be visual (perceptual) impacts from aircraft operating into and out of the airport. While these types of operations

represent safe and typical flight procedures, it may be disconcerting to many people due to a perceived hazard of low flying aircraft.

Further, there is no guarantee that noise levels at the proposed development will remain the same. The proposed development is so close to Meadow Lake Airport that any change to aircraft operations, and the type of aircraft that use the airport, could readily increase the amount of aircraft noise and overflight over the proposed development. Please be aware FAA would not support any Federal assistance to mitigate aircraft noise or incompatible land uses associated with this proposed development, including soundproofing, the acquisition of houses and relocation of residents. Per FAA policy, remedial noise mitigation measures for new non-compatible development constructed after October 1, 1998 are not eligible for Federal funding (see FAA Final Policy on Part 150 Approval of Noise Mitigation Measures: Effect on the Use of Federal Grants for Noise Mitigation Projects, dated April 3, 1998).

Although the frequency of aircraft accidents is comparatively very low, the numbers of aircraft using the concentrated airspace of airport approach and departure areas, together with the complexities of takeoff and landing operations, does mean that accidents are proportionately higher in those areas than in other locations farther away from airports. MLAA reports that aircraft annually make emergency landings on the subject 824 acres, as a large portion of this land is within the approach and departure areas for Runway 8/26. This is why the FAA strongly discourages the congregation of people under airport traffic patterns and approach and departure areas.

The FAA works with airport sponsors and their surrounding communities to keep approach and departures areas near an airport as clear as possible in order to protect people and property on the ground. In particular, land uses involving large congregations of people, including schools, churches and hospitals are strongly discouraged under approach and departures paths. The State of Colorado also has enacted similar requirements to protect persons and property near airports (see Colorado Revised Statute 24-65.1-202, Criteria for Administration of Areas of State Interest, and 43-10-133, Safe Operating Areas Around Airports).

In accordance with Title 14 of the Code of Federal Regulations (14 CFR) Part 77, *Safe, Efficient Use, and Preservation of the Navigable Airspace*, and Colorado state law, the developer of the subject 824 acres must request an airspace analysis of the proposed developed to determine potential aeronautical hazards in advance of construction to prevent or minimize the adverse impacts to the safe and efficient use of navigable airspace. In particular, multi-storied buildings must be analyzed to determine if they need to be lowered and/or lighted with obstruction lights.

FAA reviews construction proposals through the submittal of FAA Form 7460-1, *Notice of Proposed Construction or Alteration*. If any portion of the proposal is located within 20,000 feet of a public use runway (and breaks a 100:1 plane coming off the nearest point of the nearest runway); or, is more than 200 feet above ground level at any location, the FAA requires the project's proponent to file a Form 7460-1. This includes temporary cranes used during construction. If the proposal does not meet any of the criteria above, it may still be necessary to file a Form 7460-1 if the structure requires an FCC license or there is a potential for navigational equipment interference. Information provided on Form 7460 must include top elevations and latitude/longitude coordinates of proposed buildings and structures. Plot sketches without this information will not be evaluated.

FAA Form 7460-1 can be filed electronically at www.oaaaa.faa.gov. The FAA uses information provided on this form to conduct an aeronautical review to determine if proposed development will pose an aeronautical hazard and to minimize the adverse effects to aviation. Please note a FAA determination of no hazard to air navigation does not release the Meadow Lake Airport Association or El Paso County from obligations under Federal grant assurances and state law to ensure compatible land use and public safety near the Meadow Lake Airport.

For the reasons discussed above, the FAA cannot support the rezoning of the subject 824 acres for residential use due to the close proximity to Meadow Lake Airport. We recommend El Paso County explore alternative uses of this land that better conform with Federal, state and industry recommendations for compatible land uses near airports.

If you have questions regarding the above comments, please contact me at (303) 342-1264.

Linda Bruce
Colorado State Planner
Federal Aviation Administration
Denver Airports District Office
26805 E. 68th Ave., Suite 224
Denver, CO 80249
(303) 342-1264

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From: Bauer, John (FAA) <John.Bauer@faa.gov>
Sent: Wednesday, March 13, 2019 8:21 AM
To: Bruce, Linda (FAA) <linda.bruce@faa.gov>
Subject: FW: 824 Acres Rezone

Can you follow up on this please.

John P. Bauer
Manager
Federal Aviation Administration
Denver Airports District Office
P: 303.342.1259

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From:
Sent: Wednesday, March 13, 2019 8:14 AM
To: Bauer, John (FAA) <John.Bauer@faa.gov>
Subject: 824 Acres Rezone

Hello,

We have not received a response to the referral request for the above referenced project. This item is scheduled for Planning Commission next Tuesday so I wanted to ensure that you do not have any additional comments or concerns regarding this project. Thank you!

Nina Rulz
Planner II
El Paso Planning & Community Development
2880 International Circle
Colorado Springs, CO 80910
(719) 520-6300 (Main)
(719) 520-6313 (Direct)

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Nina Ruiz

From: linda.bruce@faa.gov
Sent: Monday, April 08, 2019 12:44 PM
To: bill@guman.net
Cc: Nina Ruiz; rob@roipropertygroup.com; brady@whitmirecapitaladvisors.com; John.Bauer@faa.gov; Craig Dossey; Cole Emmons; Mike Hrebenar; david.ulane@state.co.us; John.Bauer@faa.gov; Marc.C.Miller@faa.gov; falcon20flier@msn.com
Subject: RE: 824 Acre Curtis Road Subdivision Meadow Lake Airport

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Mr. Guman,

Thank you for your email regarding FAA's concerns with the proposed residential development on the subject 824 Acre Curtis Road Subdivision.

Mr. Elliott is correct that FAA's Denver Airports District Office (ADO) was not consulted prior to the construction of most homes surrounding the Meadow Lake Airport. The first Federal grant to the Meadow Lake Airport was in 1987. Prior to this date, the airport sponsor was not required to comply with FAA airport design and safety standards or Federal grant assurances.

As far as I know, the Denver ADO was not asked to comment on the Santa Fe Springs or Industrial Park developments. Only recently has El Paso County requested my review of proposed development near the airport (the 824 Acres Rezone project and Meadowlake Ranch development). The FAA doesn't monitor planning and zoning activities around Federally obligated airports. This is the responsibility of the airport sponsor per Federal Grant Assurance #21 (Federal grant assurances are available online at https://www.faa.gov/airports/aip/grant_assurances/). When requested, the Denver ADO will provide comments on a proposed land uses on or adjacent an airport as it relates to the safety and utility of the airport and the airport sponsor's ability to comply with Federal grant assurances.

Proponents of some residential development near the Meadow Lake Airport may have requested the FAA to conduct an airspace evaluation, as required by 14 CFR Part 77. Please note Federally obligated airports must still comply with Federal grant assurances even if FAA issues a determination letter stating there is no hazard to air navigation. It's a common misunderstanding that an airspace determination of no hazard means the FAA approves the proposed construction/project. This is not the case and the FAA may need to conduct an additional review to determine compliance with Federal grant assurances.

In no instance does the FAA encourage residential development on an airport. Per FAA Order 5190.6B, *Airport Compliance Manual*, Chapter 20, the FAA considers residential use of land on or near airport property to be incompatible with airport operations because of the impact of aircraft noise and, in some cases, for reasons of safety, depending on the location of the property. Residential development on Federally obligated airports is incompatible with aircraft operations and conflicts with several Federal grant assurances and surplus property requirements. (The Airport Compliance Manual is available online at https://www.faa.gov/airports/resources/publications/orders/compliance_5190_6/).

FAA does not consider homes surrounding the Meadow Lake Airport to be on-airport residences. No homes, hangars or other support facilities (with the exception of the terminal building) are within the airport property boundary, as depicted on the FAA-approved Meadow Lake Airport Layout Plan (ALP). Structures adjacent the airfield are on private

land. Owners of adjacent private land may have agreements with the Meadow Lake Airport Association to gain access to the airport and the FAA regulates such agreements (see *FAA Policy Regarding Access to Airports from Residential Property*, July 16, 2013, available at https://www.faa.gov/airports/airport_compliance/residential_through_the_fence/).

In your message, you state that “any residence allowed to be built within even closer proximity to Runway 8/26 and 15/33 would be subjected to the same – and even greater – negative impacts on persons and property on the ground.” The FAA agrees and requires airport sponsors to keep areas at the end of runways clear of structures. This is because aircraft crashes/incidents occur at a much higher rate in these areas. Sometimes this isn’t always possible, particularly if the airport sponsor doesn’t own the land, but the FAA still requires the airport sponsor to work with local planning and zoning authorities to try to keep these areas clear, particularly in areas where there is a known history of aircraft crashes and emergency landings.

While there are homes adjacent the Meadow Lake Airport, there are no structures immediately off the runway ends and very few structures in approach/departure areas, as shown on the Meadow Lake Airport ALP. The FAA requires Federally obligated airport to maintain areas off the end of the runway, known as the runway protection zone (RPZ), clear of structures and public uses. At the Meadow Lake Airport, the RPZ extends 1,000 feet from the end of the runway and is approx. 700 feet at its widest. The airport sponsor is required to limit activities and structures in the RPZ to protect people and property on the ground from aircraft crashes and emergency landings. Any changes to the use of an RPZ requires FAA HQ approval (see FAA Memorandum, *Interim Guidance on Land Uses Within a Runway Protection Zone*, dated 9/27/2012). In addition, FAA limits the proximity and height of buildings/structures adjacent a runway. Should such structures be too close to the runway or too tall, FAA may determine it a hazard to air navigation and place restrictions on aircraft operations. The FAA also encourages airports sponsors to keep approach and departure areas clear of residences and places of public assembly, such as churches, schools, hospitals, office buildings, shopping centers, and other uses with similar concentrations of persons.

The subject property does not need to remain undeveloped in perpetuity for the FAA to consider it to be a compatible with the Meadow Lake Airport. Most commercial and industrial uses, especially those associated with the airport, are good neighbors to airports. Land uses where the airport creates the demand, such as warehouses, shipping agencies, aircraft-related industries, and industries that benefit from the access to an airport, are compatible land uses. Other uses that may be compatible with airports are large parks, conservatory areas, and other open spaces, especially in areas along the extended runway centerline where aircraft crashes happen more frequently. Forestry service, landscape services, golf courses, and some extractive industries such as mining and excavations are also compatible with airports as long as they do not attract wildlife (such as flood control areas, stockyards, and sanitary landfills). For more information on compatible land uses near airports, please go to FAA’s online land use guidance at https://www.faa.gov/airports/environmental/land_use/.

You mentioned other residential and commercial developments recently approved within an Aviation Overlay Zone for the Colorado Springs Municipal Airport and the USAF Academy Airfield. I can’t speak to land uses adjacent to the Academy Field as this facility is regulated by the Department of Defense but the Colorado Springs Airport does receive Federal airport improvement funds from the FAA and is required to comply with the same compatible land use requirements as the Meadow Lake Airport. In reviewing the airspace drawings for Colorado Springs Airport, I can find no residential developments at the same distance from a runway end as you are proposing for your development (2,000 ft.). As with the Meadow Lake Airport, RPZs and approach/departure areas along extended runway centerlines at the Colorado Springs Municipal Airport are kept clear for noise and safety purposes.

The City of Colorado Springs, as the airport sponsor, coordinates with the Denver ADO regarding proposed development within approach and departure surfaces to ensure compliance with Federal grant assurances. I’m unfamiliar with the city’s zoning to protect the Colorado Springs Municipal Airport but if the city has adopted an airport influence or overlay zone, it most likely doesn’t preclude residential development. Similar zoning at other airports is intended to limit residential uses in areas that would be subject to more aircraft noise or overflight (typically under airport traffic patterns and within the 65 DNL noise contours), limit building heights and land uses to ensure compliance with Federal grant

assurances, and to give notice to residents that an airport is nearby. The boundaries of such zoning areas will vary but can extend as far out as the edge of the conical surface (a Part 77 surface), depending on the size and approach speed of aircraft that use the airport.

You also expressed concerns with a home recently built in close proximity to the Meadow Lake Airport's main runway and active real estate listings for other residentially-zoned parcels adjacent the airport. You wondered if requiring hangars to be built along with each new residence would make development more acceptable to FAA. Unfortunately, hangars don't make a residence any more palatable to the FAA. As Mr. Elliott stated in his reply, FAA current policy on residential through-the-fence (TTF) allows the airport sponsor to honor existing residential TTF agreements established prior to 2014 but new agreements must be FAA approved and comply with more stringent terms and conditions specified in Public Law 112-95. I don't know a lot about TTF requirements so I'd recommend you speak to our office's expert on these agreements, Marc Miller (his phone number is 303-342-1282). The agency's position that residences are a non-compatible land use adjacent an airport makes it difficult to comply with new TTF requirements. It would be much easier to respond to your question if you were just proposing to build an aircraft hangar complex and wanted access to the airport.

Regarding the purchase of the subject 824 acre parcel from your client, current FAA policy doesn't allow Federal funds to be used for land acquisition at airports like the Meadow Lake Airport. The Meadow Lake Airports is a privately-owned, public use airport and Federal airport development funds can only be used for airfield pavement improvements at such airports.

Finally, the easement language that you refer to is meant for those areas near an airport that have building height restrictions because of the close proximity to approach/departure surfaces, Part 77 and terminal area surfaces, or navigation equipment. These areas are critical to aircraft operations and need to be protected to ensure safe aircraft operations. We've seen all sorts of structures, towers and lights erected on land adjacent airports so the proposed easement language is to ensure safe passage of aircraft over the subject property and make sure the airport can continue to operate as an airport. Some municipalities use easement language that restricts the height of structures in approach/departure areas to a specific number of feet and prohibits structures from penetrating any Part 77 surfaces. I'd suggest you review the airspace drawings included in the Meadow Lake Airport ALP with Mr. Elliott to determine those areas that require more restrictive easement language.

Linda Bruce
Colorado State Planner
Federal Aviation Administration
Denver Airports District Office
26805 E. 68th Ave., Suite 224
Denver, CO 80249
(303) 342-1264

From: David Elliott <falcon20flier@msn.com>
Sent: Sunday, March 24, 2019 6:47 AM
To: Bill Guman <bill@guman.net>
Cc: Bruce, Linda (FAA) <linda.bruce@faa.gov>
Subject: Re: 824 Acre Curtis Road Subdivision_Meadow Lake Airport

Good Morning,

Allow me to address some significant differences in the two plots, and now vs then:

I doubt that the FAA was even consulted at the time MLA 14 was being proposed (2004-2007) (Note: it is an MLA filing, not Meadow Lake Estates). 150 additional hangars had been proposed for the site and it was felt that those would have created significant traffic challenges (vehicular and aircraft) on the airport. When the prospective purchase fell thru, my partner & I offered to develop it for residential airpark to meet a demand for additional hangar/home properties. We immediately had 7 interested parties, but of course the economy fell and the land sat there for next 10 years. But note that these properties require aircraft and MLAA membership (the residents won't be complaining about noise ... they will be part of it) and the location is neither a hazard to aircraft operations or persons on the ground (not in line with a runway nor under a traffic pattern).

I became President of the MLAA Board of Directors in 2008. Prior to me, MLAA allowed contractors and consultants to do all the planning and coordination for Meadow Lake Airport. The result, while "official", created significant stress and division on the airport between what we are and what others thought we should become. I have a little different management style and determined that we (MLAA) needed to be more directly involved with determining our future. That meant a lot more time, research and involvement (than what my predecessors had taken) with the FAA and CDoT/Aeronautics to learn the rules and programs. One of the first challenges I faced was the FAA's national concern for Residential Thru-The-Fence. The resulting policy from Washington is that privately-owned airports in the NPIAS are prohibited from allowing any additional RTTF properties to have access to their airports. An "inventory" was required and what we have is the limit. This falls in line with the FAA concern and objection to residences in the immediate vicinity of the airport.

That research also uncovered the C.R.S. requirement for El Paso County to develop appropriate land use zoning around the airport. There may have been no objection to the prior Santa Fe Springs project because it pre-dated airport involvement with development in the area. But times have obviously changed with the apparently unrestrained growth in the Falcon area, and with our more direct involvement with planning on and around Meadow Lake Airport, we are now very concerned with the lack of County compliance to state regs and their own documents. As described in our briefing this week, the 824 Acres Curtis Road (Saddlehorn Ranch) project is directly under our normal traffic pattern for our primary runway, and in line with the transition surfaces (approach and departure) for the crosswind runway. It has obvious implications to the safety of persons on the ground and aircraft operations, as well as probable noise implications for the residences. As we briefed, this is not the only project we object too, just the next one up for County approval. Incidentally, the Meadow Lake Industrial Park is neither in line with the runways nor a residential development and therefore was considered to be a "compatible land use".

The County's statement that MLAA needs to apply for a "1041" is interesting. We have been trying to work with them for over 4 years and for whatever reasons, they keep moving the goal post. Unfortunately, we must now move this up the chain.

V/R
Dave
cell/text: 719-339-0928

Content from Windows Mail

From: [Bill Guman](#)
Sent: Friday, March 22, 2019 1:49 PM
To: linda.bruce@faa.gov, [Dave Elliott](#)

Cc: NinaRuiz@elpasoco.com, rob@roipropertygroup.com, brady@whitmirecapitaladvisors.com, craigdossey@elpasoco.com, [Mike Hebrenar](mailto:MikeHebrenar@gmail.com), ColeEmmons@elpasoco.com, John.Bauer@faa.gov, ed@guman.net, [Tom Shook](mailto:TomShook@gmail.com), [Dave Elliott](mailto:DaveElliott@gmail.com)

Thank you for your email, Linda.

William Guman & Associates, Ltd. is the planner and owner's representative for the proposed **824 Acre Curtis Road** subdivision. Guman was also the planner in 2008 when the county approved zoning and preliminary plans for the same site (formerly known as *Santa Fe Springs*). Approval by the county at that time was granted for 5,370 residential dwelling units of *urban density* on 6,400 acres. 1,150 of these residences were located within the same 824 acre portion for which we are now seeking RR-2.5 zoning of *rural residential density* for 200+/- residential units. The previously-approved PUD also allowed for 100 acres of mixed-use commercial development and two school sites within the 824-acre portion. Our current RR-2.5 zoning proposal instead provides for 135 acres of *no-build/open space* within the 824 acres, most of which is in-line with the approach/departure areas of Runway 8/26. And in 2008, PUD zoning was also approved for the 225-acre *Meadow Lake Industrial Park*, which is located on Curtis Road immediately south of the main runway. Neither the FAA nor Meadow Lake Airport opposed the Santa Fe Springs or Industrial Park developments (actually, the Airport was a co-applicant along with GRR Partners for the Industrial Park project).

We are curious to know why the FAA continues to allow – and is actually *encouraged* by Meadow Lake Airport – new residential development within the Airport boundaries itself, yet opposes development of the 824 Acre Curtis Road project. As recently as fall 2018 a new single-family \$1 million residence was constructed in *Meadow Lake Estates*, within a thousand feet of the Airport's main runway. There are presently several listings for other residentially-zoned parcels of land within the Airport boundaries, all located within view of the runways (see the attachment to this email – especially the ad which states: "*Property shall be used for single-family residential purposes and aircraft hangar use only. All lots abutting a taxiway easement must contain both a residence and an aircraft hangar.*"). It seems that our request would be considerably safer and certainly less prone to aircraft noise, would you not agree? If we require hangars to be built along with each new residence on our 824-acre site, would that make development more acceptable? The Planning Commission, which unanimously approved our RR-2.5 rezone application this past Tuesday, was curious about this as well.

You indicated in your email: "*Due to the close proximity to Meadow Lake Airport's Runway 8/26 and Runway 15/33, residential use of this land could potentially have negative impacts on persons and property on the ground and the safety and utility of the National Airspace System.*" Certainly any residence allowed to be built within even closer proximity to Runway 8/26 and 15/33 would be subjected to the same – and even greater – "*negative impacts on persons and property on the ground.*"

As for the language of the Avigation Easement you presented, paragraph 4 essentially would render our entire 824 acre site *sterile and undevelopable*.

4) *The easement and right-of-way hereby grants to the Grantee the continuing right to prevent the erection or growth upon Grantor's property of any building, structure, tree, or other object that extends into the airspace above said property. The easement and right-of-way hereby grants to the Grantee a right of ingress to, egress from and passage over Grantee's property to remove the offending structure or object, and to cut the offending growth, all at the expense of the Grantor, in the event the aforesaid covenant is breached.*

Our client has a lawful right to develop this property. But paragraph 4 is wholly unreasonable, especially since residential development is presently permitted by the FAA to occur within the Airport boundaries as previously described. Perhaps

the FAA and/or Meadow Lake Airport might consider purchasing the 824 acre parcel from our client so that it can remain undeveloped in perpetuity.

We have planned several other residential and commercial developments recently that were approved and all were within an Aviation Overlay Zone (for both the *Colorado Springs Municipal Airport* and the *United States Air Force Academy* pilot-training airport, where new pilots train directly above thousands of residences). In each of these instances we added an Avigation Easement to our preliminary and final plans, and none were required to include a clause with language remotely similar to what you have presented in paragraph 4.

Our client remains open to meeting with MLAA members and maintaining an open dialog with the FAA to try and reasonably accommodate concerns. We remain hopeful that negotiating in good faith is also the FAA's objective.

Respectfully,

Bill Guman

Bill Guman, RLA, ASLA

Principal

William Guman & Associates, Ltd.
731 North Weber Street, Suite 10
Colorado Springs, CO 80903
(719) 633-9700
bill@guman.net



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From: linda.bruce@faa.gov [<mailto:linda.bruce@faa.gov>]

Sent: Friday, March 22, 2019 10:38 AM

To: falcon20flier@msn.com

Cc: NinaRuiz@elpasoco.com; rob@roipropertygroup.com; brady@whitmirecapitaladvisors.com; craigdossey@elpasoco.com; MikeHrebenar@elpasoco.com; ColeEmmons@elpasoco.com; John.Bauer@faa.gov; ed@guman.net; bruce@flynnplan.com; bill@guman.net; tom@meadowlakeairport.com

Subject: RE: 824 Acre Curtis Road Subdivision_Meadow Lake Airport

Dave,

Attached is sample easement language the FAA requires airport sponsors to use if Federal funds are involved to ensure Federal investment in the airport is adequately protected.

In addition to an easement, we would recommend additional measures be taken to protect the safety of persons and property on the ground. Since there is a history of aircraft making emergency landings on the subject 824 acres, we strongly recommend open space be established in approach/departure areas for Runway 8/26. In addition, we recommend the aviation easement to be included as a plat note on the development plan of any residential development, as well as a disclosure statement to properly disclose the airport to all residents on the subject property.

Even with these additional measures, the FAA continues to be opposed to rezoning the subject parcel to allow residential use. Due to the close proximity to Meadow Lake Airport's Runway 8/26 and Runway 15/33, residential use of this land could potentially have negative impacts on persons and property on the ground and the safety and utility of the National Airspace System.

As a reminder, FAA would not support any Federal assistance to mitigate aircraft noise or incompatible land uses associated with residential development built on the subject property, including soundproofing, the acquisition of houses and relocation of residents. Per FAA policy, remedial noise mitigation measures for new non-compatible development constructed after October 1, 1998 are not eligible for Federal funding (see FAA Final Policy on Part 150 Approval of Noise Mitigation Measures: Effect on the Use of Federal Grants for Noise Mitigation Projects, dated April 3, 1998).

Linda Bruce
Colorado State Planner
Federal Aviation Administration
Denver Airports District Office
26805 E. 68th Ave., Suite 224
Denver, CO 80249
(303) 342-1264

From: Bill Guman <bill@guman.net>
Sent: Thursday, March 21, 2019 1:18 PM
To: falcon20flier@msn.com; tom@meadowlakeairport.com
Cc: Nina Ruiz <NinaRuiz@elpasoco.com>; Rob Fuller <rob@roipropertygroup.com>; Brady Williams <brady@whitmirecapitaladvisors.com>; 'Craig Dossey' <craigdossey@elpasoco.com>; 'Mike Hrebenar' <MikeHrebenar@elpasoco.com>; 'Cole Emmons' <ColeEmmons@elpasoco.com>; Bauer, John (FAA) <John.Bauer@faa.gov>; ed@guman.net; bruce@flynnplan.com; Bruce, Linda (FAA) <linda.bruce@faa.gov>
Subject: 824 Acre Curtis Road Subdivision_Meadow Lake Airport

Attention: Dave Elliott, President, Tom Shook, Secretary | Meadow Lake Airport Association

Good afternoon, Dave – this is a follow-up to Tuesday's Planning Commission hearing and our public offer and client's desire to have an open line of communication with the Meadow Lake Airport Association board, and our subsequent conversation.

Pursuant to the Planning Commission's unanimous approval of our Rezone Request for the 824 Acre Curtis Road subdivision (aka *Saddlehorn Ranch*), ROI/Guman offers the following **Avigation Easement** language for your consideration. If this language is agreeable to the MLAA board, we would consider including it on all future Preliminary Plan and Final Plan submittals to the county. We have done this similarly for other projects, including those that are affected by the *US Air Force Academy* pilot training program, and also the *Colorado Springs Municipal Airport*.

WHEREAS, ROI Properties, LLC, hereinafter called the Grantor, is in fee simple of that certain tract of land situated in El Paso County, Colorado, to-wit:

See attached legal description – Exhibit A.

Hereinafter called the Grantor's Property.

NOW THEREFORE, In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, which has been received, the Grantors, for themselves, their successors and assigns convey an Avigation Easement to Meadow Lake Airport, as Grantee. This Easement is for the passage of aircraft seeking access and egress at Meadow Lake Airport through the airspace above the surface of the Grantor's property, together with the right to cause noise and other affects of flight, and Grantors waive and release any right or cause of action which they now have or which they may have in the future against the Grantee, its successors and assigns, due to noise and other effects by the operation of such aircraft.

TO HAVE AND TO HOLD this Avigation Easement and all rights pertaining to the Grantee, its successors and assigns, until Meadow Lake Airport shall cease to be used for avigation purposes, or all runways on the Meadow Lake Airport property shall cease to be actively used. This Avigation Easement shall run with the land.

IN WITNESS WHEREOF, the Grantor has hereunto set their hand and seal this ___ day of _____ 2019, AD.

Dave, as we'd also offered at the Planning Commission hearing, we welcome an opportunity to meet with you and MLLA board members to review work in-progress for the Preliminary Plan and Final Plan being prepared for our project. Again, it is our client's desire and intent to work with you to ensure you are familiar with our development's proposed layout and use.

Inasmuch as we would like to have these matters resolved prior to the next public hearing at the El Paso County Board of County Commissioners on April 9th, we look forward to your input as to the suitability of the proposed Avigation Easement language and response to our offer to meet. Thank you.

Regards,
Bill Guman

Bill Guman, RLA, ASLA
Principal
William Guman & Associates, Ltd.
731 North Weber Street, Suite 10
Colorado Springs, CO 80903
(719) 633-9700
bill@guman.net



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Nina Ruiz

From: linda.bruce@faa.gov
Sent: Monday, April 08, 2019 1:30 PM
To: bill@guman.net; falcon20flier@msn.com
Cc: Nina Ruiz; rob@roiropertygroup.com; brady@whitmirecapitaladvisors.com
Subject: RE: Glide Slope Easement Data for Meadow Lake Airport

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Mr. Guman,

The glide slope refers to an element on a precision instrument approach system that is not present at the Meadow Lake Airport. All runways at the Meadow Lake Airport are visual runways and Runway 15/33 has limited navigational equipment that help pilots determine if their approach to the airport is too high or too low (this equipment is a Precision Approach Path Indicator (PAPI)). The PAPI helps pilots establish a vertical position in relationship to the touchdown zone of the runway as the aircraft lines up with the runway centerline on final approach. The volume of airspace an aircraft uses on a visual approach to a runway, including those using a PAPI, is protected by the approach slope established by FAA. All of Meadow Lake Airport runways have a 20:1 approach slope.

The Meadow Lake Airport Layout Plan (ALP) was recently updated and FAA is currently reviewing it (we're almost done). I agree with Mr. Elliott that you should wait until this review is complete so you'll have the most current airspace drawings for each runway end. From these drawings, you'll be able to determine the width and elevation of the approach slope along the extended centerline for each runway to about 6,000 feet from the runway end.

Linda Bruce
Colorado State Planner
Federal Aviation Administration
Denver Airports District Office
26805 E. 68th Ave., Suite 224
Denver, CO 80249
(303) 342-1264

From: Bill Guman <bill@guman.net>
Sent: Thursday, April 04, 2019 9:45 AM
To: 'David Elliott' <falcon20flier@msn.com>; Bruce, Linda (FAA) <linda.bruce@faa.gov>
Cc: 'Nina Ruiz' <NinaRuiz@elpasoco.com>; 'Rob Fuller' <rob@roiropertygroup.com>; 'Brady Williams' <brady@whitmirecapitaladvisors.com>
Subject: RE: Glide Slope Easement Data for Meadow Lake Airport

Thank you for your reply, Dave.

 Bill Guman, RLA, ASLA
Principal
William Guman & Associates, Ltd.
731 North Weber Street, Suite 10
Colorado Springs, CO 80903

(719) 633-9700
bill@guman.net



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From: David Elliott [<mailto:falcon20flier@msn.com>]
Sent: Wednesday, April 03, 2019 7:32 PM
To: Bill Guman; linda.bruce@faa.gov
Cc: Nina Ruiz; Rob Fuller; Brady Williams
Subject: Re: Glide Slope Easement Data for Meadow Lake Airport

Good Evening,

Our ALP Update, which includes the Part 77 surfaces, is under review by the FAA Northwest Region for OE/AA (Obstruction Evaluation/Airspace Analysis). As soon as it comes back, and the ALP is approved by the Denver ADO, we be happy to provide it to all. It will be part of our submission to the County, as they have directed.

ave

Sent from Windows Mail

From: Bill Guman
Sent: Wednesday, April 3, 2019 4:55 PM
To: Dave Elliott, linda.bruce@faa.gov
Cc: Nina Ruiz, Rob Fuller, Brady Williams

Hi Dave and Linda – just following up on our email inquiry from Monday (copied below). Your response would be appreciated as to whether the requested *Glide Slope Easement* data is available for our use in evaluating departure/landing for the Meadow Lake Airport runways (particularly the north/south runway) as they relate to the 824 Acre Curtis Road (Saddlehorn Ranch) development.

Thank you,
Bill

Bill Guman, RLA, ASLA
Principal
William Guman & Associates, Ltd.
731 North Weber Street, Suite 10
Colorado Springs, CO 80903
(719) 633-9700
ll@guman.net



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From: Bill Guman [<mailto:bill@guman.net>]
Sent: Monday, April 01, 2019 1:55 PM
To: falcon20flier@msn.com; Linda (FAA (linda.bruce@faa.gov))
Cc: Nina Ruiz (NinaRuiz@elpasoco.com); Rob Fuller (rob@roipropertygroup.com); Brady Williams (brady@whitmirecapitaladvisors.com); John.Bauer@faa.gov; CraigDossey@elpasoco.com; Cole Emmons (ColeEmmons@elpasoco.com); 'MikeHrebenar@elpasoco.com'
Subject: Glide Slope Easement Data for Meadow Lake Airport

Good afternoon, Dave and Linda,

Do you have 'Glide Slope Easement' data for **Meadow Lake Airport** that you can email to us? Any assistance would be greatly appreciated. Thanks!

Regards,
Bill Guman

Bill Guman, RLA, ASLA
Principal
William Guman & Associates, Ltd.
731 North Weber Street, Suite 10
Colorado Springs, CO 80903
(719) 633-9700
bill@guman.net



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Nina Ruiz

From: David Elliott <falcon20flier@msn.com>
Sent: Wednesday, April 03, 2019 7:33 PM
To: Bill Guman; linda.bruce@faa.gov
Cc: Nina Ruiz; Rob Fuller; Brady Williams
Subject: Re: Glide Slope Easement Data for Meadow Lake Airport

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Good Evening,

Our ALP Update, which includes the Part 77 surfaces, is under review by the FAA Northwest Region for OE/AA (Obstruction Evaluation/Airspace Analysis). As soon as it comes back, and the ALP is approved by the Denver ADO, we be happy to provide it to all. It will be part of our submission to the County, as they have directed.

Dave

Sent from Windows Mail

From: Bill Guman
Sent: Wednesday, April 3, 2019 4:55 PM
To: Dave Elliott, linda.bruce@faa.gov
Cc: Nina Ruiz, Rob Fuller, Brady Williams

Hi Dave and Linda – just following up on our email inquiry from Monday (copied below). Your response would be appreciated as to whether the requested *Glide Slope Easement* data is available for our use in evaluating departure/landing for the Meadow Lake Airport runways (particularly the north/south runway) as they relate to the 824 Acre Curtis Road (Saddlehorn Ranch) development.

Thank you,
Bill

Bill Guman, RLA, ASLA
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Colorado Springs, CO 80903
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bill@guman.net



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From: Bill Guman [mailto:bill@guman.net]

Sent: Monday, April 01, 2019 1:55 PM

To: falcon20flier@msn.com; Linda (FAA (linda.bruce@faa.gov)

Cc: Nina Ruiz (NinaRuiz@elpasoco.com); Rob Fuller (rob@roiropertygroup.com); Brady Williams (brady@whitmirecapitaladvisors.com); John.Bauer@faa.gov; CraigDossey@elpasoco.com; Cole Emmons (ColeEmmons@elpasoco.com); 'MikeHrebenar@elpasoco.com'

Subject: Glide Slope Easement Data for Meadow Lake Airport

Good afternoon, Dave and Linda,

Do you have 'Glide Slope Easement' data for **Meadow Lake Airport** that you can email to us? Any assistance would be greatly appreciated. Thanks!

Regards,
Bill Guman

Bill Guman, RLA, ASLA

Principal

William Guman & Associates, Ltd.

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Colorado Springs, CO 80903

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bill@guman.net



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Nina Ruiz

From: Bill Guman <bill@guman.net>
Sent: Wednesday, March 27, 2019 11:29 AM
To: falcon20flier@msn.com; Linda (FAA)
Cc: Nina Ruiz; rob@roipropertygroup.com; brady@whitmirecapitaladvisors.com; Craig Dossey; Mike Hrebenar; Cole Emmons; John.Bauer@faa.gov; ed@guman.net; bill@guman.net; tom@meadowlakeairport.com
Subject: FW: 824 Acre Curtis Road Subdivision_Meadow Lake Airport

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Dave, thank you for your email in response to our 3/22/19 communication to you and Linda Bruce/FAA. MLAA/FAA remain opposed to our 'Saddlehorn Ranch' development applications because "safety and noise impact to persons and property on the ground" could be compromised.

Ms. Bruce had written in her email to you of 03/22:

"Due to the close proximity to Meadow Lake Airport's Runway 8/26 and Runway 15/33, residential use of this land could potentially have negative impacts on persons and property on the ground and the safety and utility of the National Airspace System."

No distinction is made between "persons and property on the ground," and whether that residential use of land occurs with "residences within the immediate vicinity of the Airport," as permitted [and actually encouraged] by MLAA for 'Meadow Lake Estates,' or the residential use occurs on Saddlehorn Ranch. Residents with homes in the Airport's Meadow Lake Estates are no less susceptible to aircraft noise nor are they any less immune from aircraft incidents as "persons on the ground" simply because they are required to be members of the MLAA, supposedly have a higher tolerance to aircraft noise, or have ownership of personal aircraft. The same can be said when MLAA previously permitted commercial development in the 'Meadow Lake Industrial Park' (application approved 09/02/14, which remains in effect) at the Airport's southeastern boundary; 'negative impacts' would likely be far greater to numerous employees working within an Industrial Park versus persons and property in the sparsely populated proposed rural residential Saddlehorn Ranch neighborhood.

We are unable to comment on your allegation that the county was negligent on following through on the "C.R.S. requirement for El Paso County to develop appropriate land use zoning around the airport," or on MLAA's unresolved 1041 application status. We must defer to the county to address these items as they had previously done at the 3/19 Planning Commission hearing. But we are certain that previous development applications prepared by Guman for 'Santa Fe Springs,' 'Meadow Lake Industrial Park,' and 'Meadow Lake Commons' (including the currently proposed Judge Orr Road RV Park and Judge Orr Road-PUD) all had been properly routed by the county for review and comment by MLAA as an adjacent property owner as required by ordinance; we assume MLAA would have shared this with the FAA. If county planning codes and ordinances conflict with MLAA/FAA requirements and the county failed to "develop appropriate land use zoning around the airport" resulting in "unrestrained development" as you also suggested, we must again defer to the county. We maintain that our development application for Saddlehorn Ranch complies with all prevailing county planning codes for RR-2.5 zoning districts, and especially as these codes apply to development near airports. The Planning Commission unanimously agreed with this at its 3/19 public hearing.

Dave, as we had offered publicly at the planning commission hearing and afterward to you personally, our client remains open to meeting with MLAA members and maintaining a dialog with the FAA to try and reasonably accommodate concerns. Guman's work in-progress for the Saddlehorn Ranch **Preliminary Plan** and **Final Plan** are now sufficiently

detailed so as to show exact locations of the 135 acres of open space/no-build tracts we mentioned in our previous email to you. These tracts, along with the proposed street alignment in approach/departure areas for Runway 8/26 address the FAA's concerns (as recommended by Linda Bruce in her email to you). We still welcome the opportunity to show this to you prior to the next public hearing with the county. Please let us know when you can be available. Thank you.

Respectfully,
Bill

Bill Guman, RLA, ASLA
Principal
William Guman & Associates, Ltd.
731 North Weber Street, Suite 10
Colorado Springs, CO 80903
(719) 633-9700
bill@guman.net



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From: David Elliott [<mailto:falcon20flier@msn.com>]
Sent: Sunday, March 24, 2019 6:47 AM
To: Bill Guman
Cc: linda.bruce@faa.gov
Subject: Re: 824 Acre Curtis Road Subdivision_Meadow Lake Airport

Good Morning,

Allow me to address some significant differences in the two plots, and now vs then:

I doubt that the FAA was even consulted at the time MLA 14 was being proposed (2004-2007) (Note: it is an MLA filing, not Meadow Lake Estates). 150 additional hangars had been proposed for the site and it was felt that those would have created significant traffic challenges (vehicular and aircraft) on the airport. When the prospective purchase fell thru, my partner & I offered to develop it for residential airpark to meet a demand for additional hangar/home properties. We immediately had 7 interested parties, but of course the economy fell and the land sat there for next 10 years. But note that these properties require aircraft and MLAA membership (the residents won't be complaining about noise ... they will be part of it) and the location is neither a hazard to aircraft operations or persons on the ground (not in line with a runway nor under a traffic pattern).

I became President of the MLAA Board of Directors in 2008. Prior to me, MLAA allowed contractors and consultants to do all the planning and coordination for Meadow Lake Airport. The result, while "official", created significant stress and division on the airport between what we are and what others thought we should become. I have a little different management style and determined that we (MLAA) needed to be more directly involved with determining our future. That meant a lot more time, research and involvement (than what my predecessors had taken) with the FAA and CDoT/Aeronautics to learn the rules and programs. One of the first challenges I faced was the FAA's national concern for Residential Thru-The-Fence. The resulting policy from Washington is that privately-owned airports in the NPIAS are prohibited from allowing any additional RTTF properties to have access to their

airports. An "inventory" was required and what we have is the limit. This falls in line with the FAA concern and objection to residences in the immediate vicinity of the airport.

That research also uncovered the C.R.S. requirement for El Paso County to develop appropriate land use zoning around the airport. There may have been no objection to the prior Santa Fe Springs project because it pre-dated airport involvement with development in the area. But times have obviously changed with the apparently unrestrained growth in the Falcon area, and with our more direct involvement with planning on and around Meadow Lake Airport, we are now very concerned with the lack of County compliance to state regs and their own documents. As described in our briefing this week, the 824 Acres Curtis Road (Saddlehorn Ranch) project is directly under our normal traffic pattern for our primary runway, and in line with the transition surfaces (approach and departure) for the crosswind runway. It has obvious implications to the safety of persons on the ground and aircraft operations, as well as probable noise implications for the residences. As we briefed, this is not the only project we object too, just the next one up for County approval. Incidentally, the Meadow Lake Industrial Park is neither in line with the runways nor a residential development and therefore was considered to be a "compatible land use".

The County's statement that MLAA needs to apply for a "1041" is interesting. We have been trying to work with them for over 4 years and for whatever reasons, they keep moving the goal post. Unfortunately, we must now move this up the chain.

V/R

Dave

cell/text: 719-339-0928

Sent from Windows Mail

From: Bill Guman

Sent: Friday, March 22, 2019 1:49 PM

To: linda.bruce@faa.gov, [Dave Elliott](mailto:Dave.Elliott)

Cc: NinaRuiz@elpasoco.com, rob@roipropertygroup.com, brady@whitmirecapitaladvisors.com, craigdossey@elpasoco.com, [Mike Hebrenar](mailto:Mike.Hebrenar), ColeEmmons@elpasoco.com, John.Bauer@faa.gov, ed@guman.net, [Tom Shook](mailto:Tom.Shook), [Dave Elliott](mailto:Dave.Elliott)

Thank you for your email, Linda.

William Guman & Associates, Ltd. is the planner and owner's representative for the proposed **824 Acre Curtis Road** subdivision. Guman was also the planner in 2008 when the county approved zoning and preliminary plans for the same site (formerly known as *Santa Fe Springs*). Approval by the county at that time was granted for 5,370 residential dwelling units of *urban density* on 6,400 acres. 1,150 of these residences were located within the same 824 acre portion for which we are now seeking RR-2.5 zoning of *rural residential density* for 200+/- residential units. The previously-approved PUD also allowed for 100 acres of mixed-use commercial development and two school sites within the 824-acre portion. Our current RR-2.5 zoning proposal instead provides for 135 acres of *no-build/open space* within the 824 acres, most of which is in-line with the approach/departure areas of Runway 8/26. And in 2008, PUD zoning was also approved for the 225-acre *Meadow Lake Industrial Park*, which is located on Curtis Road immediately south of the main runway. Neither the FAA nor Meadow Lake Airport opposed the Santa Fe Springs or Industrial Park developments (actually, the Airport was a co-applicant along with GRR Partners for the Industrial Park project).

We are curious to know why the FAA continues to allow – and is actually *encouraged* by Meadow Lake Airport – new residential development within the Airport boundaries itself, yet opposes development of the 824 Acre Curtis Road project. As recently as fall 2018 a new single-family \$1 million residence was constructed in *Meadow Lake Estates*, within a thousand feet of the Airport's main runway. There are presently several listings for other residentially-zoned parcels of land within the Airport boundaries, all located within view of the runways (see the attachment to this email – especially the ad which states: "*Property shall be used for single-family residential purposes and aircraft hangar use only. All lots abutting a taxiway easement must contain both a residence and an aircraft hangar.*"). It seems that our request would be considerably safer and certainly less prone to aircraft noise, would you not agree? If we require hangars to be built along with each new residence on our 824-acre site, would that make development more acceptable? The Planning Commission, which unanimously approved our RR-2.5 rezone application this past Tuesday, was curious about this as well.

You indicated in your email: "*Due to the close proximity to Meadow Lake Airport's Runway 8/26 and Runway 15/33, residential use of this land could potentially have negative impacts on persons and property on the ground and the safety and utility of the National Airspace System.*" Certainly any residence allowed to be built within even closer proximity to Runway 8/26 and 15/33 would be subjected to the same – and even greater – "*negative impacts on persons and property on the ground.*"

As for the language of the Avigation Easement you presented, paragraph 4 essentially would render our entire 824 acre site *sterile and undevelopable*.

4) *The easement and right-of-way hereby grants to the Grantee the continuing right to prevent the erection or growth upon Grantor's property of any building, structure, tree, or other object that extends into the airspace above said property. The easement and right-of-way hereby grants to the Grantee a right of ingress to, egress from and passage over Grantee's property to remove the offending structure or object, and to cut the offending growth, all at the expense of the Grantor, in the event the aforesaid covenant is breached.*

Our client has a lawful right to develop this property. But paragraph 4 is wholly unreasonable, especially since residential development is presently permitted by the FAA to occur within the Airport boundaries as previously described. Perhaps the FAA and/or Meadow Lake Airport might consider purchasing the 824 acre parcel from our client so that it can remain undeveloped in perpetuity.

We have planned several other residential and commercial developments recently that were approved and all were within an Aviation Overlay Zone (for both the *Colorado Springs Municipal Airport* and the *United States Air Force Academy* pilot-training airport, where new pilots train directly above thousands of residences). In each of these instances we added an Avigation Easement to our preliminary and final plans, and none were required to include a clause with language remotely similar to what you have presented in paragraph 4.

Our client remains open to meeting with MLAA members and maintaining an open dialog with the FAA to try and reasonably accommodate concerns. We remain hopeful that negotiating in good faith is also the FAA's objective.

Respectfully,
Bill Guman

Bill Guman, RLA, ASLA
Principal
William Guman & Associates, Ltd.
731 North Weber Street, Suite 10
Colorado Springs, CO 80903
(719) 633-9700
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From: linda.bruce@faa.gov [mailto:linda.bruce@faa.gov]

Sent: Friday, March 22, 2019 10:38 AM

To: falcon20flier@msn.com

Cc: NinaRuiz@elpasoco.com; rob@roipropertygroup.com; brady@whitmirecapitaladvisors.com; craigdosse@elpasoco.com; MikeHrebenar@elpasoco.com; ColeEmmons@elpasoco.com; John.Bauer@faa.gov; ed@guman.net; bruce@flynnplan.com; bill@guman.net; tom@meadowlakeairport.com

Subject: RE: 824 Acre Curtis Road Subdivision_Meadow Lake Airport

Dave,

Attached is sample easement language the FAA requires airport sponsors to use if Federal funds are involved to ensure Federal investment in the airport is adequately protected.

In addition to an easement, we would recommend additional measures be taken to protect the safety of persons and property on the ground. Since there is a history of aircraft making emergency landings on the subject 824 acres, we strongly recommend open space be established in approach/departure areas for Runway 8/26. In addition, we recommend the aviation easement to be included as a plat note on the development plan of any residential development, as well as a disclosure statement to properly disclose the airport to all residents on the subject property.

Even with these additional measures, the FAA continues to be opposed to rezoning the subject parcel to allow residential use. Due to the close proximity to Meadow Lake Airport's Runway 8/26 and Runway 15/33, residential use of this land could potentially have negative impacts on persons and property on the ground and the safety and utility of the National Airspace System.

As a reminder, FAA would not support any Federal assistance to mitigate aircraft noise or incompatible land uses associated with residential development built on the subject property, including soundproofing, the acquisition of houses and relocation of residents. Per FAA policy, remedial noise mitigation measures for new non-compatible development constructed after October 1, 1998 are not eligible for Federal funding (see FAA Final Policy on Part 150 Approval of Noise Mitigation Measures: Effect on the Use of Federal Grants for Noise Mitigation Projects, dated April 3, 1998).

Linda Bruce
Colorado State Planner
Federal Aviation Administration
Denver Airports District Office
26805 E. 68th Ave., Suite 224
Denver, CO 80249
(303) 342-1264

From: Bill Guman <bill@guman.net>

Sent: Thursday, March 21, 2019 1:18 PM

To: falcon20flier@msn.com; tom@meadowlakeairport.com

Cc: Nina Ruiz <NinaRuiz@elpasoco.com>; Rob Fuller <rob@roipropertygroup.com>; Brady Williams <brady@whitmirecapitaladvisors.com>; 'Craig Dossey' <craigdossey@elpasoco.com>; 'Mike Hrebenar'

<MikeHrebenar@elpasoco.com>; 'Cole Emmons' <ColeEmmons@elpasoco.com>; Bauer, John (FAA) <John.Bauer@faa.gov>; ed@guman.net; bruce@flynnplan.com; Bruce, Linda (FAA) <linda.bruce@faa.gov>
Subject: 824 Acre Curtis Road Subdivision_Meadow Lake Airport

Attention: Dave Elliott, President, Tom Shook, Secretary | Meadow Lake Airport Association

Good afternoon, Dave – this is a follow-up to Tuesday’s Planning Commission hearing and our public offer and client’s desire to have an open line of communication with the Meadow Lake Airport Association board, and our subsequent conversation.

Pursuant to the Planning Commission’s unanimous approval of our Rezone Request for the 824 Acre Curtis Road subdivision (aka *Saddlehorn Ranch*), ROI/Guman offers the following **Avigation Easement** language for your consideration. If this language is agreeable to the MLAA board, we would consider including it on all future Preliminary Plan and Final Plan submittals to the county. We have done this similarly for other projects, including those that are affected by the *US Air Force Academy* pilot training program, and also the *Colorado Springs Municipal Airport*.

WHEREAS, ROI Properties, LLC, hereinafter called the Grantor, is in fee simple of that certain tract of land situated in El Paso County, Colorado, to-wit:

See attached legal description – Exhibit A.

Hereinafter called the Grantor’s Property.

NOW THEREFORE, In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, which has been received, the Grantors, for themselves, their successors and assigns convey an Avigation Easement to Meadow Lake Airport, as Grantee. This Easement is for the passage of aircraft seeking access and egress at Meadow Lake Airport through the airspace above the surface of the Grantor’s property, together with the right to cause noise and other affects of flight, and Grantors waive and release any right or cause of action which they now have or which they may have in the future against the Grantee, its successors and assigns, due to noise and other effects by the operation of such aircraft.

TO HAVE AND TO HOLD this Avigation Easement and all rights pertaining to the Grantee, its successors and assigns, until Meadow Lake Airport shall cease to be used for avigation purposes, or all runways on the Meadow Lake Airport property shall cease to be actively used. This Avigation Easement shall run with the land.

IN WITNESS WHEREOF, the Grantor has hereunto set their hand and seal this ___ day of _____ 2019, AD.

Dave, as we’d also offered at the Planning Commission hearing, we welcome an opportunity to meet with you and MLAA board members to review work in-progress for the Preliminary Plan and Final Plan being prepared for our project. Again, it is our client’s desire and intent to work with you to ensure you are familiar with our development’s proposed layout and use.

Inasmuch as we would like to have these matters resolved prior to the next public hearing at the El Paso County Board of County Commissioners on April 9th, we look forward to your input as to the suitability of the proposed Avigation Easement language and response to our offer to meet. Thank you.

Regards,
Bill Guman

Bill Guman, RLA, ASLA
Principal
William Guman & Associates, Ltd.
731 North Weber Street, Suite 10
Colorado Springs, CO 80903

(719) 633-9700
bill@guman.net



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linda Ruiz

From: Bill Guman <bill@guman.net>
Sent: Sunday, March 24, 2019 2:55 PM
To: Nina Ruiz; Craig Dossey; Mike Hrebenar; Cole Emmons
Cc: brady@whitmirecapitaladvisors.com; rob@roipropertygroup.com;
Adam@whitmirecapitaladvisors.com; Ed@Guman.net
Subject: Re: 824 Acre Curtis Road Subdivision_Meadow Lake Airport

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Good afternoon - we received the email copied below Sunday (03/24/19) morning from Dave Elliott/Meadow Lake Airport in response to our previous communication to Linda Bruce/FAA and Mr. Elliott. It does not appear anyone other than Ms. Bruce and I were copied, so this is being forwarded to you for your reference. Mr. Elliott calls out the county on several matters to which we are unable to respond.

MLAA has yet to respond to our invitation to meet in person to review our plans for 824 Acre Curtis Road and to address the Airport's concerns. We will reach out again.

Regards,
Bill Guman

William Guman & Associates, Ltd.
731 North Weber Street, Suite 10
Colorado Springs, CO 80903
(719) 633-9700

Bill Guman
Sent from my iPad Pro

Begin forwarded message:

From: David Elliott <falcon20flier@msn.com>
Date: March 24, 2019 at 6:47:00 AM MDT
To: Bill Guman <bill@guman.net>
Cc: "linda.bruce@faa.gov" <linda.bruce@faa.gov>
Subject: Re: 824 Acre Curtis Road Subdivision_Meadow Lake Airport

Good Morning,

Allow me to address some significant differences in the two plots, and now vs then:

I doubt that the FAA was even consulted at the time MLA 14 was being proposed (2004-2007) (Note: it is an MLA filing, not Meadow Lake Estates). 150 additional hangars had been proposed for the site and it was felt that those would have created significant traffic challenges (vehicular and aircraft) on the airport. When the prospective purchase fell thru, my partner & I offered to

develop it for residential airpark to meet a demand for additional hangar/home properties. We immediately had 7 interested parties, but of course the economy fell and the land sat there for next 10 years. But note that these properties require aircraft and MLAA membership (the residents won't be complaining about noise ... they will be part of it) and the location is neither a hazard to aircraft operations or persons on the ground (not in line with a runway nor under a traffic pattern).

I became President of the MLAA Board of Directors in 2008. Prior to me, MLAA allowed contractors and consultants to do all the planning and coordination for Meadow Lake Airport. The result, while "official", created significant stress and division on the airport between what we are and what others thought we should become. I have a little different management style and determined that we (MLAA) needed to be more directly involved with determining our future. That meant a lot more time, research and involvement (than what my predecessors had taken) with the FAA and CDoT/Aeronautics to learn the rules and programs. One of the first challenges I faced was the FAA's national concern for Residential Thru-The-Fence. The resulting policy from Washington is that privately-owned airports in the NPIAS are prohibited from allowing any additional RTTF properties to have access to their airports. An "inventory" was required and what we have is the limit. This falls in line with the FAA concern and objection to residences in the immediate vicinity of the airport.

That research also uncovered the C.R.S. requirement for El Paso County to develop appropriate land use zoning around the airport. There may have been no objection to the prior Santa Fe Springs project because it pre-dated airport involvement with development in the area. But times have obviously changed with the apparently unrestrained growth in the Falcon area, and with our more direct involvement with planning on and around Meadow Lake Airport, we are now very concerned with the lack of County compliance to state regs and their own documents. As described in our briefing this week, the 824 Acres Curtis Road (Saddlehorn Ranch) project is directly under our normal traffic pattern for our primary runway, and in line with the transition surfaces (approach and departure) for the crosswind runway. It has obvious implications to the safety of persons on the ground and aircraft operations, as well as probable noise implications for the residences. As we briefed, this is not the only project we object too, just the next one up for County approval. Incidentally, the Meadow Lake Industrial Park is neither in line with the runways nor a residential development and therefore was considered to be a "compatible land use".

The County's statement that MLAA needs to apply for a "1041" is interesting. We have been trying to work with them for over 4 years and for whatever reasons, they keep moving the goal post. Unfortunately, we must now move this up the chain.

V/R
Dave
cell/text: 719-339-0928

Sent from Windows Mail

From: Bill Guman

Sent: Friday, March 22, 2019 1:49 PM

To: linda.bruce@faa.gov, Dave Elliott

Cc: NinaRuiz@elpasoco.com, rob@roipropertygroup.com,
brady@whitmirecapitaladvisors.com, craigdossey@elpasoco.com, Mike Hebrenar,
ColeEmmons@elpasoco.com, John.Bauer@faa.gov, ed@guman.net, Tom Shook, Dave Elliott

Thank you for your email, Linda.

William Guman & Associates, Ltd. is the planner and owner's representative for the proposed **824 Acre Curtis Road** subdivision. Guman was also the planner in 2008 when the county approved zoning and preliminary plans for the same site (formerly known as *Santa Fe Springs*). Approval by the county at that time was granted for 5,370 residential dwelling units of *urban density* on 6,400 acres. 1,150 of these residences were located within the same 824 acre portion for which we are now seeking RR-2.5 zoning of *rural residential density* for 200+/- residential units. The previously-approved PUD also allowed for 100 acres of mixed-use commercial development and two school sites within the 824-acre portion. Our current RR-2.5 zoning proposal instead provides for 135 acres of *no-build/open space* within the 824 acres, most of which is in-line with the approach/departure areas of Runway 8/26. And in 2008, PUD zoning was also approved for the 225-acre *Meadow Lake Industrial Park*, which is located on Curtis Road immediately south of the main runway. Neither the FAA nor Meadow Lake Airport opposed the Santa Fe Springs or Industrial Park developments (actually, the Airport was a co-applicant along with GRR Partners for the Industrial Park project).

We are curious to know why the FAA continues to allow – and is actually *encouraged* by Meadow Lake Airport – new residential development within the Airport boundaries itself, yet opposes development of the 824 Acre Curtis Road project. As recently as fall 2018 a new single-family \$1 million residence was constructed in *Meadow Lake Estates*, within a thousand feet of the Airport's main runway. There are presently several listings for other residentially-zoned parcels of land within the Airport boundaries, all located within view of the runways (see the attachment to this email – especially the ad which states: "*Property shall be used for single-family residential purposes and aircraft hangar use only. All lots abutting a taxiway easement must contain both a residence and an aircraft hangar.*"). It seems that our request would be considerably safer and certainly less prone to aircraft noise, would you not agree? If we require hangars to be built along with each new residence on our 824-acre site, would that make development more acceptable? The Planning Commission, which unanimously approved our RR-2.5 rezone application this past Tuesday, was curious about this as well.

You indicated in your email: "*Due to the close proximity to Meadow Lake Airport's Runway 8/26 and Runway 15/33, residential use of this land could potentially have negative impacts on persons and property on the ground and the safety and utility of the National Airspace System.*" Certainly any residence allowed to be built within even closer proximity to Runway 8/26 and 15/33 would be subjected to the same – and even greater – "*negative impacts on persons and property on the ground.*"

As for the language of the Avigation Easement you presented, paragraph 4 essentially would render our entire 824 acre site *sterile and undevelopable*.

4) *The easement and right-of-way hereby grants to the Grantee the continuing right to prevent the erection or growth upon Grantor's property of any building, structure, tree, or other object that extends into the airspace above said property. The easement and right-of-way hereby grants to the Grantee a right of ingress to, egress from and passage over Grantee's property to remove the offending structure or object, and to cut the offending growth, all at the expense of the Grantor, in the event the aforesaid covenant is breached.*

Our client has a lawful right to develop this property. But paragraph 4 is wholly unreasonable, especially since residential development is presently permitted by the FAA to occur within the Airport boundaries as previously described. Perhaps the FAA and/or Meadow Lake Airport might consider purchasing the 824 acre parcel from our client so that it can remain undeveloped in perpetuity.

We have planned several other residential and commercial developments recently that were approved and all were within an Aviation Overlay Zone (for both the *Colorado Springs Municipal Airport* and the *United States Air Force Academy* pilot-training airport, where new pilots train directly above thousands of residences). In each of these instances we added an Avigation Easement to our preliminary and final plans, and none were required to include a clause with language remotely similar to what you have presented in paragraph 4.

Our client remains open to meeting with MLAA members and maintaining an open dialog with the FAA to try and reasonably accommodate concerns. We remain hopeful that negotiating in good faith is also the FAA's objective.

Respectfully,

Bill Guman

Bill Guman, RLA, ASLA

Principal

William Guman & Associates, Ltd.

731 North Weber Street, Suite 10

Colorado Springs, CO 80903

(719) 633-9700

bill@guman.net



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From: linda.bruce@faa.gov [<mailto:linda.bruce@faa.gov>]

Sent: Friday, March 22, 2019 10:38 AM

To: falcon20flier@msn.com

Cc: NinaRuiz@elpasoco.com; rob@roipropertygroup.com; brady@whitmirecapitaladvisors.com;

craigdossey@elpasoco.com; MikeHrebenar@elpasoco.com; ColeEmmons@elpasoco.com;

John.Bauer@faa.gov; ed@guman.net; bruce@flynnplan.com; bill@guman.net;

tom@meadowlakeairport.com

Subject: RE: 824 Acre Curtis Road Subdivision_Meadow Lake Airport

Dave,

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Linda Bruce
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Federal Aviation Administration
Denver Airports District Office
26805 E. 68th Ave., Suite 224
Denver, CO 80249
(303) 342-1264

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Sent: Thursday, March 21, 2019 1:18 PM
To: falcon20flier@msn.com; tom@meadowlakeairport.com
Cc: Nina Ruiz <NinaRuiz@elpasoco.com>; Rob Fuller <rob@roipropertygroup.com>; Brady Williams <brady@whitmirecapitaladvisors.com>; 'Craig Dossey' <craigdossey@elpasoco.com>; 'Mike Hrebenar' <MikeHrebenar@elpasoco.com>; 'Cole Emmons' <ColeEmmons@elpasoco.com>; Bauer, John (FAA) <John.Bauer@faa.gov>; ed@guman.net; bruce@flynnplan.com; Bruce, Linda (FAA) <linda.bruce@faa.gov>
Subject: 824 Acre Curtis Road Subdivision_Meadow Lake Airport

Attention: Dave Elliott, President, Tom Shook, Secretary | Meadow Lake Airport Association

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Regards,
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Nina Ruiz

From: Nina Ruiz
Sent: Monday, April 01, 2019 8:55 AM
To: 'David Elliott'
Subject: RE: Meadow Lake Airport Influence Area - Update

Hi Dave,

I just left you a voicemail on this topic as well. I wanted to follow up with you on the meeting between 824 acres and yourself. The developers have contacted you on several occasions requesting a meeting, and I have also offered to facilitate the meeting. I am disappointed to not have heard back from you on my request to facilitate a meeting and instead have only heard again that you object to development. In our conversations last week you seemed to be willing to meet with the applicants to come up with a solution. If that has changed please let me know so that I may pass it along to the developer.

As you are aware, they are under no zoning obligation to take into consideration your objections or requests. However, they want to be good neighbors and want to ensure the development considers the airport. It is not every day you have a developer who is so willing to work with you on issues and come up with a solution.

As you have identified, this is the first of many projects to come in the vicinity of Meadow Lake Airport. Perhaps you could use this as a way to demonstrate that you are willing to work with developers and there is a way to allow for limited development within the area. You are a reasonable person; I am sure you realize it is unrealistic to ask someone to sterilize the property they invested so much into.

Please let me know if you would like to discuss further or if you are still willing to meet with the applicants. I am optimistic and believe there is a way for all parties to come to an agreement on the subdivision layout if all come with open minds.

Thank you for your consideration,

Nina Ruiz

Planner II

El Paso Planning & Community Development

2880 International Circle

Colorado Springs, CO 80910

(719) 520-6300 (Main)

(719) 520-6313 (Direct)

To review all El Paso County projects go to: <https://epcdevplanreview.com/>

To review the El Paso County Land Development Code go to:

https://library.municode.com/co/el_paso_county/codes/land_development_code

PERSONAL WORK SCHEDULE

Monday - Thursday, 7:00 am to 5:30 pm

DEPARTMENT HOURS

Monday - Friday, 7:30 am to 4:30 pm

From: David Elliott [<mailto:falcon20flier@msn.com>]

Sent: Friday, March 29, 2019 11:17 AM

To: Craig Dossey; Holly Williams; Mark Waller; Stan VanderWerf; Longinos Gonzalez Jr; Cami Bremer

Cc: David Ulane - CDOT; Jeff.Forrest@state.co.us; Chic.Myers@state.co.us; leo.milan@coag.gov; linda.bruce@faa.gov; jason.licon@cityofloveland.org; Dave Ruppel; Ken Lawson; Bart Jones; Warren Hendrickson; Travis Vallin; Jim Miklas; Nina Ruiz; tim.geitner.house@state.co.us; dennis.hisey.senate@state.co.us; senatorlundeen@gmail.com; Scott Weiser

Subject: Meadow Lake Airport Influence Area - Update

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Good Morning All,

Attached is our latest position regarding the seven proposals under development within the Meadow Lake Airport Influence Area. We are currently scheduled to meet with counsel next week and tentatively with P&CD staff on Monday, April 8.

Please ensure that this letter is attached to the application packages for all seven developments.

Respectfully,

Dave Elliott

cell/text: 719-339-0928

Nina Ruiz

From: linda.bruce@faa.gov
Sent: Friday, March 22, 2019 10:38 AM
To: falcon20flier@msn.com
Cc: Nina Ruiz; rob@roipropertygroup.com; brady@whitmirecapitaladvisors.com; Craig Dossey; Mike Hrebenar; Cole Emmons; John.Bauer@faa.gov; ed@guman.net; bruce@flynnplan.com; bill@guman.net; tom@meadowlakeairport.com
Subject: RE: 824 Acre Curtis Road Subdivision_Meadow Lake Airport
Attachments: Express Grant Easement (obtaining easement over nonairport property).doc

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Linda Bruce
Colorado State Planner
Federal Aviation Administration
Denver Airports District Office
26805 E. 68th Ave., Suite 224
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<John.Bauer@faa.gov>; ed@guman.net; bruce@flynnplan.com; Bruce, Linda (FAA) <linda.bruce@faa.gov>
Subject: 824 Acre Curtis Road Subdivision_Meadow Lake Airport

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IN WITNESS WHEREOF, the Grantor has hereunto set their hand and seal this ___ day of _____ 2019, AD.

Dave, as we’d also offered at the Planning Commission hearing, we welcome an opportunity to meet with you and MLAA board members to review work in-progress for the Preliminary Plan and Final Plan being prepared for our project. Again, it is our client’s desire and intent to work with you to ensure you are familiar with our development’s proposed layout and use.

Inasmuch as we would like to have these matters resolved prior to the next public hearing at the El Paso County Board of County Commissioners on April 9th, we look forward to your input as to the suitability of the proposed Avigation Easement language and response to our offer to meet. Thank you.

Regards,
Bill Guman

Bill Guman, RLA, ASLA
Principal
William Guman & Associates, Ltd.

731 North Weber Street, Suite 10
Colorado Springs, CO 80903
(719) 633-9700
bill@guman.net



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Nina Ruiz

From: Bill Guman <bill@guman.net>
Sent: Friday, March 22, 2019 1:49 PM
To: linda.bruce@faa.gov; falcon20flier@msn.com
Cc: Nina Ruiz; rob@roipropertygroup.com; brady@whitmirecapitaladvisors.com; Craig Dossey; Mike Hrebenar; Cole Emmons; John.Bauer@faa.gov; ed@guman.net; tom@meadowlakeairport.com; falcon20flier@msn.com
Subject: RE: 824 Acre Curtis Road Subdivision_Meadow Lake Airport
Attachments: 03.19.19_Meadow Lake Estates.pdf

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Thank you for your email, Linda.

William Guman & Associates, Ltd. is the planner and owner's representative for the proposed **824 Acre Curtis Road** subdivision. Guman was also the planner in 2008 when the county approved zoning and preliminary plans for the same site (formerly known as *Santa Fe Springs*). Approval by the county at that time was granted for 5,370 residential dwelling units of *urban density* on 6,400 acres. 1,150 of these residences were located within the same 824 acre portion for which we are now seeking RR-2.5 zoning of *rural residential density* for 200+/- residential units. The previously-approved PUD also allowed for 100 acres of mixed-use commercial development and two school sites within the 824-acre portion. Our current RR-2.5 zoning proposal instead provides for 135 acres of *no-build/open space* within the 824 acres, most of which is in-line with the approach/departure areas of Runway 8/26. And in 2008, PUD zoning was also approved for the 225-acre *Meadow Lake Industrial Park*, which is located on Curtis Road immediately south of the main runway. Neither the FAA nor Meadow Lake Airport opposed the Santa Fe Springs or Industrial Park developments (actually, the Airport was a co-applicant along with GRR Partners for the Industrial Park project).

We are curious to know why the FAA continues to allow – and is actually *encouraged* by Meadow Lake Airport – new residential development within the Airport boundaries itself, yet opposes development of the 824 Acre Curtis Road project. As recently as fall 2018 a new single-family \$1 million residence was constructed in *Meadow Lake Estates*, within a thousand feet of the Airport's main runway. There are presently several listings for other residentially-zoned parcels of land within the Airport boundaries, all located within view of the runways (see the attachment to this email – especially the ad which states: "*Property shall be used for single-family residential purposes and aircraft hangar use only. All lots abutting a taxiway easement must contain both a residence and an aircraft hangar.*"). It seems that our request would be considerably safer and certainly less prone to aircraft noise, would you not agree? If we require hangars to be built along with each new residence on our 824-acre site, would that make development more acceptable? The Planning Commission, which unanimously approved our RR-2.5 rezone application this past Tuesday, was curious about this as well.

You indicated in your email: "*Due to the close proximity to Meadow Lake Airport's Runway 8/26 and Runway 15/33, residential use of this land could potentially have negative impacts on persons and property on the ground and the safety and utility of the National Airspace System.*" Certainly any residence allowed to be built within even closer proximity to Runway 8/26 and 15/33 would be subjected to the same – and even greater – "*negative impacts on persons and property on the ground.*"

As for the language of the Avigation Easement you presented, paragraph 4 essentially would render our entire 824 acre site *sterile and undevelopable*.

4) *The easement and right-of-way hereby grants to the Grantee the continuing right to prevent the erection or growth upon Grantor's property of any building, structure, tree, or other object that extends into the airspace above said property. The easement and right-of-way hereby grants to the Grantee a right of ingress to, egress from and passage over Grantee's property to remove the offending structure or object, and to cut the offending growth, all at the expense of the Grantor, in the event the aforesaid covenant is breached.*

Our client has a lawful right to develop this property. But paragraph 4 is wholly unreasonable, especially since residential development is presently permitted by the FAA to occur within the Airport boundaries as previously described. Perhaps the FAA and/or Meadow Lake Airport might consider purchasing the 824 acre parcel from our client so that it can remain undeveloped in perpetuity.

We have planned several other residential and commercial developments recently that were approved and all were within an Aviation Overlay Zone (for both the *Colorado Springs Municipal Airport* and the *United States Air Force Academy* pilot-training airport, where new pilots train directly above thousands of residences). In each of these instances we added an Avigation Easement to our preliminary and final plans, and none were required to include a clause with language remotely similar to what you have presented in paragraph 4.

Our client remains open to meeting with MLAA members and maintaining an open dialog with the FAA to try and reasonably accommodate concerns. We remain hopeful that negotiating in good faith is also the FAA's objective.

Respectfully,

Bill Guman

Bill Guman, RLA, ASLA
Principal
William Guman & Associates, Ltd.
731 North Weber Street, Suite 10
Colorado Springs, CO 80903
(719) 633-9700
bill@guman.net



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From: linda.bruce@faa.gov [mailto:linda.bruce@faa.gov]

Sent: Friday, March 22, 2019 10:38 AM

To: falcon20flier@msn.com

Cc: NinaRuiz@elpasoco.com; rob@roipropertygroup.com; brady@whitmirecapitaladvisors.com; craigdosse@elpasoco.com; MikeHrebenar@elpasoco.com; ColeEmmons@elpasoco.com; John.Bauer@faa.gov; ed@guman.net; bruce@flynnplan.com; bill@guman.net; tom@meadowlakeairport.com

Subject: RE: 824 Acre Curtis Road Subdivision_Meadow Lake Airport

Dave,

Attached is sample easement language the FAA requires airport sponsors to use if Federal funds are involved to ensure Federal investment in the airport is adequately protected.

In addition to an easement, we would recommend additional measures be taken to protect the safety of persons and property on the ground. Since there is a history of aircraft making emergency landings on the subject 824 acres, we strongly recommend open space be established in approach/departure areas for Runway 8/26. In addition, we recommend the aviation easement to be included as a plat note on the development plan of any residential development, as well as a disclosure statement to properly disclose the airport to all residents on the subject property.

Even with these additional measures, the FAA continues to be opposed to rezoning the subject parcel to allow residential use. Due to the close proximity to Meadow Lake Airport's Runway 8/26 and Runway 15/33, residential use of this land could potentially have negative impacts on persons and property on the ground and the safety and utility of the National Airspace System.

As a reminder, FAA would not support any Federal assistance to mitigate aircraft noise or incompatible land uses associated with residential development built on the subject property, including soundproofing, the acquisition of houses and relocation of residents. Per FAA policy, remedial noise mitigation measures for new non-compatible development constructed after October 1, 1998 are not eligible for Federal funding (see FAA Final Policy on Part 150 Approval of Noise Mitigation Measures: Effect on the Use of Federal Grants for Noise Mitigation Projects, dated April 3, 1998).

Linda Bruce
Colorado State Planner
Federal Aviation Administration
Denver Airports District Office
26805 E. 68th Ave., Suite 224
Denver, CO 80249
(303) 342-1264

From: Bill Guman <bill@guman.net>

Sent: Thursday, March 21, 2019 1:18 PM

To: falcon20flier@msn.com; tom@meadowlakeairport.com

Cc: Nina Ruiz <NinaRuiz@elpasoco.com>; Rob Fuller <rob@roipropertygroup.com>; Brady Williams <brady@whitmirecapitaladvisors.com>; 'Craig Dossey' <craigdossey@elpasoco.com>; 'Mike Hrebenar' <MikeHrebenar@elpasoco.com>; 'Cole Emmons' <ColeEmmons@elpasoco.com>; Bauer, John (FAA) <John.Bauer@faa.gov>; ed@guman.net; bruce@flynnplan.com; Bruce, Linda (FAA) <linda.bruce@faa.gov>

Subject: 824 Acre Curtis Road Subdivision_Meadow Lake Airport

Attention: Dave Elliott, President, Tom Shook, Secretary | Meadow Lake Airport Association

Good afternoon, Dave – this is a follow-up to Tuesday’s Planning Commission hearing and our public offer and client’s desire to have an open line of communication with the Meadow Lake Airport Association board, and our subsequent conversation.

Pursuant to the Planning Commission’s unanimous approval of our Rezone Request for the 824 Acre Curtis Road subdivision (aka *Saddlehorn Ranch*), ROI/Guman offers the following **Avigation Easement** language for your consideration. If this language is agreeable to the MLAA board, we would consider including it on all future Preliminary Plan and Final Plan submittals to the county. We have done this similarly for other projects, including those that are affected by the *US Air Force Academy* pilot training program, and also the *Colorado Springs Municipal Airport*.

WHEREAS, ROI Properties, LLC, hereinafter called the Grantor, is in fee simple of that certain tract of land situated in El Paso County, Colorado, to-wit:

See attached legal description – Exhibit A.

Hereinafter called the Grantor’s Property.

NOW THEREFORE, In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, which has been received, the Grantors, for themselves, their successors and assigns convey an Avigation Easement to Meadow Lake Airport, as Grantee. This Easement is for the passage of aircraft seeking access and egress at Meadow Lake Airport through the airspace above the surface of the Grantor’s property, together with the right to cause noise and other affects of flight, and Grantors waive and release any right or cause of action which they now have or which they may have in the future against the Grantee, its successors and assigns, due to noise and other effects by the operation of such aircraft.

TO HAVE AND TO HOLD this Avigation Easement and all rights pertaining to the Grantee, its successors and assigns, until Meadow Lake Airport shall cease to be used for avigation purposes, or all runways on the Meadow Lake Airport property shall cease to be actively used. This Avigation Easement shall run with the land.

IN WITNESS WHEREOF, the Grantor has hereunto set their hand and seal this ___ day of _____ 2019, AD.

Dave, as we’d also offered at the Planning Commission hearing, we welcome an opportunity to meet with you and MLAA board members to review work in-progress for the Preliminary Plan and Final Plan being prepared for our project. Again, it is our client’s desire and intent to work with you to ensure you are familiar with our development’s proposed layout and use.

Inasmuch as we would like to have these matters resolved prior to the next public hearing at the El Paso County Board of County Commissioners on April 9th, we look forward to your input as to the suitability of the proposed Avigation Easement language and response to our offer to meet. Thank you.

Regards,
Bill Guman

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[@guman.net](mailto:billguman@wgan.net)


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EL PASO



COUNTY

COMMISSIONERS:
DARRYL GLENN (PRESIDENT)
MARK WALLER (PRESIDENT PRO TEMPORE)

STAN VANDERWERF
LONGINOS GONZALEZ
PEGGY LITTLETON

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

October 3, 2018

RE: Administrative Determination- Meadow Lake Airport
13625 Judge Orr Road
Peyton, CO 80831

To the Meadow Lake Airport Association and Authorized Representative,

A request on behalf of Meadow Lake Airport has been received by El Paso County for a determination of the process, in correspondence dated August 5, 2018, attached under Exhibit Cor.1, for County adoption of Meadow Lake Airport's depicted Federal Aviation Administration Part 77 surface overlays in the unincorporated areas of El Paso County, Colorado. For a better understanding of the history of this area, a timeline of historical events pertaining to Meadow Lake Airport has been attached as Exhibit A hereto.

Compliance with the El Paso County Land Development Code, including Appendix B, Guidelines and Regulations for Areas and Activities of State Interest, of the El Paso County Land Development Code (aka "1041 Regulations"), and applicable state statutes is necessary for any alteration, creation, or deletion of Airport Influence Areas, which would include establishment of the Part 77 surface overlays. Specifically the 1041 regulations Section 7.103 (5) Airport Influence Area provides that:

"(1) for Commercial Airports (CA): the Airport Noise Subzone, the Aircraft Navigation Subzone, the Accident Potential Zones I and II, and the Runway Protection Zone, all as shown on the County –approved "Commercial Airport District Map," dated September 23, 2003, on file in the office of the Department of Development Services, as amended, and which is fully incorporated herein by this reference; (2) for all General Aviation Airports-Reliever(GA-R): the Runway Protection Zone and the conical surface, as shown on the FAA and/or County approved Airport Master Plan or Airport Layout Plan; and (3) for all General Aviation Airports (GA): the Runway Protection Zone and/or the conical surface shown on the Airport Master Plan or other zones comparable to the Airport Navigation Subzone, the Accident Potential Zones I and II, and the Runway Protection Zones used by Commercial Airports. The Airport Influence Area is included as a part of the designated activity and development thereof is controlled under these regulations because of natural or man-made physical features, relationships to airport access, effects of secondary impacts, or other special circumstances found by the Board of County Commissioners."

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

The applicable statutory reference is:

CRS § 43-10-113. Safe operating areas around airports - establishment

(1) The general assembly hereby declares commercial service airports, public airports, reliever airports, as defined in 49 U.S.C. sec. 47102, and the land areas surrounding such airports, as defined in 14 CFR part 77, to be a matter of state interest as provided in article 65.1 of title 24, C.R.S.

(2) Governmental entities with zoning and building permit authority shall adopt and enforce, at a minimum, rules and regulations to protect the land areas defined in 14 CFR part 77.

Meadow Lake has stated that they are classified by the Federal Aviation Administration (FAA) as a Private, Reliever, Local airport within their submitted 1041 documents related to 2.303, items 1-23, page 17, attached under Exhibit B.

Pursuant to the El Paso County 1041 Regulations, Section 7.103(17), Site Selection means:

(1) the process for determining the location of a new Commercial, General Aviation-Reliever or General Aviation airport or; (2) the expansion or relocation of an existing airport. Expansion of an existing airport also includes extension of runways and development or operational changes, and any development or operational change which allows, or is likely to lead to any of the following as located within unincorporated El Paso County:

(a) Creation, alteration or expansion of the Airport Influence Area applicable to the airport in question.

The importance of this discussion, and the necessary procedural steps, are a result of County staff finding no records that indicate that El Paso County has ever previously adopted zoning overlays reflective of the Meadow Lake Airport Part 77 Surfaces or any associated zoning overlays.

1041 Permit

Based on the County 1041 Regulations, Meadow Lake Airport is required to submit for approval a 1041 Permit application to create, alter, or expand the Airport Influence Area. Prior actions do not negate the need for this application. The prior actions that have been taken to expand the Airport Influence Area as previously approved in master planning documents or mapped by the County, or by the expired PUD Development Plan, no longer match activities which are occurring on the ground.

The previously approved GA-O application (2012) did not approve an Airport Master Plan or Layout Plan, adoption and/or enforcement of noise contours, airport accident zones, or Part 77 Surfaces. In fact, a condition of the GA-O approval stated that such approval did not constitute approval of the Airport Master Plan. It is the responsibility of the applicant to submit a 1041 Permit application to modify the Airport Influence Area to reflect the addition of the turf runway, as depicted in GA-O-12-1.

The Airport Influence Area resulting from the relocation of the turf runway that you have depicted on your recently submitted 1041 Permit application does not reflect what was approved with the 1990 Master Plan, the 2006 Sketch Plan, or the 2008 Falcon/Peyton Small Area Master Plan update. Pursuant to the regulations, the 1041 Permit application shall provide the necessary maps to appropriately depict the Airport Influence Area. The applicant shall provide evidence of classification of the airport from the FAA and the Secretary of Transportation. In addition, the Master Plan that accompanies the 1041 Permit application shall be approved by the FAA.

The 1041 Permit application shall comply with Section 7.202, Review Criteria, of the 1041 Regulations, unless a waiver is otherwise submitted and approved. If the Permit Authority finds that the application does not comply with each of the criteria, then the 1041 Regulations state that the Permit application "shall be denied or may be approved with conditions." Specifically, staff recommends the applicant take particular notice of Subsection 15 of Section 7.202, which states:

"The applicant can provide evidence that sufficient property rights or restrictions exist, or alternatively, that adequate measures have been or will be taken and property rights have been or will be acquired to demonstrate that the airport site or expansion, and uses and activities associated with or generated by it, can be legally operated as proposed."

Land Development Code Amendment and Map Amendment (Overlay Rezoning)

If the 1041 Permit application is approved and the new Airport Influence Area is established via the information included in the application, the applicant must then request both an amendment to the Land Development Code and the application of the amended Code via a map amendment (overlay rezoning) to the land included within the Airport Influence Area. Both applications shall be initiated by the applicant and will ultimately require review and recommendation by the El Paso County Planning Commission as well as review and approval by the El Paso County Board of County Commissioners.

The request for a Code amendment is required because the purposes of the current GA-O overlay would no longer align with the intended purpose, that being to reflect the Part 77 airport surfaces. The current GA-O zoning classification does not prevent structures from being built within the overlay. It only restricts any rezoning to one (1) dwelling unit per 2.5 acres and lists uses allowed in non-residential areas.

If the required Code amendment is approved, the applicant would then be required to submit a request for a map amendment (overlay rezone) for all the subject properties to be included in the Meadow Lake Airport Influence Area. The owner(s) of each property will be required to sign each application, or to sign an Authority to Represent Form, thereby allowing the Airport to submit the map amendment to the County in association with each parcel of land. Please be aware that it may also be necessary to modify the base zoning of the current R-4 (Planned District) properties within the airport, which could require a separate map amendment (rezoning) application.

The current facilities at the airport appear to be different from those identified and allowed in the Falcon/Peyton Small Area Master Plan. For that reason, it may be necessary to amend or update that Plan, unless those changes can be incorporated into the anticipated upcoming effort to amend the El Paso County statutory master plan.

Payment of all applicable fee(s) will be required for each application. Please note that any denied application does not warrant a refund of fees paid. Payment of fees is based upon the cost of service to the County to process each application and is not a guarantee of approval.

Please note that per Section 2.2.1.H of the El Paso County Land Development Code, all administrative determinations, such as this one, may be appealed to the Board of County Commissioners within 30 days of the date of the decision.

If you have any questions or concerns regarding this determination, please contact myself or Gabe Sevigny, Planner II, at (719)520-7943 or gabesevigny@elpasoco.com.

Sincerely,



Craig Dossey
Executive Director
El Paso County Planning and Community Development Department
Cc: Gabe Sevigny, Planner II

Attachments:

Exhibit COR.1- August 5, 2018

Exhibit A

Exhibit B

Meadow Lake Airport Association, Inc.

13825 Judge Orr Road, Meadow Lake Airport (KFLY), Peyton, CO 80831-6051

To: Craig Dossey, Director, El Paso County Planning & Community Development
From: President, MLAA Board of Directors
Subj: MLAA 1041 Application

The following is a summary of the chronology related to the Part 77 application for Meadow Lake Airport:

1974 HB 74-1041 enacted legislation establishing "Matters of State Interest"

CRS 43-10-113, Safe operating areas around airports - establishment

(1) *The general assembly hereby declares commercial service airports, public airports, reliever airports, as defined in 49 U.S.C. sec. 47102, and the land areas surrounding such airports, as defined in CFR part 77, to be a matter of state interest as provided in article 65.1 of title 24, C.R.S.*

(2) *Governmental entities with zoning and building permit authority shall adopt and enforce, at a minimum, rules and regulations to protect the land areas defined in 14 CFR part 77.*

1988 Colorado Division of Aeronautics is created.

1989 FAA designates Meadow Lake Airport a "General Aviation Reliever Airport".

1990 Meadow Lake completes an initial Master Plan in accordance with provisions/requirements of the FAA Airport Improvement Program. A component of the Master Plan includes is the Airport Layout Plan (ALP), which includes a depiction of Part 77 surfaces

1998 El Paso County publishes a "Strategic Plan" which includes:

A. Small Area Plans:

9. Falcon/Peyton Comprehensive Plan (1993)

B. Topical Elements:

5. Meadow Lake Airport Part 77 Study (1990)

Yet no further action was taken by the County to implement land use protection required by CRS 43-10-113

Late 1990's El Paso County prepares GIS depiction of the County land areas, which include depiction of all county airport Part 77 surfaces.

Yet no further action was taken by the County to implement land use protection required by CRS 43-10-113

2008 El Paso County approves a revision to the Falcon-Peyton Small Area Master Plan, including a depiction of the "Meadow Lake Airport Influence Area" (based on the Part 77 surfaces).

Yet no further action was taken by the County to implement land use protection required by CRS 43-10-113

- 2010 Meadow Lake Airport requests extension of the "Airport Overlay (AO-G)" to include all properties purchased by the airport. Conversations include discussion of the CRS & 1041 provisions, but while the extension of the GA-O was approved, *no further action was taken by the County to implement land use required by CRS 43-10-113.*
- 2011 Colorado Division of Aeronautics publishes the "Colorado Aviation System Plan". Meadow Lake is identified as an "Intermediate" privately-owned, public-use airport. With Performance Measures defined in the plan, Meadow Lake falls short in three Benchmarks:
1. Part 77 surfaces recognized within planning documents of surrounding communities
 2. Intermediate Airports Needing Published Instrument Approach Procedure
 3. Primary Runway PCI (Pavement Condition Index)
- Yet no further action was taken by the County to implement land use protection required by CRS 43-10-113*
- 2013 El Paso County drafts an amendment to the Land Development Code to recognize "Matters of State Interest". Meadow Lake actively participated with the County to develop recognition for FAA planning and Airport Design Group standards. Annex B approved by the BoCC.
Yet no further action was taken by the County to implement land use protection required by CRS 43-10-113
-
- 2015 With the assistance of a Colorado Discretionary Aviation Grant, Meadow Lake contracts with Aviation, Inc. for an Airport Master Plan Update and with the intent to have El Paso County review and approval as a first step toward land use planning
- Dec 2016 Application prepared to El Paso County Planning & Community Development (P&CD) for input to the draft Master Plan (and ultimate BoCC approval and Part 77 adoption)
- Apr 2017 Meeting with County P&CD authorities. Ramiere Fitzpatrick assigned as Planner to Meadow Lake application
- Apr 17-Apr 18 Three 1041 application rewrites and numerous revisions, prepared and submitted by MLAA to meet expanding P&CD requirements. Numerous scheduled meetings rescheduled because planner could not/did not show at the appointed time.
- May MLAA 1041 application reviewed by county and other agencies (deadline May 21)
... new P&CD Planner (Gabe Sevigny) assigned to project
- June Repeated requests by Meadow Lake for update on status of application. Meeting finally established for early July, but rescheduled several times at the direction of the Director and Assistant County Attorney who needed to attend "to ensure compliance with county procedure and the law".
- Jul 18 Review meeting finally held, with MLAA representatives Dave Elliott, Lee Wolford, and Gabe Sevigny and Mark Gebhart representing County Planning. In addition, we were accompanied by legal counsel Ed McCord (at our expense), since the meeting was supposed to include County procedure and the law. We were surprised and dismayed

that despite this meeting being rescheduled several times for the Director and Attorney to attend, neither was present, nor was any notification provided to MLAA.

Mr Seigny clearly had not read nor understood the Meadow Lake application, had not been briefed by his predecessor or superiors, nor did he understand the purpose of our application as it related to the 1041 process that we had been directed to follow. He both questioned and stated that we did not fit the basic requirement or need for a County 1041 application, since we were not proposing any construction at this time, and that the Part 77 request did not require a Master Plan review. As the conversation progressed, we were further amazed that Mr Gebhart was not aware that our application had already been distributed to County staffs and agencies for review and comment. It was evident that after two years of work, the County Planning staff had no idea of what had been accomplished, or what was needed. The one-hour meeting lasted well over two hours, with the result that P&CD needed to review (and modify as needed) their procedure(s) and would get back to us "in a week or two".

It has been over two weeks and we have heard nothing. MLAA has spent thousands of dollars and hundreds of hours attempting to comply with the County's moving target on this issue, yet it appears that we are back at the beginning where we were two years ago when we requested this review.

It is time for action. MLAA is now receiving inquiries from the high-density housing areas that the County approved north of the airport (along Stapleton Road), and more housing is rapidly being constructed even closer. The Colorado Springs (COS) Airport Advisory Commission has noted similar concerns with the growth in immediate proximity to that airport and has proposed notification/disclosure measures, in addition to zoning and aviation easements.

We can't continue to kick this can down the road. Since 1990, the Meadow Lake Airport has received 21 FAA AIP Grants valued at over \$8M and since 2003, the Airport has received Colorado Discretionary Aviation Grants every year for over \$2M. According to the County Assessor's Office, private properties that make up the airport have private investment of over \$20M. Next year, over \$2.5M will be invested in a rehabilitation program for our primary runway and taxiway. Continued procrastination in developing measures to protect this valued community asset can no longer be overlooked and will only exacerbate the potential financial and legal liability to both the MLAA and the County. It is our intent that this request for land use protection go to the Board of County Commissioners in September. We would prefer that it go through the normal staffing channels, but additional unnecessary delays will no longer be accepted.

We request your response and plan of action by August 17.

Respectfully,

David E. Elliott
President, MLAA Board of Directors

Cc: Commissioner Waller, District 2 (Planning Commission)
Commissioner Littleton, District 5 (Co-Liaison Airport Advisory)

EXHIBIT A

Background as Researched and Understood by El Paso County Staff

1. The Board of County Commissioners approved a General Aviation-Overlay (GA-O) (P-69-42Z) on May 18, 1970, which authorized the allowed Meadow Lake Uses, as follows:

- a. Aero club facilities
- b. Aircraft maintenance facilities
- c. Airfields and landing strips
- d. Airport terminals, related supporting facilities
- e. Aviation control towers
- f. Hangars and tie-down facilities
- g. Navigation related businesses

This application included an airport zone map (attached as FIG 3), to include runway surface, primary surface transitional surface, approach clearance, it also two imaginary surface maps, a planimetric (attached as FIG 1) and isometric map (attached as FIG 2).

2. A sketch plan (MP-81-3) was approved by the El Paso County Planning Commission on August 19, 1981 which included 680 acres controlled by Meadow Lake; the sketch plan is attached under Exhibit A.1. The sketch plan was needed for the overall development of the airport to aide in establishing the specific zoning for the area within the meadow lake boundaries. As more property was purchased by the airport the land had a zoning classification that did not allow for the uses listed above. A sketch plan was needed to help with the over-all area and aide in establishing future needs of the airport. For reference, the development plan includes the primary runway and the emergency landing strip, however no glider runway was depicted. Information in our files indicates that this action by the Planning Commission constituted an amendment to the County Master Plan.
3. On November 23, 1981 the El Paso County Board of County Commissioners approved a map amendment (rezone) (R481005Z) for the OA-G overlay zoning district, now GA-O (General Aviation Overlay) under the Code. This GA-O overlay was applied only to the applicant's property. The zoning regulations at that time included airport imaginary surfaces, however no zoning district overlays were applied to surrounding property. The development plan (Exhibit A.2) includes the primary runway and the emergency landing strip, no glider runway is depicted.
4. An amendment to the County Master Plan was approved April 17, 1990 by the El Paso County Planning Commission under file number MP-90-2. This approval also appears to have approved the first influence area map. Within the approval, the Part 77 surfaces extend at their widest point 2 miles from the center point of the runway as depicted in the 1990 map Exhibit A.3 that is attached. However, the 1990 staff comments to the Planning Commission, attached under Exhibit

A.4, indicate a second step in implementing the Part 77 Surfaces was required by an amendment of the General Aviation Overlay (GA-O) zoning overlay district. A request to amend the GA-O did not occur, therefore the height restrictions of the Part 77 surfaces were never imposed via zoning regulations on property outside of the airport boundary and within the 2 mile influence area. The staff report indicates that in most instances the existing zoning regulations are more restrictive than the height limits of the Part 77 surfaces.

5. As Meadow Lake Airport purchased additional property, in 2006 Meadow Lake Airport applied for sketch plan approval and in 2007 applied for Planned Unit Development (PUD) approval that included a total of 1008.55 acres. The new property acquired was zoned A-35 (Agricultural) and RR-3 (Residential Rural) zoning districts. The sketch plan and PUD were to be used to establish the zoning to allow for aviation, industrial/warehouse, and commercial uses with the boundaries of the airport.

The Board of County Commissioners approved the sketch plan (SKP-06-003) March 29, 2007. Per Resolution No. 07-106, attached, Condition number 11,

11. Approval of the Sketch Plan does not approve an airport master plan or an expanded overlay for Meadow Lake Airport and is not under consideration with this application. The proposed Plan is a conceptual land use plan with multiple land uses. In order to approve an airport master plan and airport overlays, a completely separate application process is required including Planning Commission and Board of County Commissioner consideration and public hearings with extensive public notice requirements.

A copy of the approved sketch plan is attached under Exhibit A.5. The sketch plan includes the primary runway and the emergency landing strip, and there is an additional runway depicted on the south side and to the east of the current runway. No additional information was provided to establish an influence area with a new additional runway.

For reference, this approval also included a Condition 3 which has not been satisfied.

3. The approval of this Sketch Plan shall be effective for a period of five (5) years; if, at the expiration of the five-year period, no final plat in conformance with the plans has been submitted, approved, and recorded, the approval of the sketch plan shall expire.

No final plat was submitted for review or approval by El Paso County, and was not recorded. This, according to Condition 3 above, technically caused the sketch plan to expire on March 29, 2012.

6. The Board of County Commissioners approved a PUD zoning and concept plan (ZCP)(PUD-07-009) August 14, 2008 which contemplated a more detailed mix of private, commercial, and industrial uses on this Meadow Lake Airport Association owned property. A copy of the Conceptual PUD is attached under Exhibit A.6. With Resolution No, 08-353, under condition 6, the Development of the ZCP and PUD Development Plan shall be subject to all conditions of approval of the associated Sketch Plan. This condition makes both Conditions 3 and 11 above also applicable to a rezoning application. However, no actions have yet been taken place to retract those approvals.

7. The El Paso County Planning Commission approved the Falcon/Peyton Small Area Master Plan August 5, 2008. An updated Meadow Lake Airport Influence Area map was approved with this master plan update, attached under Exhibit A.7. El Paso County's current Geographic Information System (GIS) layers layout, attached under Exhibit A.8, matches what was adopted in 2008 through the Master Plan update. No request by Meadow Lake Airport for an amendment to the boundaries of the GA-O was made at that time, nor were any additional requests made to update the layout of the airport or the influence area, except what was adopted with the Falcon/Peyton Small Area Plan.

8. GA-O application (GA-O-12-1) was approved by the Board of County Commissioners on November 29, 2012, applicable to 385 acres of airport owned property. This approval was predicated upon a 5,000 foot by 200 foot turf runway, also known as the glider runway. A depiction of the overlay is attached under Exhibit A.9. The overlay map attached depicts the turf runway relocated from the east side of the primary runway, to the west side of the primary runway. This overlay was not applied to any property outside of the subject property. Per Resolution 12-390, attached, Condition 1:

1. Approval of the General Aviation Overlay (GA-O) (GA-O-12-1) does not approve an Airport Master Plan or Layout Plan, adoption and/or enforcement of noise contours, airport accident zones, or Part 77 surfaces which are not under consideration with the application. This GA-O authorizes the implementation of the uses, with conditions, identified in Section 4.3.2.E.1 of the Land Development Code, as amended

Condition 3 of that resolution, also required that any change to the condition of the turf runway or paving of that runway would require a site development plan approval. However, no new Site Development Plan application has been requested to initiate the use of the turf runway.

3. Any changes to the condition of the turf runway or pavement of the same shall require Development Services approval of a site development plan to establish the approved location relative to adjacent residential properties. That review may include, but not limited to, grading and erosion control, storm water runoff, and drainage. Additional uses shall

only be authorized by the Development Services Department Director's approval of a site development plan.

To date, there has not been a site development requested by Meadow Lake Airport, nor has any approval been granted by El Paso County for the establishment of the turf runway.

The 2012 GA-O application did not include an updated airport influence area, and no request was made to update the Falcon/Peyton Small Area Plan. The current airport influence area has changed due to the relocation of the turf runway. The current Falcon/Peyton Small Area Plan is not consistent with Meadow Lake Airport's current layout plan. The influence map depicted in the 2008 Falcon/Peyton Small Area Master Plan (Page 2-62) reflects the turf runway being in a different location. Adoption of the GA-O does not automatically adopt a new airport influence area and per condition 1 above was not considered with the application.

Sub Attachments:

Fig 1, Fig 2, and Fig 3- May 18, 1970

Exhibit A.1- August 19, 1981

Exhibit A.2- November 23, 1981

Exhibit A.3- April 17, 1990

Exhibit A.4- April 17, 1990

Resolution No. 07-106- March 29, 2007

Exhibit A.5- March 29, 2007

Exhibit A.6- August 14, 2008

Resolution No. 08-353- August 14, 2008

Exhibit A.7- August 5, 2008

Exhibit A.8- Created August 30, 2018

Exhibit A.9- November 29, 2012

Resolution No. 12-390- November 29, 2012

Meadow Lake Airport - Applicati

Functions	Aircraft/Avionics Manufacturing/Maintenance Aircraft Storage Aerospace Engineering/Research
Commercial, Industrial, and Economic Activities	Agricultural Support Aerial Surveying and Observation Low-Orbit Space Launch and Landing Oil and Mineral Exploration/Survey Utility/Pipeline Control and Inspection Business Executive Flight Service Manufacturing and Distribution Express Delivery Service Air Cargo
Destination and Special Events	Tourism and Access to Special Events Intermodal Connections (rail/ship) Special Aeronautical (skydiving/airshows)

"Together these 2,952 general aviation airports form an extensive network and make important economic contributions to society. Many of these aeronautical functions cannot be economically supported at primary commercial service airports and other alternatives (e.g., fight forest fires without aerial support) are less effective and sometimes more dangerous." [ed note: helicopters supporting the Black Forest fire fighting efforts operated out of Meadow Lake. With the exception of "Low-Orbit Space Launch and Landing" and "Intermodal Connections", Meadow Lake supports all of these functions to one degree or another]

In addition; "This study focuses on the Federal network of general aviation airports, heliports, and seaplanes bases and divides them into four new categories based on existing activity levels and related criteria: national, regional, local, and basic":

National (84)	Supports the national and state system by providing communities with access to national and international markets in multiple states and throughout the United States.
Regional (467)	Supports regional economics by connecting communities to statewide and interstate markets.
Local (1,236)	Supplements local communities by providing access primarily to interstate and some interstate markets.
Basic (668)	Supports general aviation activities such as emergency service, charter or critical passenger service, cargo operations, flight training, and personal flying.

Meadow Lake is classified by the FAA as: Private (PR) - Reliever - Local
[see NPIAS list of Colorado General Aviation Airports, Enclosure (5a)]

FIG. 1

AIRPORT DEVELOPMENT STUDY
 PLANNING

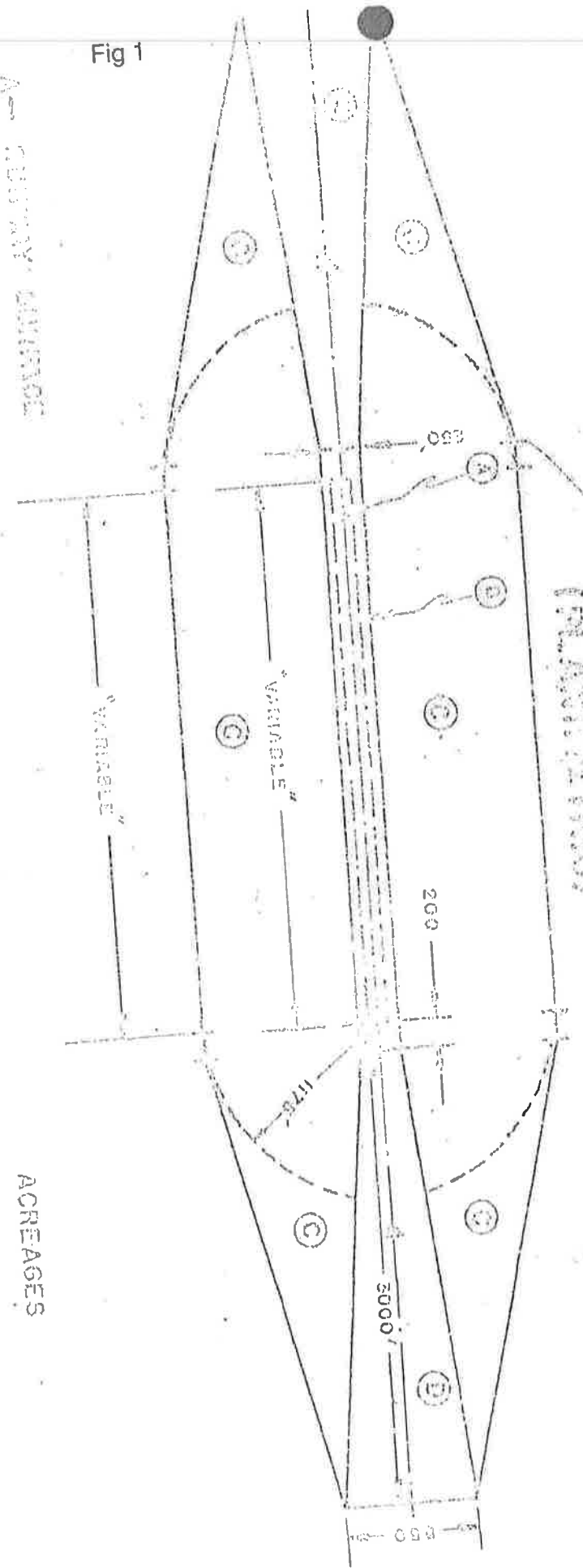


Fig 1

A — TAXIWAY SURFACE

B — PRIMARY SURFACE

C — TRANSITIONAL SURFACE

D — AIRFIELD CLEARANCE

ACREAGES

	A	B	C	D	B+C+D (Total Area)
4500'	4500'	6000'	5500'	6000'	6500'
Var.	Var.	Var.	Var.	Var.	Var.
25.22	28.59	31.56	34.43	37.30	40.17
393.16	407.27	431.37	455.48	479.59	503.59
75.64	75.64	75.64	75.64	75.64	75.64
484.62	511.60	538.57	565.55	592.52	619.49

Fig 2

(FIG. 2)
AIRPORT IMAGINARY SURFACES
(ISOMETRIC DRAWING)

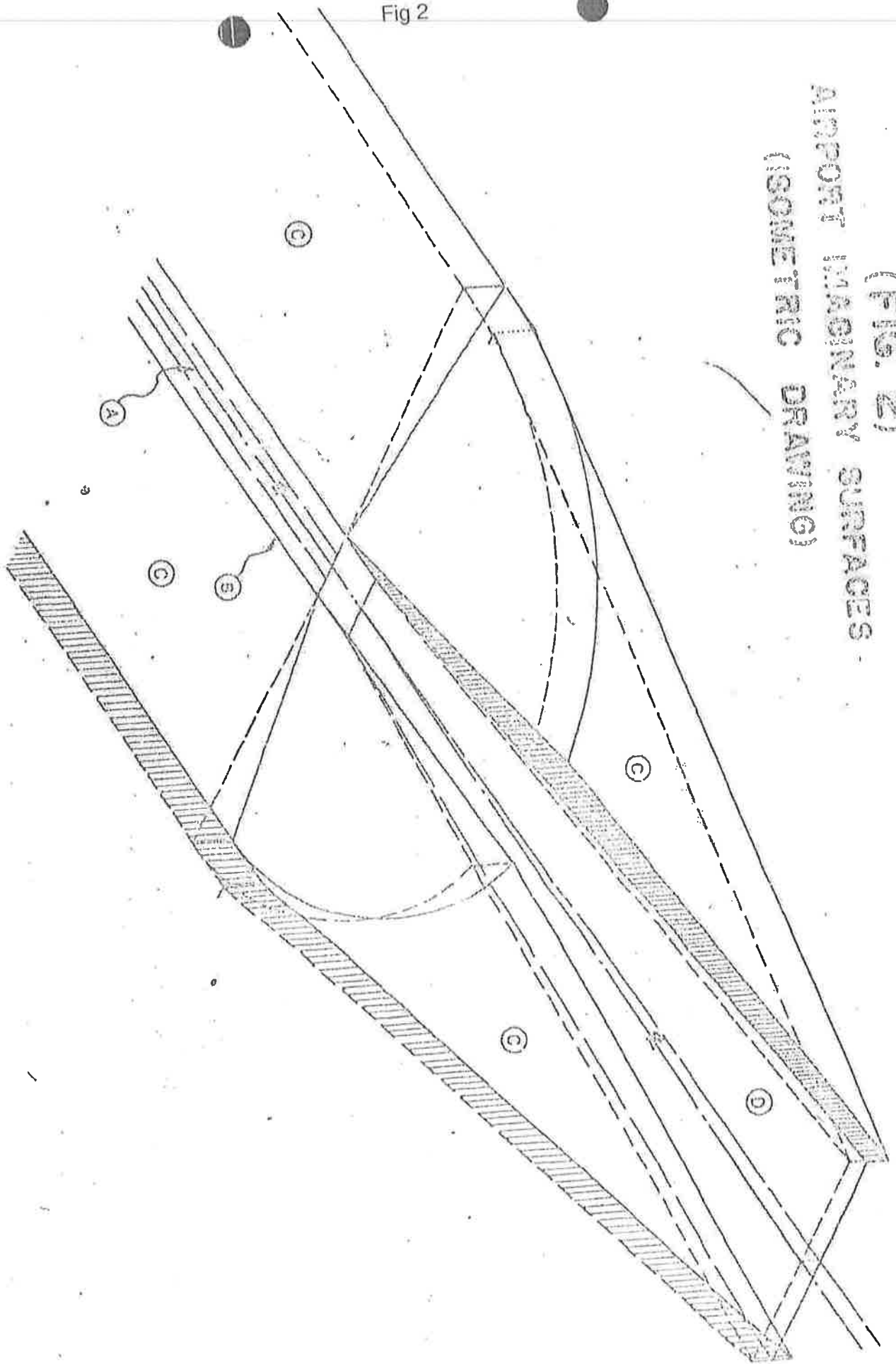


Fig 3

PREPARED BY
COX SURVEYING CO.
COLORADO SURVEYING BOARD

SCALE 1" = 400'

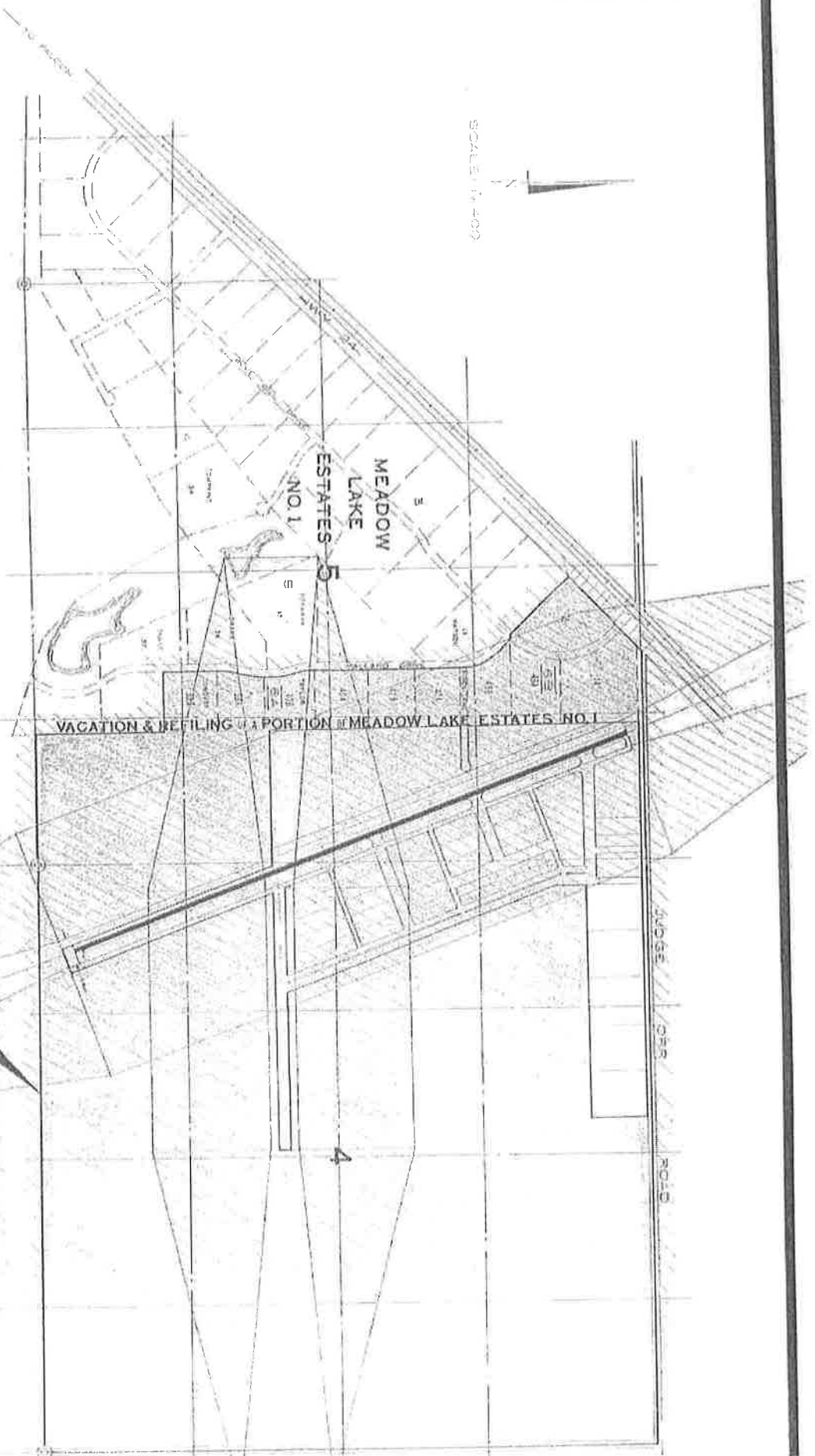


- RAINY STREAM
- TENANT SERVICE
- SENSATIONAL SERVICE
- AIRPORT TERMINAL

MEADOW LAKE AIRPORT ZONE

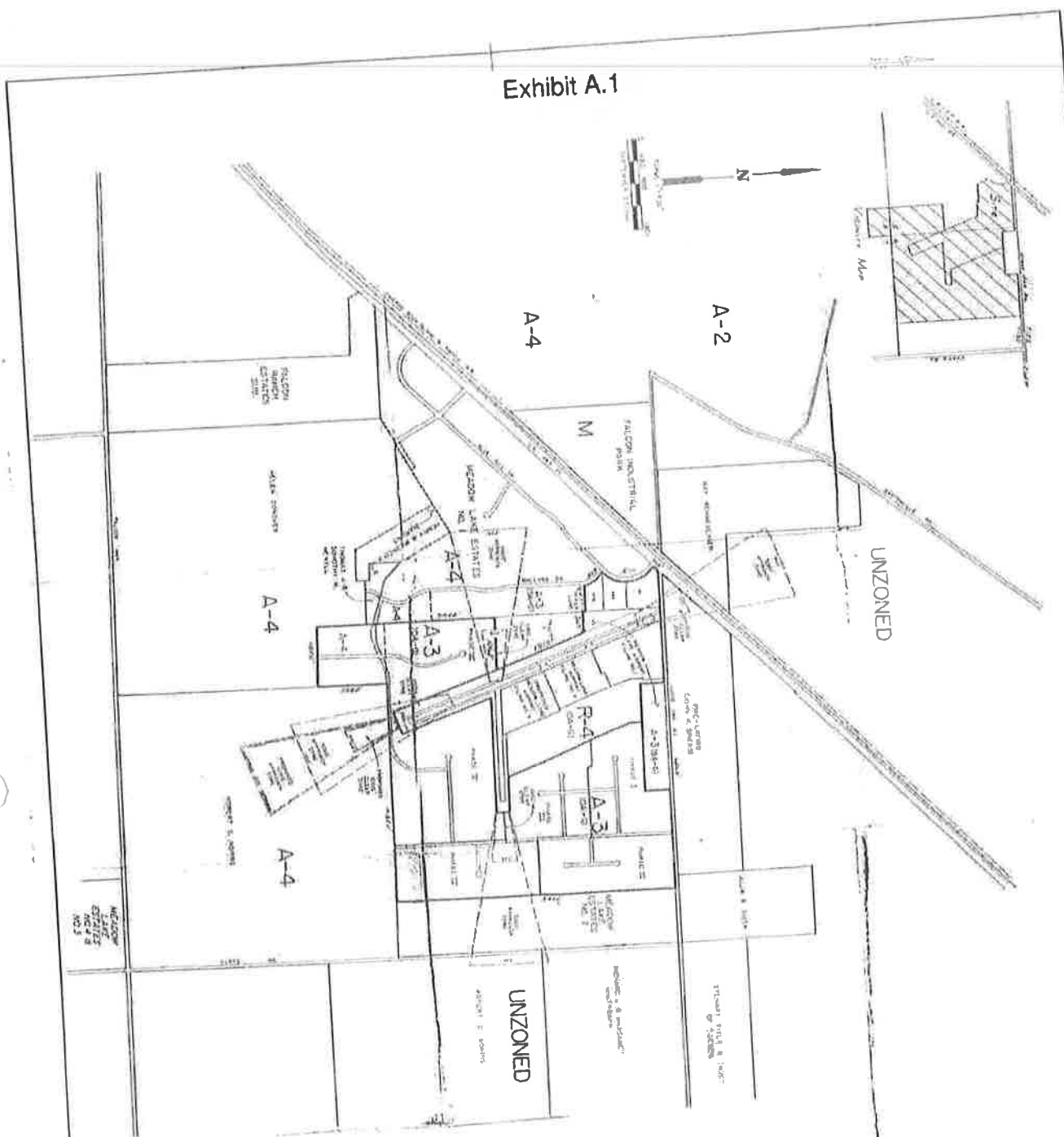
DESCRIPTION OF AIRPORT TO BE CONSIDERED IN AIRPORT ZONE

The Airport is located on the east side of the Meadow Lake Estates No. 1, and is bounded on the north by the boundary of the Meadow Lake Estates No. 1, on the south by the boundary of the Meadow Lake Estates No. 2, on the west by the boundary of the Meadow Lake Estates No. 3, and on the east by the boundary of the Meadow Lake Estates No. 4. The Airport is a general aviation airport and is used for the operation of small aircraft. The Airport is situated on a slight rise and is well drained. The Airport is surrounded by a fence and is well lighted. The Airport is a safe and convenient place for the operation of small aircraft.



RESERVED

Exhibit A.1



MC-2000
2/27/73
NO. 3

SHEET 1 OF 2

FOR SITE SPECIFIC SITE
SHEET 2 OF 2

by: United Planning & Engineering Co., Inc.
3730 Shreve Rd.
Colorado Springs, Colorado 80907

For: Meadow Lake Site Development Corp.
P.O. Box 75
Colorado Springs, Colorado 80901

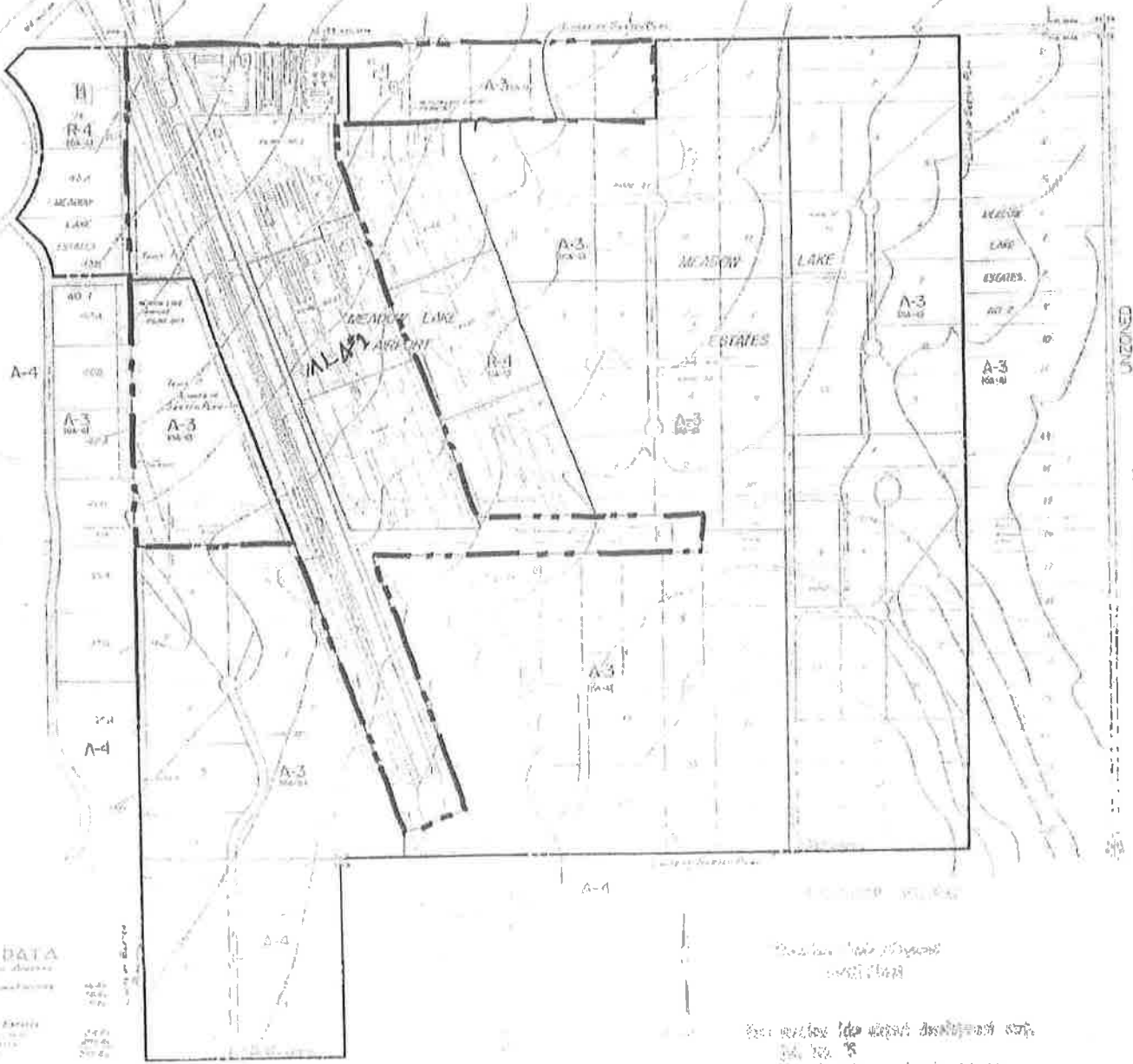
Meadow Lake Site
Site Plan



Approved
El Paso County
Planning Commission
the 17 day of Feb. 1973

Exhibit A.1

UNZONED



DATA

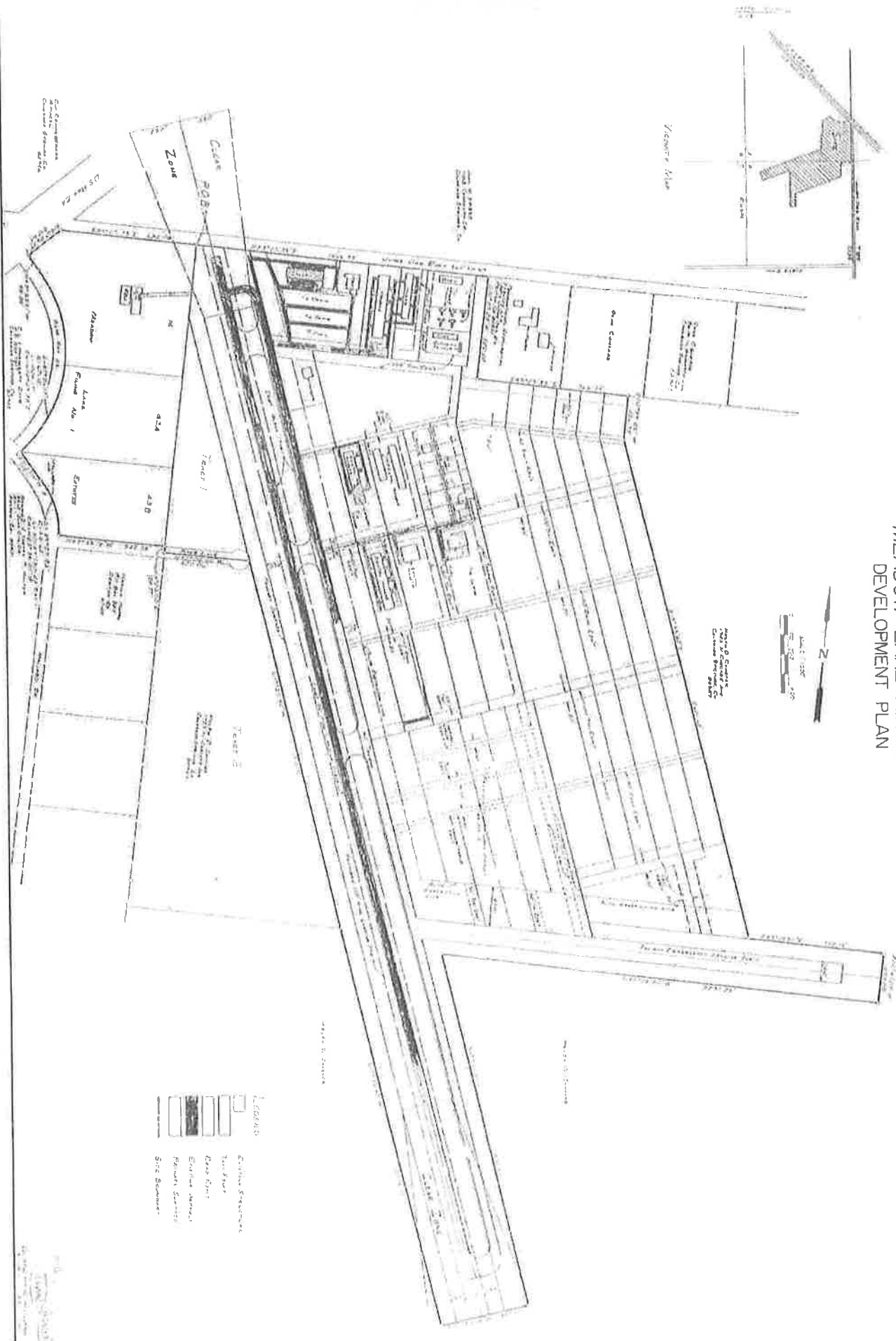
Map Scale	1" = 100'
Map Date	1964
Map No.	1000
Map Title	Map of Meadow Lake, Alaska
Map Author	City of Meadow Lake
Map Date	1964
Map No.	1000
Map Title	Map of Meadow Lake, Alaska
Map Author	City of Meadow Lake

Map of Meadow Lake, Alaska
 City of Meadow Lake
 1964
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 Map of Meadow Lake, Alaska
 City of Meadow Lake
 1964
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City of Meadow Lake
 1964

Exhibit A.2

MEADOW LAKE AIRPORT
DEVELOPMENT PLAN



Scale: 1" = 100'
North Arrow

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- 99. 000 000
- 100. 000 000

US Hwy 74

Runway 1

Runway 2

Taxiway A

Taxiway B

Taxiway C

Taxiway D

Taxiway E

Taxiway F

Taxiway G

Taxiway H

Taxiway I

Taxiway J

Taxiway K

Taxiway L

Taxiway M

Taxiway N

Taxiway O

Taxiway P

Taxiway Q

Taxiway R

Taxiway S

Taxiway T

Taxiway U

Taxiway V

Taxiway W

Taxiway X

Taxiway Y

Taxiway Z

Taxiway AA

Taxiway AB

Taxiway AC

Taxiway AD

Taxiway AE

Taxiway AF

Taxiway AG

Taxiway AH

Taxiway AI

Taxiway AJ

Taxiway AK

Taxiway AL

Taxiway AM

Taxiway AN

Taxiway AO

Taxiway AP

Taxiway AQ

Taxiway AR

Taxiway AS

Taxiway AT

Taxiway AU

Taxiway AV

Taxiway AW

Taxiway AX

Taxiway AY

Taxiway AZ

Taxiway BA

Taxiway BB

Taxiway BC

Taxiway BD

Taxiway BE

Taxiway BF

Taxiway BG

Taxiway BH

Taxiway BI

Taxiway BJ

Taxiway BK

Taxiway BL

Taxiway BM

Taxiway BN

Taxiway BO

Taxiway BP

Taxiway BQ

Taxiway BR

Taxiway BS

Taxiway BT

Taxiway BU

Taxiway BV

Taxiway BW

Taxiway BX

Taxiway BY

Taxiway BZ

Taxiway CA

Taxiway CB

Taxiway CC

Taxiway CD

Taxiway CE

Taxiway CF

Taxiway CG

Taxiway CH

Taxiway CI

Taxiway CJ

Taxiway CK

Taxiway CL

Taxiway CM

Taxiway CN

Taxiway CO

Taxiway CP

Taxiway CQ

Taxiway CR

Taxiway CS

Taxiway CT

Taxiway CU

Taxiway CV

Taxiway CW

Taxiway CX

Taxiway CY

Taxiway CZ

Taxiway DA

Taxiway DB

Taxiway DC

Taxiway DD

Taxiway DE

Taxiway DF

Taxiway DG

Taxiway DH

Taxiway DI

Taxiway DJ

Taxiway DK

Taxiway DL

Taxiway DM

Taxiway DN

Taxiway DO

Taxiway DP

Taxiway DQ

Taxiway DR

Taxiway DS

Taxiway DT

Taxiway DU

Taxiway DV

Taxiway DW

Taxiway DX

Taxiway DY

Taxiway DZ

Taxiway EA

Taxiway EB

Taxiway EC

Taxiway ED

Taxiway EE

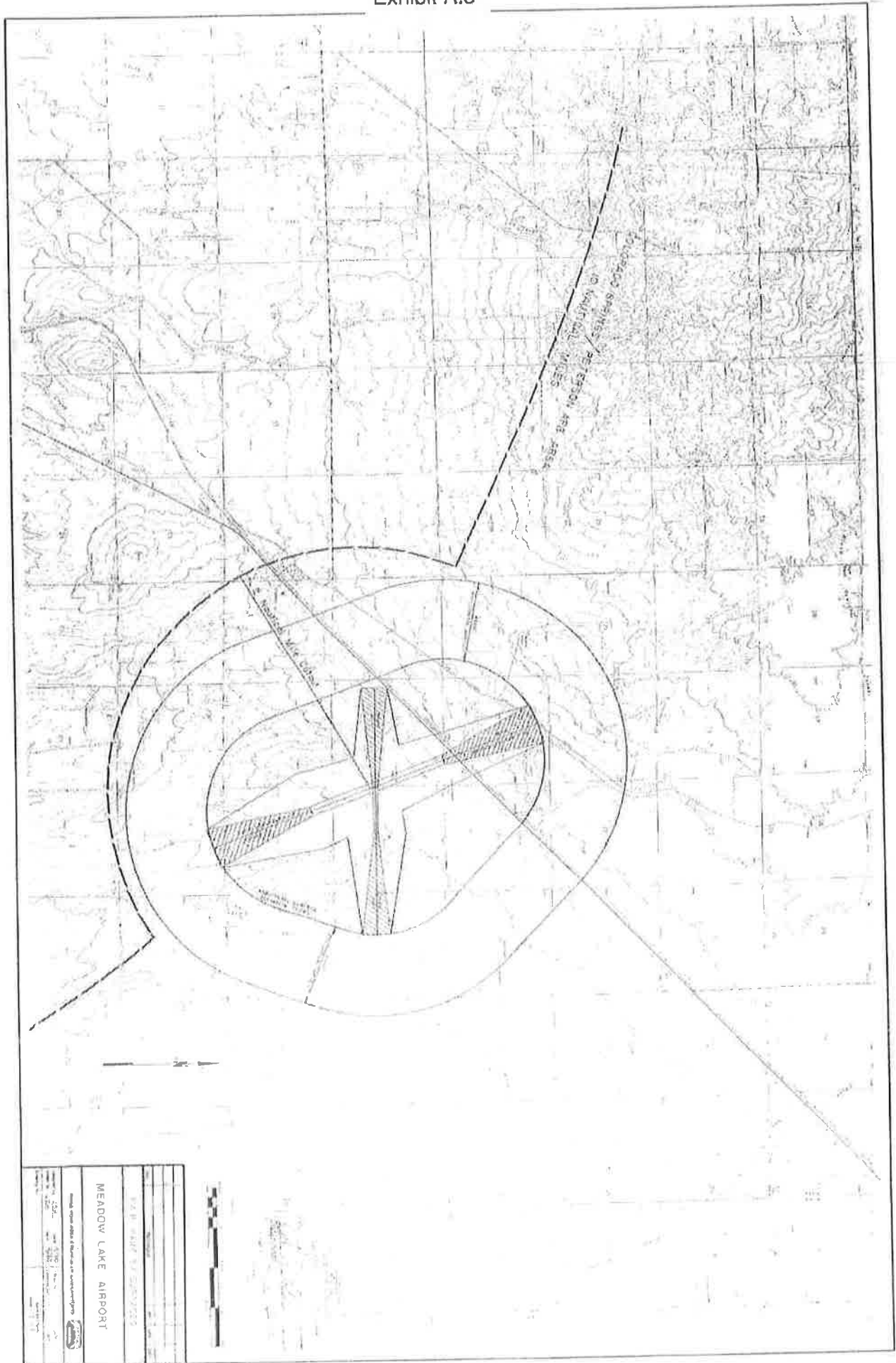
Taxiway EF

Taxiway EG

Taxiway EH

Taxiway EI

Exhibit A.3



9. MP-90-2

MEADOW LAKE AIRPORT
FAR PART 77 SURFACES

A request by the Meadow Lake Airport Association for an amendment to the County Master Plan, noting the FAR (Federal Aviation Regulations) Part 77 height surfaces. The surfaces would extend, at their widest point, approximately 2 miles from the Airport's runways.

APPLICABLE RESOLUTIONS

Approval Page 31
Disapproval Page 32

BACKGROUND: Meadow Lake Airport has recently been designated as a "reliever" airport and has completed a Master Plan in an attempt to secure F.A.A. funding for improvements. Improvements are being proposed to be constructed within two phases. Phase I would consist of lengthening the runway from the existing 4,160 feet to 5,020 feet, and increasing the runway width from 30 feet to 60 feet. Phase II would consist of lengthening the runway to 6,000 feet. A third phase was initially considered to extend the runway to 8,500 feet however this is no longer a likely alternative.

PROPOSED ACTION: The proposed action contemplated would consist of adoption of the Federal Aviation Regulations (FAR) Part 77 Imaginary Surfaces as an amendment (inclusion) to the County's Master Plan. This action is desired by F.A.A. The F.A.A. also views the County as a third party involved in the control of incompatibilities with the airport, since the County has land use control over the unincorporated areas. In addition, C.R.S. 28-6-113(2) notes that the County "shall adopt and enforce, at a minimum, rules and regulations to protect the land areas defined in 14 C.F.R. Part 77."

Once the Master Plan element is adopted, the Part 77 surfaces can be implemented through application of the OA-G overlay district (as may be amended). The Part 77 criteria deal only with heights, thus any subsequent regulations should address the height element.

SURFACE: The Part 77 surfaces consist of different slopes that affect airports. The following surfaces, further defined in an attachment provided as a component to these Comments, are as follows:

- Approach Slope
- Transitional Slope
- Horizontal Surface
- Conical Surface
- Primary Surface
- Clear Zone

g.12



RESOLUTION NO. 07-106

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

SKETCH PLAN FOR MEADOW LAKE AIRPORT (SKP-06-003)-MEADOW LAKE AIRPORT ASSOCIATION, VEPO, LLC, AND GRR PARTNERS., INC.

WHEREAS, Meadow Lake Airport Association, VEPO, LLC, and GRR Partners, Inc., did file an application with the El Paso County Development Services Department for the approval of the Meadow Lake Airport Sketch Plan for the herein described property in the unincorporated area of El Paso County; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on January 16, 2007, upon which date the Planning Commission did by formal resolution recommend approval of the subject Sketch Plan with conditions and notations; and

WHEREAS, a public hearing was held by this Board on March 29, 2007; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the County, recommendations of the El Paso County Planning Commission, comments of the El Paso County Development Services Department, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
2. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete; all pertinent facts, matters and issues were submitted and reviewed, and all interested parties were heard at those hearings.
3. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
4. For the above-stated and other reasons, the proposed Sketch Plan is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the Meadow Lake Airport Sketch Plan as submitted by Meadow Lake Airport Association, VEPO, LLC, and GRR Partners, Inc., for the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference;

BE IT FURTHER RESOLVED the following conditions and notation shall be placed upon this approval:

CONDITIONS:

1. The applicant/developer and/or property owner shall be required to participate in a fair and equitable fashion in the upgrading and signalization of Curtis Road, Falcon Highway and Judge Orr Road based on the site Traffic Impact Study.
2. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Department of Wildlife, Colorado Department of Transportation, U.S. Army Corp of Engineers and the U.S. Fish and Wildlife Service and/or Colorado Department of Wildlife regarding the Endangered Species Act, particularly as it relates to the Preble's meadow jumping mouse as a listed threatened species.
3. The approval of the Sketch Plan shall be effective for a period of five (5) years; if, at the expiration of the five-year period, no final plat in conformance with the plan has been submitted, approved, and recorded, the approval of the sketch plan shall expire.
4. Approval of this Sketch Plan establishes only the general land use concept and general alignment of collector streets or larger. The density ranges adopted shall mean that consideration will be given to establishing a maximum density somewhere in that range for indicated portions of the site, depending on the ultimate provision of open space and the design of the higher density areas.
5. Buffering between the commercial, industrial, and the adjacent residential uses shall be reflected in any rezoning requests for the commercial properties. The developer of the commercial land shall be required to provide the buffering and said requirement shall be a condition of approval for the rezoning requests.

6. Creative landscape design is encouraged, but in no instance shall the minimum buffering and landscape requirement be less than that required in Section 35 of the El Paso County Land Development Code. The buffering/landscaping shall be reflected with any rezoning requests. Said buffers shall be exclusive of any lot area(s).
7. A completed U.S. Army Corps of Engineers permit should be provided to the El Paso County Development Services Department prior to project commencement if ground-disturbing activities would occur in wetland areas. Alternatively, a letter from a qualified wetland scientist indicating why such a permit is not required for this project would be acceptable.
8. Road locations, intersections, and classifications on the Sketch Plan are based on the best information available at this time. Final determinations of all road classifications will be made at the time of Preliminary Plan when more detailed land use, traffic and road designs are available. Minor changes to road classifications, intersections, and locations shall not require a new Sketch Plan.
9. The adequacy of screening/separation of differing land uses shall be a serious consideration in the evaluation of any PUD (Planned Unit Development) plan or Preliminary Plan.
10. Any rezoning of this property to implement the Sketch Plan will be to the PUD (Planned Unit Development) District.
11. Approval of the Sketch Plan does not approve an airport master plan or an expanded overlay for Meadow Lake Airport and is not under consideration with this application. This proposed Plan is a conceptual land use plan with multiple land uses. In order to approve an airport master plan and airport overlays, a completely separate application process is required including Planning Commission and Board of County Commissioner consideration and public hearings with extensive public notice requirements.

NOTATION:

1. Action taken by the Planning Commission and Board of County Commissioners on a Sketch Plan shall be considered a preliminary decision to the zoning and platting of the property and shall not be considered a final decision for purposes of judicial review.

Resolution No. 07-106

Page 4


AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 29th day of March 2007, at Colorado Springs, Colorado.

ATTEST

By: 
Deputy County Clerk

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: 
Chair

Resolution No. 07-106
EXHIBIT A, PAGE 1

MEADOW LAKE AIRPORT:

Parcel Information, Assessor's Office, El Paso County, CO Property Information
Database Updated: 11/14/2005 Today: Tuesday, 11/15/2005 Time:
2:29:28 PM

Parcel No: 4300000549
Owner Name: MEADOW LAKE AIRPORT ASSOC
Location: 13625 JUDGE ORR RD
Mailing Address: 1 CESSNA DR
PEYTON CO 80831-6051

Legal Description

TR IN SEC 04-13-64 DESC AS FOLS: COM AT SW COR OF
SEC 04; S 88<44'13" E 1062.96 FT ALG S LN OF SD SEC
TO SLY EXT OF ELY LN OF 450.0 FT WIDE AIRCRAFT
RUNWAY AS PLATTED IN MEADOW LAKE AIRPORT FIL NO 1,
TH N 19<31'29" W 1400.0 FT ALG SD LN FOR POB
TH N 19<35'42" W 430.47, S 89<18'40" E 2230.25 FT,
N 00<45'05" E 100.0 FT, N 89<12'59" E 575.04 FT,
N 00<29'25" E 515.37 FT, S 89<30'35" E 1042.99 FT,
TH SLY ALG WLY LN OF MEADOW LAKE ESTATES FIL NO 2
TO A PT ON S LN OF SEC 04, TH WLY ALG SD S LN
2300 FT M/L, N 19<31'29" W 1400.0 FT,
N 89<44'13" W 992.0 FT TO POB, TOG WITH
LOTS 24 & 25 BLK 1 MEADOW LAKE ESTATES
FIL NO 2, TOG WITH
TR 1 MEADOW LAKE AIRPORT FIL NO 1, TOG WITH
THAT PORT OF NW4 OF SEC 09-13-64 DESC AS FOLS:
COM AT NW COR OF SD SEC 09, TH S 89<44'13" E 372.18 FT
ALG N LN OF SD SEC FOR POB,
TH CONT S 89<44'13" E 850.20 FT,
S 19<31'29" E 1764.11 FT, S 70<28'31" W 800.00 FT,
N 19<31'29" W 2051.94 FT TO POB, TOG WITH A PORT IN
SW4 SEC 04-13-64 DESC AS FOLS: COM AT SW COR OF SD
SEC 04, S 89<44'13" E 531.59 FT FOR POB,
TH N 19<31'29" W 182.03 FT TO WLY EXT OF SLY LN OF
450.00 FT WIDE AIRCRAFT RUNWAY AS PLATTED IN MEADOW
LAKE AIRPORT FIL NO 1; N 70<28'31" E 500.00 FT ALG SD
WLY EXT TO SE COR THEREOF, S 19<31'29" E 361.92 FT
TO S LN OF SEC 04, TH N 89<44'13" W 531.38 FT
ALG SD S LN TO POB, TOG WITH THE
NLY 50 FT OF LOT 8, SLY 50 T OF LOT 6, TOG WITH PT OF
LOT 8 DESC AS FOLS: BEG AT NW COR OF SD LOT, TH
S 89<29'35" E 53.24 FT, S 19<35'42" E 50.0 FT,
S 25<30'36" W 70.71 FT TO WLY LN OF SD LOT, TH
N 19<35'42" W ALG SD WLY LN 118.30 FT TO POB BLK 2
MEADOW LAKE AIRPORT FIL NO 1, TOG WITH AIRCRAFT RUNWAY
MEADOW LAKE AIRPORT FIL NO 1, TOG WITH
THAT PT OF TRACT 2 MEADOW LAKE AIRPORT FIL NO 1, TOG
WITH THAT PT LY IN SE4 SEC 5-13-64 DESC AS FOLS:
COM AT SW COR OF LOT 1 MEADOW LAKE AIRPORT FIL NO 9, TH
S 00<03'47" W 1300.36 FT TO SW COR OF SD TRACT 2

Exhibit A.5

MEADOW LAKE AIRPORT
 MEADOW LAKE INDUSTRIAL PARK
 MEADOW LAKE AIRPORT
 MEADOW LAKE INDUSTRIAL PARK

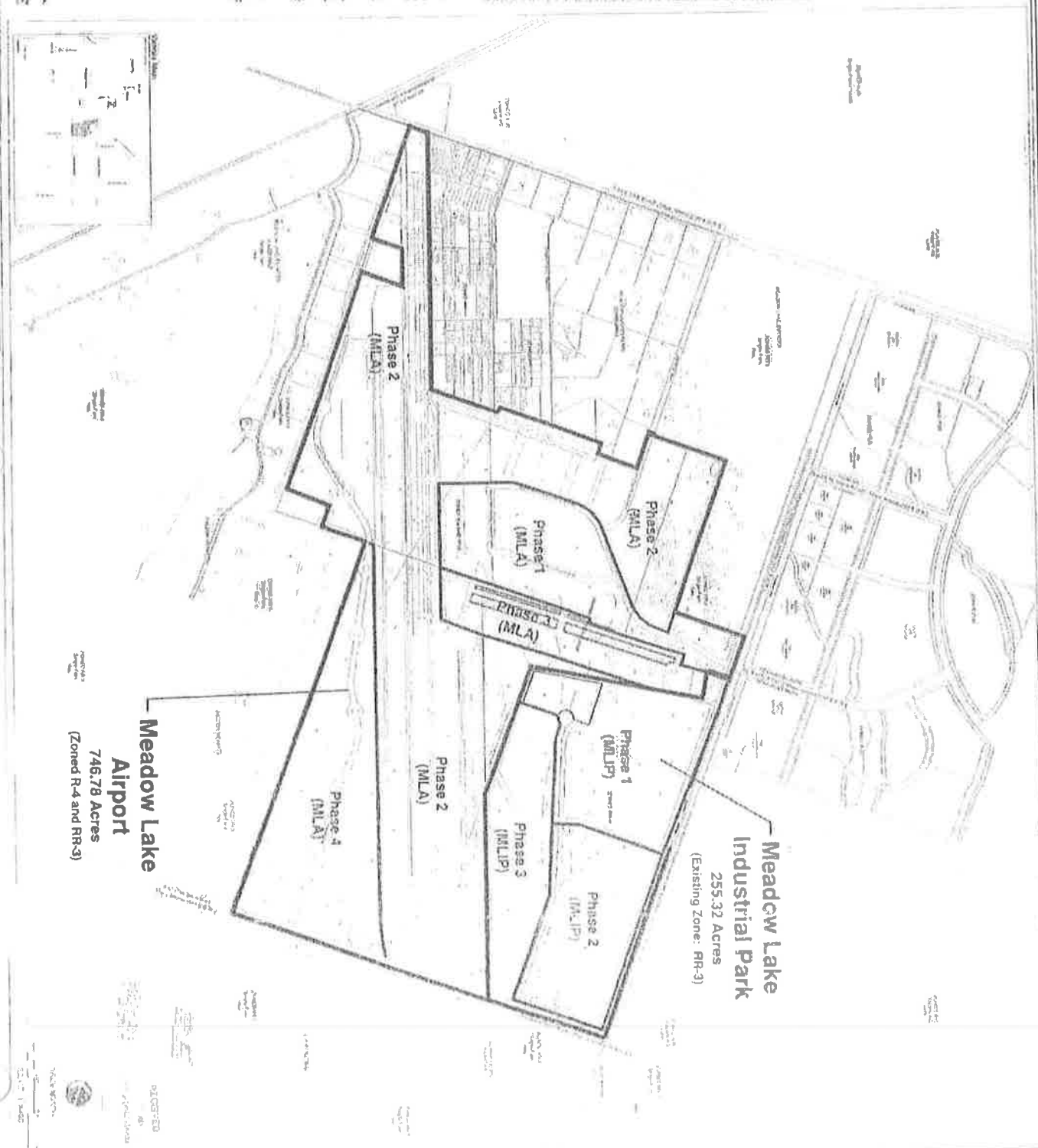
MEADOW LAKE AIRPORT
 MEADOW LAKE INDUSTRIAL PARK
 MEADOW LAKE AIRPORT
 MEADOW LAKE INDUSTRIAL PARK

Phase	Area (Acres)	MLA/MLIP
Phase 1	10.0	MLIP
Phase 2	15.0	MLA
Phase 3	12.0	MLA
Phase 4	8.0	MLA

Phase	Area (Acres)	MLA/MLIP
Phase 1	10.0	MLIP
Phase 2	15.0	MLA
Phase 3	12.0	MLA
Phase 4	8.0	MLA

MEADOW LAKE AIRPORT
 MEADOW LAKE INDUSTRIAL PARK
 MEADOW LAKE AIRPORT
 MEADOW LAKE INDUSTRIAL PARK

MEADOW LAKE AIRPORT
 MEADOW LAKE INDUSTRIAL PARK
 MEADOW LAKE AIRPORT
 MEADOW LAKE INDUSTRIAL PARK



Meadow Lake Airport
 Sketch Plan
 FACILITY GROUP

MEADOW LAKE AIRPORT
 MEADOW LAKE INDUSTRIAL PARK
 MEADOW LAKE AIRPORT
 MEADOW LAKE INDUSTRIAL PARK

Exhibit A.5

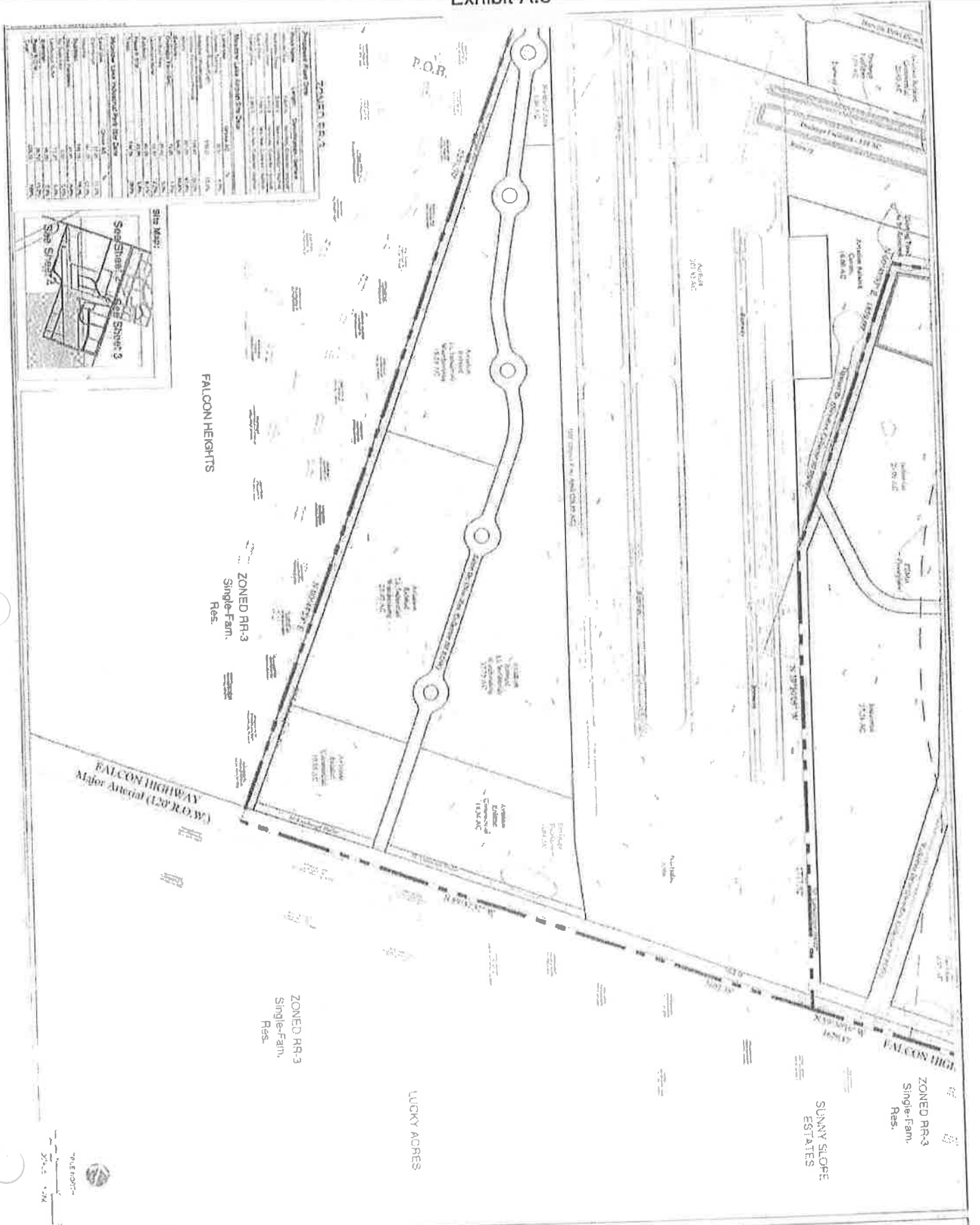
MEADOW LAKE AIRPORT	
Area	Area
Runway	1,000.00
Taxiway	1,000.00
Grass	1,000.00
Water	1,000.00
Other	1,000.00
Total	5,000.00

Area	Area
Runway	1,000.00
Taxiway	1,000.00
Grass	1,000.00
Water	1,000.00
Other	1,000.00
Total	5,000.00

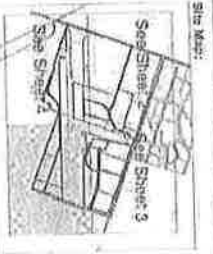


Meadow Lake Airport Sketch Plan

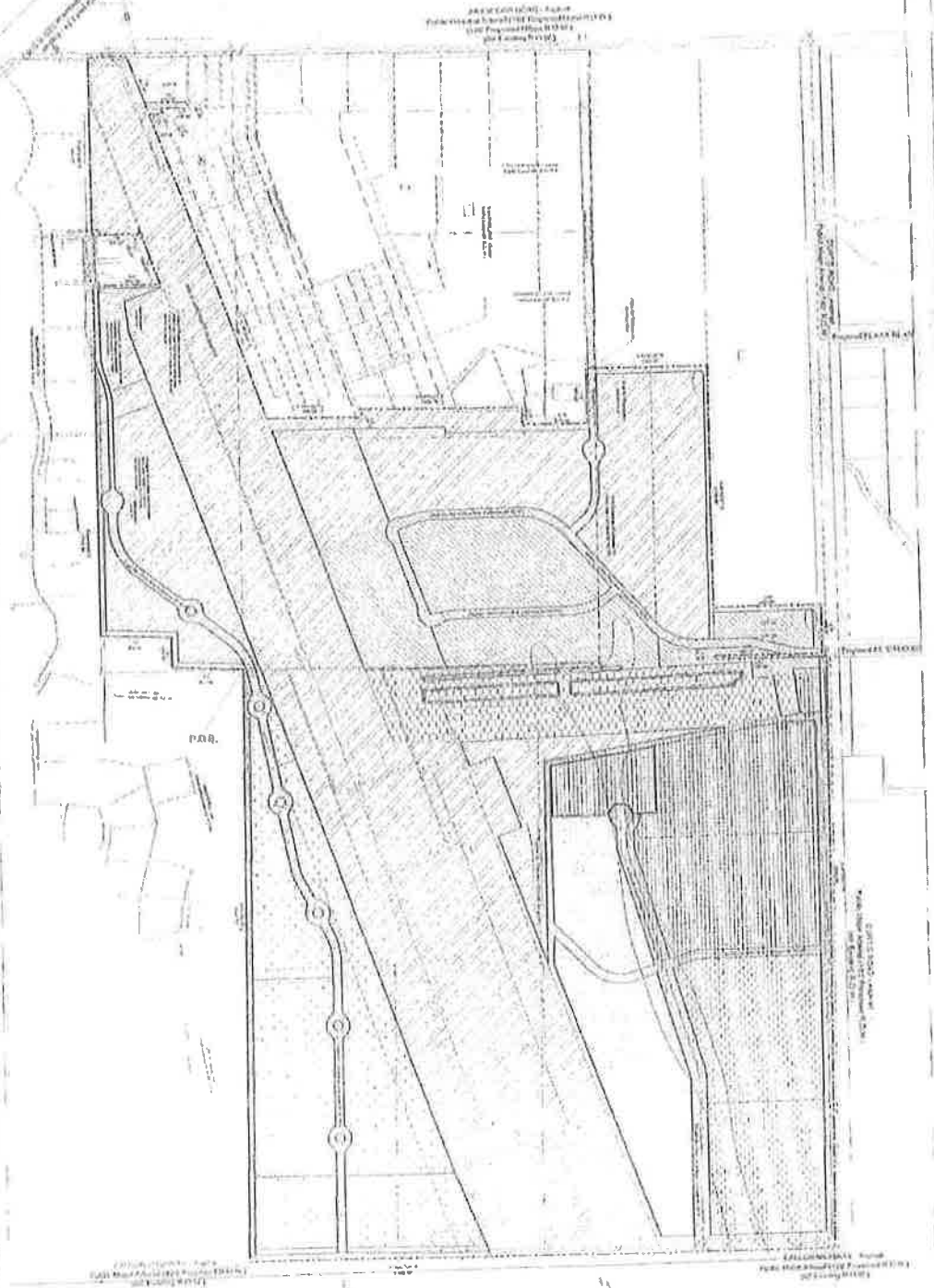
PLANNING DEPARTMENT



Runway	Length	Width	Surface	Notes
Runway 1	1800'	60'	Asphalt	
Runway 2	1800'	60'	Asphalt	
Runway 3	1800'	60'	Asphalt	
Runway 4	1800'	60'	Asphalt	
Taxiway A	100'	100'	Asphalt	
Taxiway B	100'	100'	Asphalt	
Taxiway C	100'	100'	Asphalt	
Taxiway D	100'	100'	Asphalt	
Taxiway E	100'	100'	Asphalt	
Taxiway F	100'	100'	Asphalt	
Taxiway G	100'	100'	Asphalt	
Taxiway H	100'	100'	Asphalt	
Taxiway I	100'	100'	Asphalt	
Taxiway J	100'	100'	Asphalt	
Taxiway K	100'	100'	Asphalt	
Taxiway L	100'	100'	Asphalt	
Taxiway M	100'	100'	Asphalt	
Taxiway N	100'	100'	Asphalt	
Taxiway O	100'	100'	Asphalt	
Taxiway P	100'	100'	Asphalt	
Taxiway Q	100'	100'	Asphalt	
Taxiway R	100'	100'	Asphalt	
Taxiway S	100'	100'	Asphalt	
Taxiway T	100'	100'	Asphalt	
Taxiway U	100'	100'	Asphalt	
Taxiway V	100'	100'	Asphalt	
Taxiway W	100'	100'	Asphalt	
Taxiway X	100'	100'	Asphalt	
Taxiway Y	100'	100'	Asphalt	
Taxiway Z	100'	100'	Asphalt	



Meadow Lake Airport Sketch Plan



MEADOW LAKE AIRPORT and AIRPORT - AIRFIELD DEVELOPMENT PLAN

The Meadow Lake Airport and Airfield Development Plan is a comprehensive plan for the development of the Meadow Lake Airport and Airfield. The plan includes the following:

- Site plan showing the layout of the airport and airfield.
- Grading and drainage plan.
- Utility plan.
- Accession plan.
- Construction schedule.
- Cost estimate.

The plan is based on the following assumptions:

- The airport will be developed in three phases.
- The first phase will include the runway, taxiway, and apron.
- The second phase will include the terminal building, hangar, and office building.
- The third phase will include the parking lot, road, and utility lines.

MEADOW LAKE INDUSTRIAL PARK (MILP) PHASING PLAN

The Meadow Lake Industrial Park (MILP) Phasing Plan is a comprehensive plan for the development of the Meadow Lake Industrial Park. The plan includes the following:

- Site plan showing the layout of the industrial park.
- Grading and drainage plan.
- Utility plan.
- Accession plan.
- Construction schedule.
- Cost estimate.

The plan is based on the following assumptions:

- The industrial park will be developed in three phases.
- The first phase will include the main building, parking lot, and road.
- The second phase will include the office building, hangar, and utility lines.
- The third phase will include the additional parking lot, road, and utility lines.

MILP Phasing:

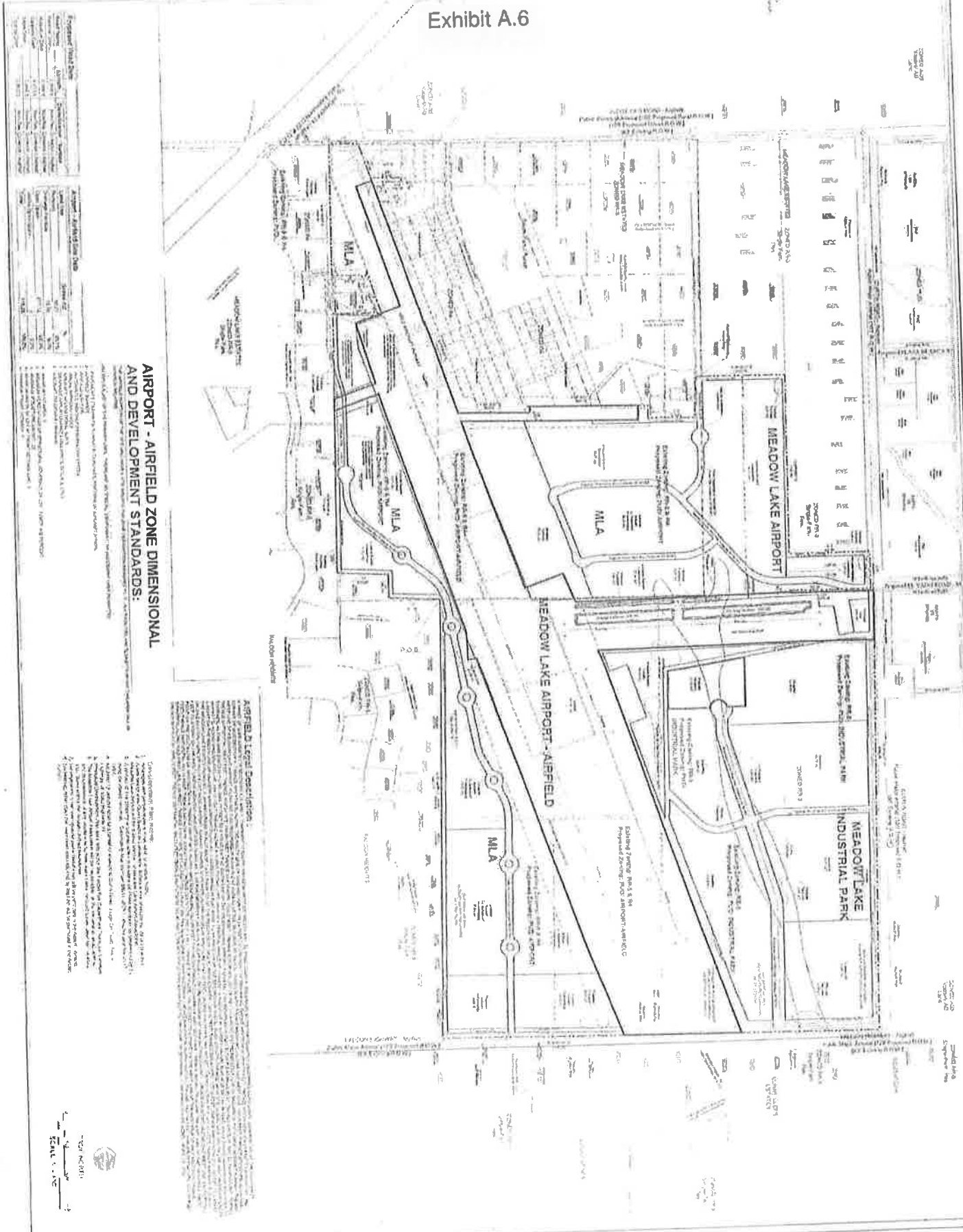
- PHASE 1: Main building, parking lot, and road.
- PHASE 2: Office building, hangar, and utility lines.
- PHASE 3: Additional parking lot, road, and utility lines.

MILP Phasing:

- PHASE 1: Main building, parking lot, and road.
- PHASE 2: Office building, hangar, and utility lines.
- PHASE 3: Additional parking lot, road, and utility lines.



Exhibit A.6



AIRPORT - AIRFIELD ZONE DIMENSIONAL AND DEVELOPMENT STANDARDS:

APPROVED: [Signature]

DATE: [Date]

PROJECT: Meadow Lake Airport - Airfield

SCALE: 1" = 1/4 MI

AIRFIELD ZONE DIMENSIONAL AND DEVELOPMENT STANDARDS:

1. The minimum lot size shall be 10 acres.

2. The minimum front yard setback shall be 100 feet.

3. The minimum side yard setback shall be 50 feet.

4. The minimum rear yard setback shall be 50 feet.

5. The maximum height of any structure shall be 30 feet.

6. The maximum density shall be 10 units per acre.

7. The maximum floor area ratio shall be 0.25.

8. The maximum lot coverage shall be 25%.

9. The maximum impervious surface shall be 25%.

10. The maximum parking spaces shall be 10 per acre.

11. The maximum number of units shall be 100 per acre.

12. The maximum number of stories shall be 3.

13. The maximum number of units per lot shall be 10.

14. The maximum number of units per acre shall be 100.

15. The maximum number of stories shall be 3.

16. The maximum number of units per lot shall be 10.

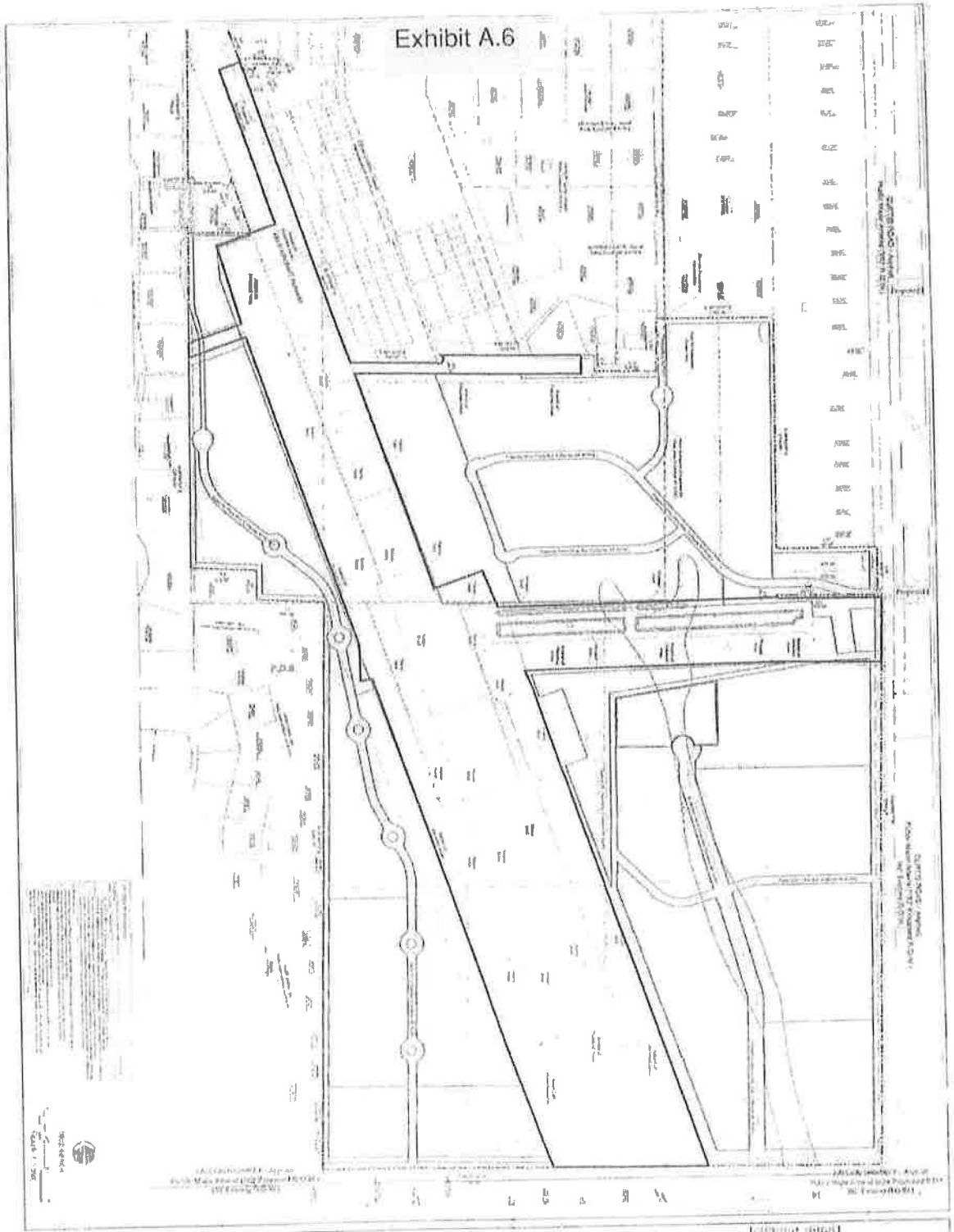
17. The maximum number of units per acre shall be 100.

18. The maximum number of stories shall be 3.

19. The maximum number of units per lot shall be 10.

20. The maximum number of units per acre shall be 100.

Exhibit A.6



Meadow Lake Airport
PUD

FALLON CONSULTING

Bo'cc
file



RESOLUTION NO. 08-353

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

APPROVE REZONE FROM THE RR-5 AND R-4 ZONE DISTRICTS TO THE PUD DISTRICT (PUD-07-009)-MEADOW LAKE AIRPORT ASSOCIATION, VEPO, LLC, GRR PARTNERS, INC., LLC, AND SANTA FE SPRINGS, LLC

WHEREAS, Meadow Lake Airport Association, VEPO, LLC, GRR Partners, Inc., LLC, and Santa Fe Springs, LLC, did file a petition with the Development Services Division of El Paso County to Rezone the herein described property in El Paso County from the RR-5 (Residential Rural) and R-4 (Planned Development) Zone Districts to the PUD (Planned Unit Development) Zone District; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on July 15, 2008, upon which date the Planning Commission did by formal resolution recommend approval of the subject Zone change petition with conditions and notations; and

WHEREAS, a public hearing was held by this Board on August 14, 2008; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the county, recommendations of the El Paso County Planning Commission, comments of the El Paso County Development Services Division, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and Board of County Commissioners of El Paso County.
2. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested parties were heard at those hearings.
3. That the proposed PUD (Planned Unit Development) District zoning is in general conformity with the Master Plan for El Paso County, Colorado.
4. That the proposed PUD District zoning advances the stated purposes set forth in Chapter 4, Section 4.2.6, of the El Paso County Land Development Code.

5. That there has been a substantial change in the character of the area since the land was last zoned.
6. That the proposed development is in compliance with the requirements of the Land Development Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County.
7. That the subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment; and will not have a negative impact upon the existing and future development of the surrounding area.
8. That the proposed development provides adequate consideration for any potentially detrimental use-to-use relationships (e.g. commercial use adjacent to single-family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site.
9. That the allowed uses, bulk requirements and required landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community.
10. That the areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project.
11. That open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities.
12. That the proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g., fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed.
13. That the proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy-efficient site design.

14. That the proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner.
15. That any proposed exception or deviation from the requirements of the zoning resolution or the subdivision regulations is warranted by virtue of the design and amenities incorporated in the development plan and development guide.
16. That the owner has authorized the application.
17. For the above-stated and other reasons, the proposed zoning is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the petition of Meadow Lake Airport Association, VEPO, LLC, GRR Partners, Inc., LLC, and Santa Fe Springs, LLC, for a Zone change from the RR-5 (Residential Rural) and R-4 (Planned Development) Zone Districts to the PUD (Planned Unit Development) Zone District for the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference;

BE IT FURTHER RESOLVED the following conditions and notation shall be placed upon this approval:

CONDITIONS:

1. The applicant/developer and/or property owner shall be required to participate in a fair and equitable fashion in the upgrading and signalization of Curtis Road, Falcon Highway, and Judge Orr Road based on the site Traffic Impact Study.
2. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Department of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's meadow jumping mouse as a listed species.

3. Buffering between the commercial, industrial, and the adjacent residential uses shall be reflected in any PUD Development Plan requests. The developer shall be required to provide the buffering and said requirement shall be a condition of approval.
4. Creative landscape design is encouraged, but in no instance shall the minimum buffering and landscape requirement be less than that required in Section 6.2.2 of the El Paso County Land Development Code. A preliminary landscape plan shall be provided with any PUD Development Plan requests. Said buffers shall be exclusive of any lot area(s).
5. Road locations, intersections, and classifications on the Zoning and Conceptual Plan (ZCP) are based on the best information available at this time. Final determinations of all road classifications will be made at the time of Preliminary Plan when more detailed land use, traffic, and road designs are available. Minor changes to road classifications, intersections, and locations shall not require a new ZCP.
6. Development of this ZCP and PUD Development Plan shall be subject to all conditions of approval of the associated Sketch Plan.
7. Development of the property shall be in accordance with this ZCP and PUD Development Plan. All subsequent PUD Development Plans submitted and processed shall be consistent with the ZCP. Minor modifications may be made subject to the limitations contained in the El Paso County Land Development Code, as amended.
8. The ZCP and PUD Development Plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any Final Plats for hearing by the Planning Commission.
9. All owners of record must sign the ZCP.
10. The adequacy of screening/separation of differing land uses shall be a serious consideration in the evaluation of any PUD Development Plan.

11. A completed U.S. Army Corps of Engineers permit should be provided to the El Paso County Development Services Division prior to project commencement if ground-disturbing activities would occur in wetland areas. Alternatively, a letter from a qualified wetland scientist indicating why such a permit is not required for this project would be acceptable.

NOTATION:

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 14th day of August 2008, at Colorado Springs, Colorado.

ATTEST:

By: Roberta Bahnd
County Clerk & Recorder

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: Doni Hing
Chair

Resolution No. 08-353
EXHIBIT A, PAGE 1

A tract of land located in Sections 4, 5 and 9, Township 13 South, Range 64 West of the 6th P.M., El Paso County, Colorado, more particularly described as follows: Beginning at the Southeast corner of said Section 5; Thence N87°26'06"W, 621.50 feet, thence N00°00'00"E, 275.70 feet; thence N87°26'06"W, 629.97 feet to a point on the West line of Meadow Lake Airport Filing No. 1 as recorded in Book O-2 at Page 62 of the records of said El Paso County; thence N00°00'00"E, along said West line, 3124.96 feet to the Southwest corner of Lot 1, in Meadow Lake Airport Filing No. 9 as recorded in Plat Book E-4 at Page 169 of said records of El Paso County; the following four (4) courses are along the Southerly, Easterly and Northerly lines of said Lot 1: 1) thence S89°59'44"E, 594.72 feet; 2) thence N19°35'42"W, 538.49 feet; said line also being the Westerly line of the 450.00 foot wide aircraft runway; 3) thence along a curve to the right having a central angle of 16°24'58", a radius of 50.00 feet, an arc distance of 142.01 feet (141.95 recorded) and a chord bearing of S61°50'02"W; 4) thence N90°00'00"W, 326.97 feet (327.14 feet recorded); to the Northwest corner of said Lot 1 and to a point on said West line of said Meadow Lake Airport Filing No. 1; thence N00°00'00"E along said West line, 1594.09 feet to the Northeast corner of said Meadow Lake Airport Filing No. 1; said point also being the South right-of-way line of Judge Orr Road; thence S89°32'16"E, along said South right-of-way line, 341.93 feet to a point on the Easterly line of said 450.00 foot wide aircraft runway; thence S19°35'42"E, along said Easterly line, 447.83 feet, to a point 50.00 feet North of the South line of Lot 6, in said Meadow Lake Airport Filing No. 1; thence S89°30'35"E, 50.00 feet North and parallel with said South line of Lot 6, 374.02 feet; thence S0°29'25"W, along the East line of said Lot 6, 50.00 feet; thence N89°30'35"W, along said South line of Lot 6, 238.38 feet to the Northeast corner of Lot 8, in said Meadow Lake Airport Filing No. 1; thence S19°23'24"E, along the East line of said Lot 8, 53.17 feet; thence N89°30'35"W, 50.00 feet South and parallel to the North line of said Lot 8, 117.15 feet to a point on the Easterly line of said 450.00 foot wide aircraft runway; thence S19°35'42"E, along said Easterly line, 2917.71 feet to a point on the South line of Meadow Lake Airport Filing No. 3 as recorded in Plat Book P-3 at Page 46 of said records of El Paso County; thence S89°16'07"E, along said South line, 804.00 feet; thence along a curve to the left, having a central angle of 209°14'52", a radius of 40.00 feet, an arc distance of 146.08 feet, and a chord bearing of N15°21'18"E, to a point on the South line of Meadow Lake Airport Filing No. 5 as recorded in Plat Book Y-3 at Page 134 of said records of El Paso County; thence S89°16'21"E, along said South line and the South line of Meadow Lake Estates Filing No. 6 as recorded in Plat Book T-3 at Page 131 of said records of El Paso County; 1469.73 feet; thence S00°39'18"W, 150.00 feet; thence S89°17'34"E, along said South line of Meadow Lake Estates Filing No. 6, 575.03 feet; thence N00°27'29"E, along the East line of said Meadow Lake Estates Filing No. 6, 490.49 feet; thence S89°33'37"E, along South line of

Resolution No. 08-353
EXHIBIT A, PAGE 2

Meadow Lake Estates Filing No. 8, as recorded in Plat Book B-4 at Page 116, of said records of El Paso County, thence S00°02'21"E, along said West line, 2158.98 feet to the Northwest corner of Lot 24 of said Meadow Lake Estates Filing No. 2; thence N89°56'03"E, along the North line of said Lot 24, 990.00 feet to the Northeast corner thereof, said point also being the West right-of-way line of Curtis Road; thence S00°02'21"E, along said West line, 438.65 feet to the Southeast corner of Lot 25, Meadow Lake Estates Filing No. 2; thence N89°47'44"W, along the South line of said Lot 25, 990.01 feet to the Southwest corner thereof; thence S00°02'21"E, 30.00 feet to a point on the South line of said Section 4; thence S89°47'44"E, along said South line, 1030.08 feet to the Southeast corner of said Section 4; thence S00°36'07"W, along the East line of said Section 9, 5276.11 feet to the Southeast corner thereof; thence N89°57'52"W, along the South line of said Section 9, 5286.29 feet to the Southwest corner thereof; thence N00°44'59"E along the West line of said Section 9, 5291.70 feet to the point of beginning and containing 1002.201 acres more or less.

Meadow Lake Airport Influence Area

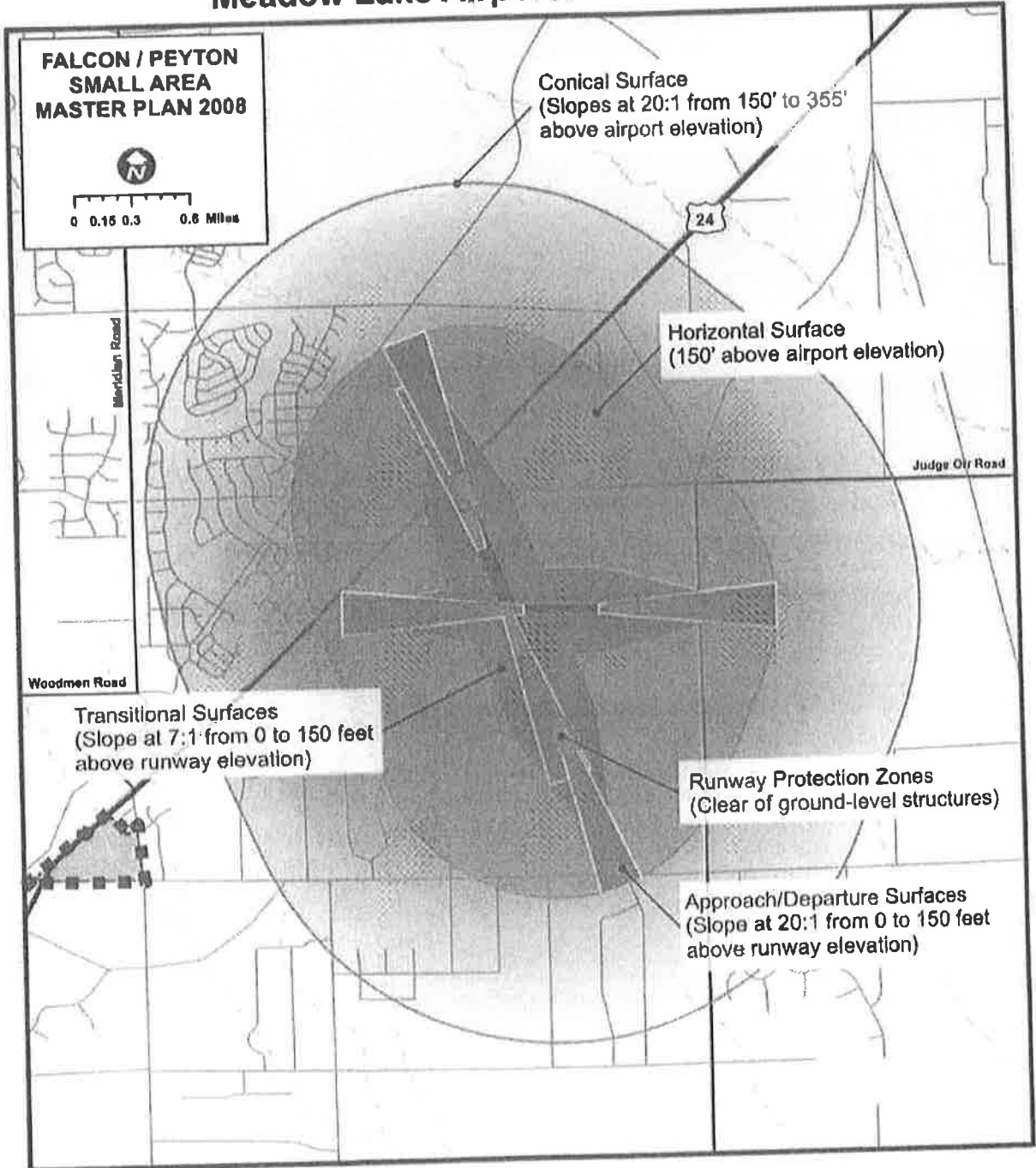


Exhibit A.8

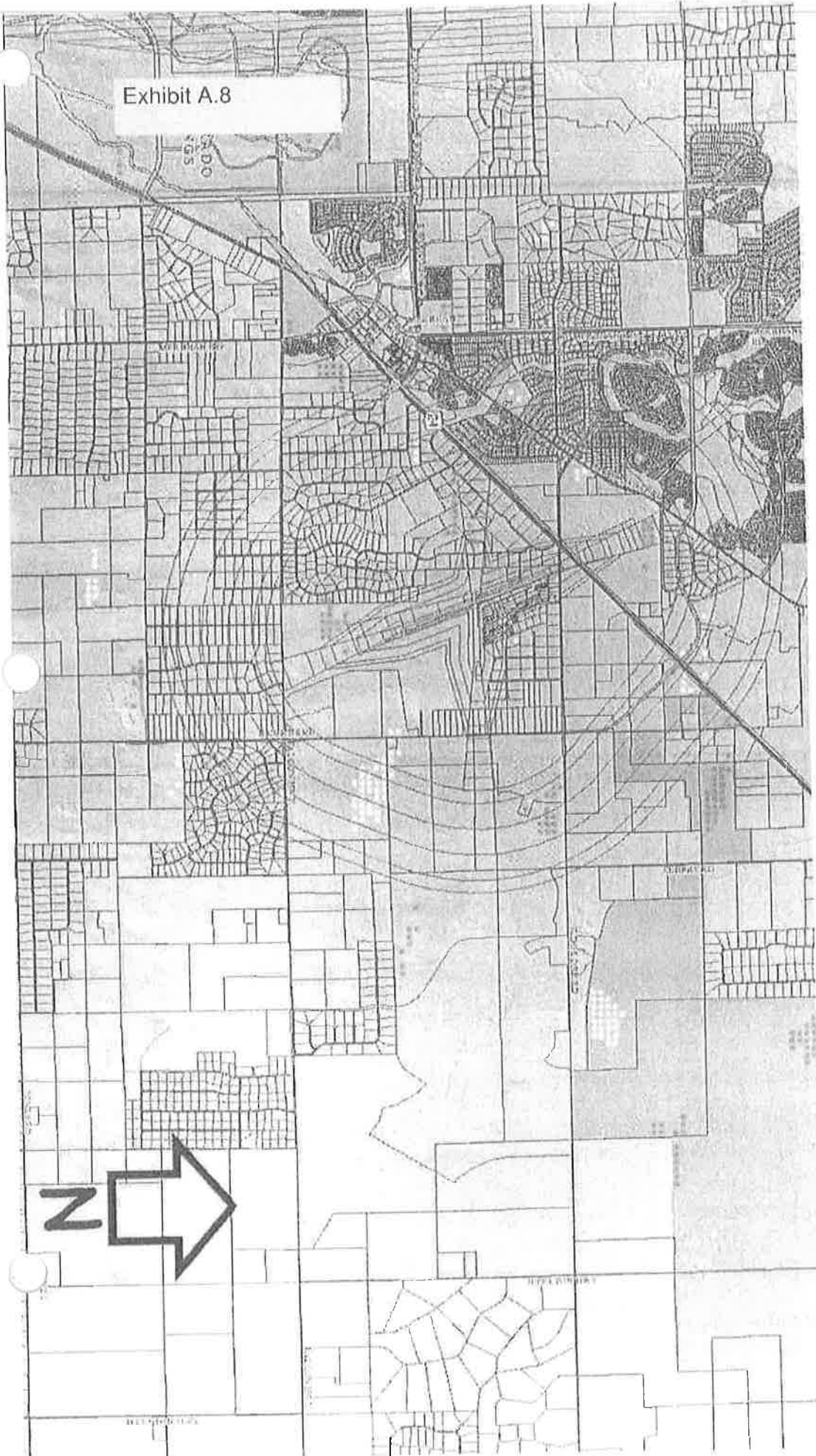
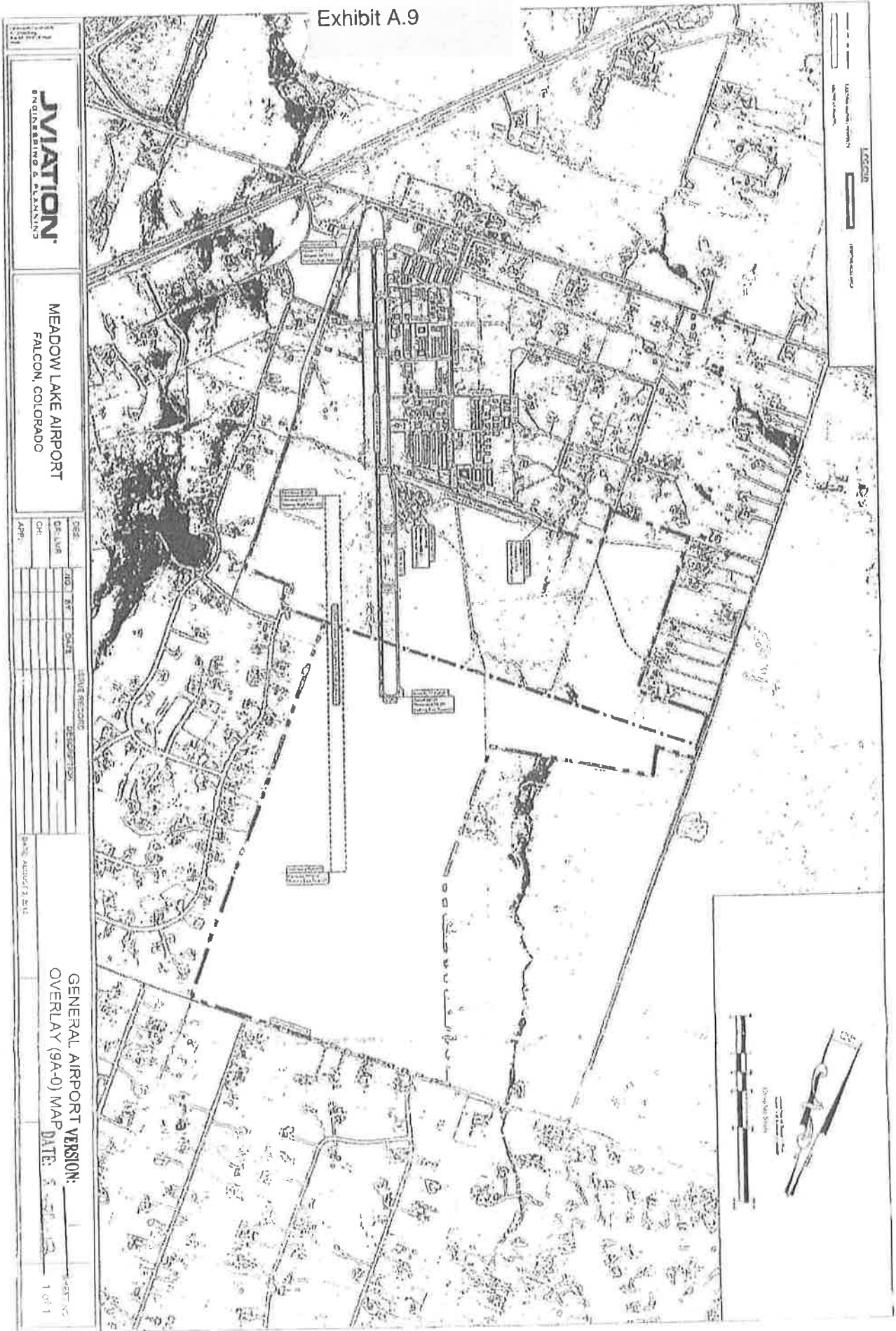


Exhibit A.9



AVIATION
ENGINEERING & PLANNING

MEADOW LAKE AIRPORT
FALCON, COLORADO

NO.	REV.	DATE	REVISION

GENERAL AIRPORT VERSION:
OVERLAY (9A-0) MAP DATE: 8-1-11





BOCC

RESOLUTION NO. 12- 390

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

APPROVE REZONE FROM THE PUD (PLANNED UNIT DEVELOPMENT)
ZONE DISTRICT TO INCLUDE ADOPTION OF A GENERAL AVIATION
OVERLAY (GA-O) ZONE DISTRICT (GA-O-12-001)


WHEREAS, Meadow Lake Airport Association did file a petition with the
Development Services Department of El Paso County to Rezone the herein
described property in El Paso County from the PUD (Planned Unit Development)
to include adoption of a General Aviation Overlay (GA-O) Zone District; and

WHEREAS, a public hearing was held by the El Paso County Planning
Commission on October 2, 2012, upon which date the Planning Commission did
by formal resolution recommend approval of the subject Zone change petition
with Meadow Lake Airport Association; and

WHEREAS, a public hearing was held by this Board on November 8, 2012; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan
for the unincorporated area of the county, recommendations of the El Paso
County Planning Commission, comments of the El Paso County Development
Services Department, comments of public officials and agencies, and comments
from all interested parties, this Board finds as follows:

1. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
2. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested parties were heard at those hearings.
3. The proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.
4. The proposed land use will be compatible with existing and permitted land uses in the area.

WAYNE W. WILLIAMS	El Paso County, CO
12/07/2012 08:46:13 AM	
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Rec \$0.00 1 of 5	212146026

Resolution No. 12-390

Page 2

5. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.
6. For the above-stated and other reasons, the proposed Zoning is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.
7. Changing conditions clearly require amendment to the Zoning Resolutions.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the petition of Meadow Lake Airport Association for a Zone change from the PUD (Planned Unit Development) to include adoption of a General Aviation Overlay (GA-O) Zone District for the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference;

BE IT FURTHER RESOLVED the following conditions and notations shall be placed upon this approval:

CONDITIONS OF APPROVAL

1. Approval of the General Aviation Overlay (GA-O) (GA-O-12-1) does not approve an Airport Master Plan or Layout Plan, adoption and/or enforcement of noise contours, airport accident zones, or Part 77 Surfaces which are not under consideration with this application. This GA-O authorizes the implementation of the uses, with conditions, identified in Section 4.3.2.E.1 of the Land Development Code, as amended.
2. Any uses established within the proposed GA-O must obtain legal access that complies with the provisions of the Land Development Code and Engineering Criteria Manual.
3. Any changes to the condition of the turf runway or pavement of the same shall require Development Services approval of a site development plan to establish the approved location relative to adjacent residential properties. That review may include, but not be limited to, grading and erosion control, storm water runoff, and drainage. Additional uses shall only be authorized by the Development Services Department Director's approval of a site development plan.

4. Prior to authorization of additional uses a full traffic impact study (TIS) report prepared and signed by a licensed engineer shall be submitted to evaluate traffic impacts of additional uses within this area of the GA-O. All off-site transportation improvements required due to traffic generated by any additional uses within the GA-O shall be constructed by the Meadow Lake Airport Association or entities developing within the GA-O prior to initiation of additional uses within the GA-O.
5. The Meadow Lake Airport Association or entities developing within the GA-O shall be required to participate in a fair and equitable manner in any offsite transportation improvements to Curtis Road, Falcon Highway and/or Judge Orr Road based on applicable transportation impact studies for additional uses within the GA-O.
6. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service and/or Colorado Department of Wildlife regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
7. A completed U.S. Army Corps of Engineers permit should be provided to the El Paso County Development Services Department prior to project commencement if ground-disturbing activities would occur in wetland areas. Alternatively, a letter from a qualified wetland scientist indicating why such a permit is not required for this project would be acceptable.
8. Detailed buffering, screening, and landscaping as required by the applicable sections of the Land Development Code, as amended, shall be provided between the GA-O uses and the adjacent residential uses in site development plan submittals. The installation and maintenance of said requirements shall be a condition of approval for site development plans. The adequacy of screening/ separation of differing land uses shall be a serious consideration in the evaluation of any site development plans.

Additional staff recommended conditions after planning commission recommendation

9. BoCC approval of the General Aviation Overlay or any subsequent land use approvals within the Meadow Lake General Airport Overlay (GA-O-12-1) shall not result in or be construed to authorize any over flights of less than

500 feet above ground level over private property. For land use approvals within the General Aviation Overlay that will result in over flights of private property at less than 500 feet above ground level, it shall be the responsibility of the Meadow Lake Airport and/or Meadow Lake Airport Association to obtain the appropriate legal approvals of the land owner(s) or acquire the necessary property interests in the affected private property to allow such over flights and provide proof of the same to the County.

10. Airport Layout Plans approved by the FAA shall be filed and kept current with the Development Services Department. All site plan or site development plan submittals shall include a copy of the most up to date FAA approved Airport Layout Plan for the Meadow Lake Airport.

NOTATIONS

1. The El Paso County Board of County Commissioners may consider revocation and/or suspension of this approval if zoning regulations, conditions, and/or standards are being violated, preceded by notice and public hearing.
2. Approval of the GA-O does not imply El Paso County acceptance or adoption of a Meadow Lake Airport Layout Plan.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 29th day of November 2012, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTES JUV. EL PASO COUNTY
By: 
County Clerk & Recorder


By: 
Chair

Resolution No. 12- 390

EXHIBIT A

A TRACT OF LAND LOCATED IN SECTION 9, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6T^H P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 9; THENCE S 89 DEGREES 45 MINUTES 52 SECONDS E, ALONG THE NORTH LINE OF SAID SECTION 9, 5271.93 FEET; THENCE S 00 DEGREES 38 MINUTES 04 SECONDS W, 93.65 FEET; THENCE S 88 DEGREES 28 MINUTES 55 SECONDS W, 343.54 FEET; THENCE S 07 DEGREES 13 MINUTES 44 SECONDS E, 400.00 FEET; THENCE S 82 DEGREES 46 MINUTES 16 SECONDS W, 2370.40 FEET; THENCE S 00 DEGREES 42 MINUTES 30 SECONDS W, 1859.14 FEET; THENCE S 19 DEGREES 35 MINUTES 42" E, 2777.92 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 9; THENCE N 89 DEGREES 55 MINUTES 52 SECONDS W, ALONG SAID SOUTH LINE, 3607.11 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 9; THENCE N 00 DEGREES 46 MINUTES 38 SECONDS E, 2646.15 FEET ALONG THE WEST LINE OF SAID SECTION 9; THENCE N 00 DEGREES 47 MINUTES 12 SECONDS E, ALONG THE WEST LINE OF SAID SECTION 9, 2645.55 FEET TO THE POINT OF BEGINNING



PETE

MAILING ADDRESS: P.O. BOX 440 RAPID CITY, SD 57709-0440 PH. 605-342-7224
PHYSICAL ADDRESS: 3401 UNIVERSAL DR. RAPID CITY, SD 57702 FX. 605-342-6979

LIEN

& Sons, Inc.

March 15, 2019

Ms. Nina Ruiz
El Paso County Planning and Community Development Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910-3127

Re: P-18-008 Rezone for ROI Property Group, LLC

Dear Ms. Ruiz:

Pete Lien & Sons, Inc., is a strong property rights advocate, and the owner of the property directly north and across Judge Orr Rd. from parcels proposed for rezone to RR-2.5 in P-18-008.

Pete Lien & Sons, Inc. currently has an active project for the development of a Ready Mix Concrete Batch Plant under review with El Paso County (EA-18-148). The Pete Lien & Sons, Inc. project has been designed with existing and future neighbors in mind and we expect no conflict in use with this property whether it remains in A-35 status or is granted a rezone to RR-2.5.

We will have a representative present at both the Planning Commission meeting and the County Board of Commissioners meeting for P-18-008 to expand on our statement if needed and answer any questions.

Sincerely,



Danielle Wiebers
Manager of Environmental and Safety Affairs
Pete Lien & Sons, Inc.

EL PASO COUNTY



COMMISSIONERS:
 MARK WALLER (CHAIR)
 LONGINUS GONZALEZ, JR. (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS
 STAN VANDERWERF
 CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

February 26, 2019

This letter is to inform you of the following petition which has been submitted to El Paso County:

P-18-008 RUIZ
MAP AMENDMENT (REZONE)
824 ACRES CURTIS ROAD

A request by ROI Property Group, LLC, for approval of a map amendment (rezoning) of 824 acres from A-35 (Agricultural) to RR-2.5 (Residential Rural). The property is located at the southeast corner of the Judge Orr Road and Curtis Road intersection. (Parcel Nos. 43000-00-541, 43000-00-542, 43000-00-543, 43000-00-554, 43000-00-561, 43000-00-562, 43000-00-556, 43000-00-555, and 43000-00-557) (Commissioner District 2)

Type of Hearing: **Quasi-Judicial**

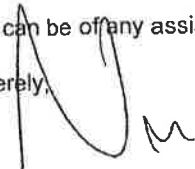
For Against No Opinion
 Comments: _____


(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

- **This item is scheduled to be heard by the El Paso County Planning Commission on March 19, 2019.** The meeting begins at 9:00 a.m. and will be conducted in the Second Floor Hearing Room of the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs.
- **The item will also be heard by the El Paso County Board of County Commissioners on April 9, 2019.** The meeting begins at 9:00 a.m. and will be conducted in the Centennial Hall Auditorium, 200 South Cascade Avenue, Colorado Springs.
- The date and order when this item will be considered can be obtained by calling the Planning and Community Development Department or through El Paso County's Web site (www.elpasoco.com). Actions taken by the El Paso County Board of County Commissioners are posted on the internet following the meeting.
- The online submittal portal can be found at: www.epcdevplanreview.com
- The Staff Report for this Agenda item can be found at: <https://planningdevelopment.elpasoco.com/el-paso-county-planning-commission/planning-commission-2019-hearings/>

Your response will be a matter of public record and available to the applicant prior to the hearing. You are welcome to appear in person at the hearing to further express your opinion on this petition.

If we can be of any assistance, please call 719-520-6300.

Sincerely,

 Nina Ruiz, Planner II

Your Name: FAYE REYNOLDS 
(printed) (signature)
 Address: 6634 Masters Rd Manuel, TX 77578
 Property Location: 358.9 Ac. Curtis Rd + Falcon Hwy NE Corner Phone 281-948-9266
Falcon, Colo.

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

WWW.ELPASOCO.COM

To the Planning and Development Department, El Paso County
Reference P-18-008 rezoning request

Comments:

My property of 358.9 ac., located at the NE corner of Falcon Hwy. and Curtis Rd., is adjacent to the development property. I have major concerns as to its impact on my property as well as to the larger area.

I have been in contact with ROI speaking with Rob Fuller with the development company regarding drainage. He indicated a desire to drain onto my property as information from their engineers said it would be the most attractive solution for the development. I absolutely will not approve such a solution, so he indicated they have other remedies for the problem

With runoff from streets, driveways, roofs and other hard surfaces, there still is a major concern. I grew up on this property and can verify how devastating heavy rain and storm flooding events can be to my property and to those downstream as well.

I do not trust that the engineering will take care of the development's drainage need.

The question then becomes how will adding 300-plus residences impact owners downstream? It was a major impact to people who lived south of Woodmen Hills & Meridian Ranch. The county ended up buying a lot in Meadow Lake Estates to improve drainage from the above mentioned developments at taxpayer expense This lot is south of Highway 24 and is south and west of Judge Orr Rd.

It is my understanding that the county is working on this parcel constantly dredging the drainage way. Also, how many more homes will be added to the ROI development in the future? Where will the water for future developments come from? Will ROI prevent there being enough water for future developments? What about septic provision for each residence in ROI? Will there be an HOA to insure the small acerages are kept planted and compliant with drainage and water use?

The use of large amounts of underground water may impact shortages for future development of surrounding properties. This should be a factor the state, and other environmental entities should be involved.

Respectfully submitted


Faye Reynolds, CFP

EL PASO COUNTY

COMMISSIONERS:
DARRYL GLENN (PRESIDENT)
MARK WALLER (PRESIDENT PRO TEMPORE)



STAN VANDERWERF
LONGINOS GONZALEZ
PEGGY LITTLETON

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

October 3, 2018

RE: Administrative Determination- Meadow Lake Airport
13625 Judge Orr Road
Peyton, CO 80831

To the Meadow Lake Airport Association and Authorized Representative,

A request on behalf of Meadow Lake Airport has been received by El Paso County for a determination of the process, in correspondence dated August 5, 2018, attached under Exhibit Cor.1, for County adoption of Meadow Lake Airport's depicted Federal Aviation Administration Part 77 surface overlays in the unincorporated areas of El Paso County, Colorado. For a better understanding of the history of this area, a timeline of historical events pertaining to Meadow Lake Airport has been attached as Exhibit A hereto.

Compliance with the El Paso County Land Development Code, including Appendix B, Guidelines and Regulations for Areas and Activities of State Interest, of the El Paso County Land Development Code (aka "1041 Regulations"), and applicable state statutes is necessary for any alteration, creation, or deletion of Airport Influence Areas, which would include establishment of the Part 77 surface overlays. Specifically the 1041 regulations Section 7.103 (5) Airport Influence Area provides that:

"(1) for Commercial Airports (CA): the Airport Noise Subzone, the Aircraft Navigation Subzone, the Accident Potential Zones I and II, and the Runway Protection Zone, all as shown on the County –approved "Commercial Airport District Map," dated September 23, 2003, on file in the office of the Department of Development Services, as amended, and which is fully incorporated herein by this reference; (2) for all General Aviation Airports-Reliever(GA-R): the Runway Protection Zone and the conical surface, as shown on the FAA and/or County approved Airport Master Plan or Airport Layout Plan; and (3) for all General Aviation Airports (GA): the Runway Protection Zone and/or the conical surface shown on the Airport Master Plan or other zones comparable to the Airport Navigation Subzone, the Accident Potential Zones I and II, and the Runway Protection Zones used by Commercial Airports. The Airport Influence Area is included as a part of the designated activity and development thereof is controlled under these regulations because of natural or man-made physical features, relationships to airport access, effects of secondary impacts, or other special circumstances found by the Board of County Commissioners."

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

The applicable statutory reference is:

CRS § 43-10-113. Safe operating areas around airports - establishment

(1) The general assembly hereby declares commercial service airports, public airports, reliever airports, as defined in 49 U.S.C. sec. 47102, and the land areas surrounding such airports, as defined in 14 CFR part 77, to be a matter of state interest as provided in article 65.1 of title 24, C.R.S.

(2) Governmental entities with zoning and building permit authority shall adopt and enforce, at a minimum, rules and regulations to protect the land areas defined in 14 CFR part 77.

Meadow Lake has stated that they are classified by the Federal Aviation Administration (FAA) as a Private, Reliever, Local airport within their submitted 1041 documents related to 2.303, items 1-23, page 17, attached under Exhibit B.

Pursuant to the El Paso County 1041 Regulations, Section 7.103(17), Site Selection means:

(1) the process for determining the location of a new Commercial, General Aviation-Reliever or General Aviation airport or; (2) the expansion or relocation of an existing airport. Expansion of an existing airport also includes extension of runways and development or operational changes, and any development or operational change which allows, or is likely to lead to any of the following as located within unincorporated El Paso County:

(a) Creation, alteration or expansion of the Airport Influence Area applicable to the airport in question.

The importance of this discussion, and the necessary procedural steps, are a result of County staff finding no records that indicate that El Paso County has ever previously adopted zoning overlays reflective of the Meadow Lake Airport Part 77 Surfaces or any associated zoning overlays.

1041 Permit

Based on the County 1041 Regulations, Meadow Lake Airport is required to submit for approval a 1041 Permit application to create, alter, or expand the Airport Influence Area. Prior actions do not negate the need for this application. The prior actions that have been taken to expand the Airport Influence Area as previously approved in master planning documents or mapped by the County, or by the expired PUD Development Plan, no longer match activities which are occurring on the ground.

The previously approved GA-O application (2012) did not approve an Airport Master Plan or Layout Plan, adoption and/or enforcement of noise contours, airport accident zones, or Part 77 Surfaces. In fact, a condition of the GA-O approval stated that such approval did not constitute approval of the Airport Master Plan. It is the responsibility of the applicant to submit a 1041 Permit application to modify the Airport Influence Area to reflect the addition of the turf runway, as depicted in GA-O-12-1.

The Airport Influence Area resulting from the relocation of the turf runway that you have depicted on your recently submitted 1041 Permit application does not reflect what was approved with the 1990 Master Plan, the 2006 Sketch Plan, or the 2008 Falcon/Peyton Small Area Master Plan update. Pursuant to the regulations, the 1041 Permit application shall provide the necessary maps to appropriately depict the Airport Influence Area. The applicant shall provide evidence of classification of the airport from the FAA and the Secretary of Transportation. In addition, the Master Plan that accompanies the 1041 Permit application shall be approved by the FAA.

The 1041 Permit application shall comply with Section 7.202, Review Criteria, of the 1041 Regulations, unless a waiver is otherwise submitted and approved. If the Permit Authority finds that the application does not comply with each of the criteria, then the 1041 Regulations state that the Permit application "shall be denied or may be approved with conditions." Specifically, staff recommends the applicant take particular notice of Subsection 15 of Section 7.202, which states:

"The applicant can provide evidence that sufficient property rights or restrictions exist, or alternatively, that adequate measures have been or will be taken and property rights have been or will be acquired to demonstrate that the airport site or expansion, and uses and activities associated with or generated by it, can be legally operated as proposed."

Land Development Code Amendment and Map Amendment (Overlay Rezoning)

If the 1041 Permit application is approved and the new Airport Influence Area is established via the information included in the application, the applicant must then request both an amendment to the Land Development Code and the application of the amended Code via a map amendment (overlay rezoning) to the land included within the Airport Influence Area. Both applications shall be initiated by the applicant and will ultimately require review and recommendation by the El Paso County Planning Commission as well as review and approval by the El Paso County Board of County Commissioners.

The request for a Code amendment is required because the purposes of the current GA-O overlay would no longer align with the intended purpose, that being to reflect the Part 77 airport surfaces. The current GA-O zoning classification does not prevent structures from being built within the overlay. It only restricts any rezoning to one (1) dwelling unit per 2.5 acres and lists uses allowed in non-residential areas.

If the required Code amendment is approved, the applicant would then be required to submit a request for a map amendment (overlay rezone) for all the subject properties to be included in the Meadow Lake Airport Influence Area. The owner(s) of each property will be required to sign each application, or to sign an Authority to Represent Form, thereby allowing the Airport to submit the map amendment to the County in association with each parcel of land. Please be aware that it may also be necessary to modify the base zoning of the current R-4 (Planned District) properties within the airport, which could require a separate map amendment (rezoning) application.

The current facilities at the airport appear to be different from those identified and allowed in the Falcon/Peyton Small Area Master Plan. For that reason, it may be necessary to amend or update that Plan, unless those changes can be incorporated into the anticipated upcoming effort to amend the El Paso County statutory master plan.

Payment of all applicable fee(s) will be required for each application. Please note that any denied application does not warrant a refund of fees paid. Payment of fees is based upon the cost of service to the County to process each application and is not a guarantee of approval.

Please note that per Section 2.2.1.H of the El Paso County Land Development Code, all administrative determinations, such as this one, may be appealed to the Board of County Commissioners within 30 days of the date of the decision.

If you have any questions or concerns regarding this determination, please contact myself or Gabe Sevigny, Planner II, at (719)520-7943 or gabesevigny@elpasoco.com.

Sincerely,

A handwritten signature in cursive script, appearing to read "Craig Dossey".

Craig Dossey
Executive Director
El Paso County Planning and Community Development Department
Cc: Gabe Sevigny, Planner II

Attachments:
Exhibit COR.1- August 5, 2018
Exhibit A
Exhibit B

EL PASO COUNTY



COMMISSIONERS:
MARK WALLER (CHAIR)
LONGINOS GONZALEZ, JR. (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS
STAN VANDERWERF
CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Tuesday, March 19, 2019
El Paso County Planning and Community Development Department
2880 International Circle, Hearing Room
Colorado Springs, Colorado 80910

WORK SESSION

8:00 a.m. – Houseal-Lavigne representatives held a work session for the County Master Plan, including proposed time line, committee representation, and upcoming events. Mr. Devon Lavigne, Mr. Sean Tapia, and Ms. Carly Peters were the Houseal-Lavigne representatives who spoke at today's hearing.

PRESENT: JIM EGBERT, BRIAN RISLEY, JANE DILLON, KEVIN CURRY, JOAN LUCIA TREESE, SHARON FRIEDMAN, AND TOM BAILEY

STAFF PRESENT: CRAIG DOSSEY, MARK GEBHART, KARI PARSONS, NINA RUIZ, LEN KENDALL, GABE SEVIGNY, ELIZABETH NIJKAMP, GILBERT LAFORCE, BECK GRIMM, AND EL PASO COUNTY SENIOR ASSISTANT COUNTY ATTORNEY LORI SEAGO

REGULAR HEARING

9:00 a.m.

PRESENT AND VOTING: JIM EGBERT, BRIAN RISLEY, JANE DILLON, KEVIN CURRY, JOAN LUCIA TREESE, SHARON FRIEDMAN, AND TOM BAILEY

PRESENT AND NOT VOTING: NONE

ABSENT: ALLAN CREELY, PETER AURICH, AND GRACE BLEA-NUNEZ

STAFF PRESENT: CRAIG DOSSEY, MARK GEBHART, KARI PARSONS, NINA RUIZ, LEN KENDALL, GABE SEVIGNY, ELIZABETH NIJKAMP, GILBERT LAFORCE, BECK GRIMM, AND EL PASO COUNTY SENIOR ASSISTANT COUNTY ATTORNEY COLE EMMONS

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

www.ELPASOCO.COM

OTHERS PRESENT WHO SPOKE AT HEARING: DAVID MIJARES, JORDAN SAVAGE, TAMMY DAVIS, DAVE ELLIOTT, JERRY HANNIGAN, FRANK MCGEE, ZACHARY HUMBLE, ANDY HOUGH, DAVID CONDIT, JAKE MATTER, RAY GEIRHART, PATTY WOODARD, SHELIA MIKITA TART, EARNEST MIKITA, BILL GUMAN, BART JONES

Report Items

Planning and Community Development Department – Mr. Gebhart

- A.** The next scheduled Planning Commission meeting is on Tuesday, **April 2, 2019.**
- B. Mr. Gebhart** gave an overview of the County Master Plan Advisory Committee, liaison members, and other stakeholder groups that will be a part of the 2-3 year process.
- C. Mr. Gebhart** gave an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting.

1. Consent Items

- A. Approval of the Minutes – March 5, 2019**
The minutes were approved as presented. (7-0)

ALL CONSENT ITEMS WERE REQUESTED TO BE MOVED TO REGULAR SESSION DUE TO QUESTIONS/CONCERNS.

B. SP-18-003

RUIZ

**PRELIMINARY PLAN
HIGH PLAINS**

A request by Savage Development, Inc., for approval of a preliminary plan to create seven (7) single-family residential lots. The 39.4 acre property is zoned RR-5 (Residential Rural) and is located immediately north of Hodgen Road and approximately one-half (1/2) mile west of Black Forest Road. (Parcel No. 51190-01-009)

Ms. Ruiz requested permission to give a dual presentation for both High Plains projects (Preliminary Plan and Final Plat). That request was granted.

Ms. Friedman – I have a concern that there is a lot that has direct access to Hodgen Road. Could you give me more information?

Mr. David Mijares, Catamount Engineering, gave his presentation to the Planning Commission.

Mr. Gilbert LaForce – Due to the floodplain there is a 20 foot drop in elevation which causes a hardship with developing across the floodplain. The applicant wishes to leave the floodplain in its natural state and to not develop that area, even with a driveway. The deviation request was approved by the County Engineer to gain access off Hodgen. Prior to approving the deviation there was a sight distance review done and a condition is provided that sufficient turn-around internal to the lot must be achieved in order to ensure there is no issue with stacking onto Hodgen.

Ms. Friedman – I agree with the point of view that we don't need any other traffic coming onto Hodgen when it's supposed to be a minor arterial road with higher speeds. It's already too dangerous.

Mr. Emmons – The Planning Commission has to weigh the evidence in front of them. This is not a legal question. This is a weighing of evidence presented with regards to traffic components as it pertains to access. The County Engineer has approved the deviation. You have to weigh all that and decide if you agree or not.

Mr. LaForce – Sight distance factors in the speed of road and determines distances based on that data.

Mr. Curry – Relative to deviations, isn't there also spacing requirements from lot to lot? **Mr. LaForce** – Our criteria is more about intersection spacing, not necessarily from each lot. The next closest access is approximately 1,000 feet.

IN FAVOR:

Mr. Jordan Savage, President of Savage Development – Lot 4 has issues, but we did everything we could to utilize the land in the most effective manner and take into consideration the safety of others. That 20 foot drop requires the deviation, but there is adequate site distance. We will ensure that it has a paved driveway and not gravel or dirt.

IN OPPOSITION: NONE

PC ACTION: BAILEY MADE A MOTION/LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM #2B FOR SP-18-003 FOR A

PRELIMINARY PLAN FOR HIGH PLAINS UTILIZING RESOLUTION PAGE 25, MORE PARTICULARLY DESCRIBED ON PAGE 19-011 WITH FIVE (5) CONDITIONS AND TWO (2) NOTATIONS WITH A FINDING OF SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED. (6-1) MS. FRIEDMAN WAS THE NAY VOTE.

C. SF-18-024

RUIZ

**FINAL PLAT
HIGH PLAINS**

A request by Savage Development, Inc., for approval of a final plat to create seven (7) single-family residential lots. The 39.4 acre property is zoned RR-5 (Residential Rural) and is located immediately north of Hodgen Road, approximately one-half (1/2) mile west of Black Forest Road. (Parcel No. 51190-01-009)

PC ACTION: LUCIA-TREESE MADE A MOTION/BAILEY SECONDED TO APPROVE CONSENT ITEM #2C FOR SF-18-024 FOR A FINAL PLAT FOR HIGH PLAINS UTILIZING RESOLUTION PAGE 19, MORE PARTICULARLY DESCRIBED ON PAGE 19-012, WITH ELEVEN (11) CONDITIONS AND ONE (1) NOTATION WITH A FINDING OF SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED. (6-1) MS. FRIEDMAN WAS THE NAY VOTE.

The High Plains items were heard as one presentation.

D. P-17-015

RUIZ

**MAP AMENDMENT (REZONE)
JUDGE ORR RANCHETTES**

A request by John and Linda Jennings for approval of a map amendment (rezoning) of 40.67 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The property is located immediately north of Judge Orr Road and west of Stapleton Road. (Parcel No. 42330-00-035)

Ms. Ruiz requested permission to present the map amendment (rezone) and the preliminary plan items together. **Mr. Emmons** went over the review criteria.

Mr. Mijares, on behalf of the applicants, gave his presentation to the Planning Commission.

Mr. Curry – It wasn't in our staff report for this item, but in the next project (824 acres) the Meadow Lake Airport has comments. Does that impact this project? **Ms. Ruiz** – It only applies to the next project. We sent a referral to Meadow Lake Airport for this project but did not receive a response back.

Mr. LaForce gave his engineering report/findings to the Planning Commission.

Mr. Curry – Where does the lot at the top get its access? **Mr. LaForce** – There is no direct access to Stapleton. It will be on the right of way being dedicated.

IN FAVOR: NONE

IN OPPOSITION:

Ms. Tammy Davis – We own property adjacent to the development. We understand that this corner is new and everyone wants a part of it, we just want a slowdown of development. The 5-acre lots in the area were developed decades ago. We would suggest and urge that this project not be approved. Judge Orr is two lanes, it is highly used for Schriever. I do not see where they will be able to put in turn lanes. We would like to see it become two 20-acre lots. We'd like to see infrastructure improvements before more development happens.

Mr. Dave Elliott, Meadow Lake Airport, gave a report in opposition of several projects in the area, of which this one was not included. This report is on permanent file. We never received a request to comment on this project. In summary, there will be noise, vibrations, etc. from the airport traffic. 5 acre residential lots are compatible with other residential lots in the area. Owners need to know there will be noise, vibrations, and overflights.

Mr. Egbert – In the 824 acre project, the statement goes to all homeowners advising them of traffic, etc. Is there a letter that went out to residents for this project? **Ms. Mijares** – Currently we were not requested to add a aviation statement, but we have no objection to adding that language to the preliminary plan and final plat. **Ms. Ruiz** – There is no requirement for the 824 acre project to add an aviation easement. Staff is not recommending a condition of approval for this project either requiring them to add such an easement. It would be inappropriate for the County to require this when there are no criteria/rules in place to require such an easement in this portion of the County. If the applicant is agreeable they

may choose to add a plat note but I will not recommend it as a condition of approval.

PC ACTION: RISLEY MADE A MOTION/LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM #2D FOR P-17-015 FOR A MAP AMENDMENT (REZONE) FOR JUDGE ORR RANCHETTES UTILIZING RESOLUTION PAGE 27, MORE PARTICULARLY DESCRIBED ON PAGE 19-013, WITH THREE (3) CONDITIONS AND TWO (2) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY. (7-0)

E. SP-17-011

RUIZ

**PRELIMINARY PLAN
JUDGE ORR RANCHETTES**

A request by John and Linda Jennings for approval of a preliminary plan to create seven (7) single-family residential lots. The 40.67 acre property is zoned RR-5 (Residential Rural) and is located immediately north of Judge Orr Road and west of Stapleton Road. (Parcel No. 42330-00-035)

Mr. Risley – The impact on Judge Orr is for two residential lots, so I don't see that as a huge impact on traffic. This area is designated for much more dense development than what is proposed.

Ms. Friedman – Part of the problem is that our plan is so old and that will be fixed with a Master Plan, but by breaking lots into 5 acres now, it sets it up to subdivide further.

Mr. Curry – I'm going to vote against this project because of deferring the water finding. With the Water Master Plan we are tasked with reviewing and determining that finding at the preliminary plan stage.

Mr. Emmons – Nevertheless, the Land Development Code does provide that the Planning Commission may approve the preliminary plan without a finding of water sufficiency but not at the final plat.

Mr. Risley – Does this application fall into a gray area as far as when it was submitted and when the Water Master Plan goes into effect? **Mr. Emmons** – They likely are trying to work through the state permitting and that takes time. **Mr. Gebhart** – The Water Master Plan has not yet been certified by the Planning Commission. That is being finalized now and will come to the Planning Commission very soon. If the basis for your action is thinking towards that plan, it's a little premature. The application was

submitted prior to that plan going into effect; so yes we are in that gray area.

Mr. Emmons (In response to Mr. Curry)– I think given your concerns with regard to the water supply, it is probably a better vote to make that decision based on the subdivision criteria rather than the statement you made relying on the Water Master Plan and the timing of the certification.

PC ACTION: BAILEY MADE A MOTION/LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM #2E FOR SP-17-011 FOR A PRELIMINARY PLAN FOR JUDGE ORR RANCHETTES UTILIZING RESOLUTION PAGE 25, MORE PARTICULARLY DESCRIBED ON PAGE 19-014, WITH SIX (6) CONDITIONS AND TWO (2) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED. (6-1) MR. CURRY WAS THE NAY VOTE.

The Judge Orr Ranchettes items were heard together. Please see discussion included above that apply to item below.

F. SF-17-021

RUIZ

**FINAL PLAT
JUDGE ORR RANCHETTES**

A request by John and Linda Jennings for approval of a final plat to create seven (7) single-family residential lots. The 40.67 acre property is zoned RR-5 (Residential Rural) and is located immediately north of Judge Orr Road and west of Stapleton Road. (Parcel No. 42330-00-035)

PC ACTION: NO PC ACTION REQUIRED. THE ITEM HAS BEEN WITHDRAWN.

G. SF-18-041

PARSONS

**FINAL PLAT
SETTLER'S VIEW**

A request by Gary and Brenda Brinkman for approval of a final plat to create 14 single-family residential lots. The 40.61 acre property is zoned RR-2.5 (Residential Rural) and is located north of Hodgen Road, south of Silver Nell Drive, east of the Walden development, and west of Stepler Road. (Parcel No. 61000-00-463)

Ms. Parsons introduced the applicants' representative **Mr. Jerry Hannigan** to give his presentation.

Mr. Hannigan – I have a question regarding the calculation used on Condition # 11. Instead of the dollar amount, put TBD and strike “corresponding to.” **Ms. Parsons** – Staff does need a dollar amount because the BoCC Resolution is the record and our authorization to collect that dollar amount. The traffic report states it would generate the 6.7 percent x \$188.30 per linear foot of rural road upgrade.

Mr. Bailey – The point at which fair share is calculated, rather sooner than later – is that the question? **Mr. Hannigan** – I just want to know what is accurate.

Ms. Nijkamp – I would need something in his traffic study to show a different number. I am confident in the data that we have provided.

Mr. LaForce – The 4% is a future growth worth. The smaller is based on anticipated growth variable. If we use the 4% then we would have to inflate the \$188 to a much higher rate.

Mr. Emmons – You have two options. You could vote for continuance to a date certain. That forces the applicant to come to an agreement on the numbers. Or you vote on the condition in front of you and if the applicant has strong feelings about that, then they can work with staff to come up with a different number for the Board of County Commissioners' hearing. It would be better if the applicant can come to an agreement on the number before it goes to Board of County Commissioners.

Mr. Hannigan – Indicated he did not want a continuance.

IN FAVOR: NONE

IN OPPOSITION: NONE

Mr. Curry – I appreciate the staff's explanation of the calculations. I'll be voting in favor.

PC ACTION: LUCIA-TREESE MADE A MOTION/RISLEY SECONDED TO APPROVE CONSENT ITEM #2G FOR SF-18-041 FOR A FINAL PLAT FOR SETTLER'S VIEW UTILIZING RESOLUTION PAGE 19, MORE PARTICULARLY DESCRIBED ON PAGE 19-016, WITH ELEVEN (11) CONDITIONS AND ONE (1) NOTATIONS, WITH A FINDING OF WATER SUFFICIENCY FOR QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY. (7-0)

Ms. Friedman left the hearing at 11:00 a.m. A quorum is still in place.

REGULAR ITEMS

3. U-19-001

SEVIGNY

**APPROVAL OF LOCATION
COLORADO PARKS AND WILDLIFE RAMAH SHOOTING RANGE**

A request by Colorado Parks and Wildlife for approval of location to allow for an outdoor shooting range. The property is zoned A-35 (Agricultural) and is located approximately .5 miles north of the Highway 24 and North Yoder Road intersection. (Parcel Nos. 11000-00-032, 11000-00-020, 11000-00-023, 11000-00-033, 11000-00-071, and 11000-00-081)

Mr. Sevigny asked **Mr. Emmons** to go over the review criteria for an approval of location. He then introduced the applicant **Mr. Frank McGee, Colorado Parks and Wildlife**, for their presentation.

Mr. Egbert – How long does it take people to come out and use a facility like this once it's been established? **Mr. McGee** – Not long actually. If we provide it, they will come use it. This is one step in a much larger process. This will be the first free public range within a 2 hour drive.

Mr. Zachary Humbles, Civil Engineer, Colorado Parks and Wildlife, gave his presentation on the operation and development concept for the range, including how the design is intended to prevent negligent shots from leaving the range.

Mr. Andy Hugh (Southern Shooting Partnership) and **Mr. David Condit** (U.S. Forest Service) gave a report on the growing local demand for shooting sports. They also spoke on the collaboration needed with all the entities involved.

Mr. Sevigny gave his presentation to the Planning Commission.

Mr. Risley – From the subject property to Highway 24, would access be gained by property completely owned by the state? **Mr. Sevigny** -- The access is through the State of Colorado and also across one parcel owned by the Soil and Conservation office. They would need an easement or lease agreement at the site development plan stage.

Ms. Dillon – We have a letter from the Double E Conservation District that they have not granted access. **Mr. Sevigny** – They are considered an outside agency, but we have not received anything through EDARP. The applicant has noted that there is a lease in place. We will ensure that there is legal access at the site development phase of the project.

Mr. Emmons – Because the access has become a question, you (the Planning Commission) may want to address that with the applicant now.

Mr. Jake Matter, Colorado Attorney General's Office – I agree with the staff's assessment. It is an issue we are aware of as far as Double E Conservation District disagreeing with our application. We have a copy of the 1962 lease. The property has quite a history. Under our lease, the state has the right to erect such improvements as are consistent with recreational hunting and fishing facilities. Our view is that we have an existing right to traverse the property and Antelope Road is a public road. CPW has significant rights to this parcel. We ask that you abstain from ruling on the lease, which is a civil matter. The issue today is if it is an appropriate location.

IN FAVOR:

Mr. Ray Geirhart, El Paso County Sheriff's Office – The Sheriff's Office is not opposed to a shooting range; however, we have not had any contact with CPW regarding safety concerns. We would like to see their plan regarding public safety calls that will come in. Unfortunately, accidents will occur. Our biggest concern is will they provide law enforcement protections or will they rely on the County's assistance? While we do support the creation of safe shooting places, we would like to see some communication to determine how this will be resolved when 911 calls come in.

IN OPPOSITION:

Mr. George Foschia, Double E Conservation District– The Double E Conservation District is the responsible party for 14 flood control dams. They were constructed in the early '60s. Many towns are protected by the dams that we maintain. It was intended to have a recreation area. With the drought we've experienced, Big Sandy does not flow like it did in the past. The lease agreement in 1962 was made in perpetuity. The amount that was paid was \$5800 by the State of Colorado. It is for the specific purpose only for game management for restoration of game or fishing. This could be grounds for termination of the lease and legal action. This is a violation of that clause. Noise pollution is also going to be an issue. Trash removal, late night parties, emergency response, liability, livestock being affected, etc. are all concerns that I have. The immediately adjacent neighbors are against this range.

Ms. Patty Woodard – We are adjacent to this property. We have been there for over 30 years. We have access to our property through the State Wildlife area. We have been able to see how the public utilizes that property both positively and negatively. I also did some research on unsupervised, unattended shooting ranges. I have major concerns on that research. Fires, trash, partying, dumping of furniture are all issues that we will see if this project is approved.

Ms. Shelia Miketa Tart – I am an adjacent property owner as is my mother. I agree with **Ms. Woodard** and **Mr. Foschia**. They did a good job outlining the issues. My concern is that we have livestock very close to the project site. We also ride horses on the adjoining properties. There are always going to be irresponsible and neglectful gun users. I don't want my livestock or my family impacted.

Mr. Marty Miketa – I own the property to the north. I run cattle east and north of this range property. I am concerned about the lack of supervision. Our property values will decrease. No one will want to live beside a gun range. The liability of who will be responsible for an injured or killed cow has not been determined. There are grazing antelope and deer that will also be affected. A fence that was installed two years ago was done badly and I had a calf get stuck in that fence. To the north by about 7 or 8 miles there is a shooting range out in the middle of nowhere. So there is another place to go. I hope that you'll deny this request.

Mr. McGee had a chance for rebuttal. Our intention is to have CPW staff on site daily. There are no ranges on Forest land; there are dispersed ranges. We are trying to provide for a safe place. We've tried to design this with berms and baffles to ensure safety. There is a broad coalition of partners that support this effort. We have rules on the properties, and yes there is trash where there is no management. We want to have management in place.

Mr. Curry – Can you talk to your experience of unsupervised ranges elsewhere? **Mr. McGee** – The closest facility we manage is by Salida. We have a number of other ranges. We don't have the issues of trash on managed sites. If something is dumped, we remove it.

Mr. Curry -- Could you speak to fire mitigation? **Mr. Humbles** -- Fire mitigation is an on-going issue. We plan on fire breaks and the vegetation that is out there is low and will burn out.

Mr. Curry – Sheriff's department had some concerns on response times. Part of our review criteria is around safety concerns. **Mr. McGee** – We've been talking with the Sheriff's Office since July. We don't have an expectation that the Sheriff's Office will manage this property. We have CPW officers that will patrol, but we can't guarantee that the Sheriff's Office won't get calls. We will continue to work with them.

Mr. Curry – Is there any chance of changing the operating hours? **Mr. McGee** – We do have some flexibility to adopt different regulations for different properties if needed.

Ms. Dillon – One of the speakers had mentioned that other ranges had been approved and were shut down. **Mr. McGee** – They were dispersed ranges that were not approved or designed or engineered ranges and there were conflicts. This is part of the broader effort to look at areas to have developed ranges.

Ms. Dillon – Is this area fenced in? **Mr. McGee** – Yes, and we are working with Double E Conservation District to get additional fencing and offer some grazing.

Mr. Egbert – We have a difficult decision to make. On one hand, we have property owners that are fearful of something new and what could happen; and on the other hand, we have a County where people are going to target shoot and it would be nice to have a facility to offer that service. **Mr. McGee** – Recreational shooting happens on public lands, and as our community grows, there will be even more shooting. We organized this group to try to find solutions to recreational shooting in unapproved areas. There are private ranges and gun clubs, but we are trying to fill a gap that has not been addressed.

Ms. Friedman – I was peripherally involved in this issue a few years ago. I thank you for the efforts to deal with a very big issue.

DISCUSSION:

Mr. Risley – There's no discussion if this is a necessary facility. Our job is to determine if this is the appropriate place. We've heard testimony about wildlife, and there is moderate wildlife potential.

When I think about growth in the County, I wonder what this looks like in 40 or 50 years and would this be an appropriate place. This would be a special use if it were a private land owner. My challenge is if we deny this then it will go to the state and the state will approve it any way. I think it's a lot more complicated than we are acknowledging.

Mr. Curry – I could not agree with my colleague more. I was initially concerned about the irresponsible shooter. I have hesitancy about the lack of personnel on site. I don't like the hours. Public safety is one of our review criteria. I too am struggling with this. This is very complicated.

Ms. Lucia-Treese – While the Sheriff's Office did have concerns, they were not opposed to it. I believe that the State has gone above and beyond in their design of the facility. I think they do have safety in mind with their design. Shooting ranges are emotional issues. We have to look at our criteria and we tell other home owners that they don't have a right to a view. Your land is your right, not what someone else is doing. The state has offered a viable plan and there is no cure for irresponsible people. We just have to have whatever safeguards we can to mitigate the problems.

Mr. Bailey – I would like to echo my colleague's comments. This has everything to do with perspective. I understand your view to say it's too close, but for me the location that they want to put it is out there and seems perfect since I live just outside of Colorado Springs. The forward looking development is what we need to remember. We need places like this. The fact that it is an unsupervised range does not mean it's unmanaged. There's a lot of unmanaged shooting going on in the

state, but this would be controlled to a certain extent. I made the motion and I will be voting in favor of this project.

Ms. Dillon – When you live in an area that is primarily agricultural, I think that landowners have the right to live that way. This is sitting where everything is agricultural. It bothers me.

Mr. Egbert – I am convinced that it will be a very safe range. It will be environmentally safer than people's back yards. We do have people that are very experienced and willing to help those who are less experienced practice responsible gun safety. This will be an area that will be heavily used and they care about weapons and will use it wisely.

PC ACTION: BAILEYMOVED/LUCIA-TREESE SECONDED TO APPROVE REGULAR ITEM NO. 3, U-19-001 FOR AN APPROVAL OF LOCATION FOR COLORADO PARKS AND WILDLIFE FOR THE RAMAH SHOOTING RANGE UTILIZING RESOLUTION PAGE 9, MORE PARTICULARLY DESCRIBED ON PAGE 19-017 WITH TWO (2) CONDITIONS AND ONE (1) NOTATION. THE MOTION WAS APPROVED (4-2). MR. RISLEY AND MS. DILLON VOTED NAY.

Ms. Friedman left the meeting during the hearing on this item and did not vote; however, a quorum was maintained. Mr. Curry left the meeting at 2:00 p.m. after this item, and Ms. Friedman returned. A quorum is still in place.

4. P-18-008

RUIZ

**MAP AMENDMENT (REZONE)
824 ACRES CURTIS ROAD**

A request by ROI Property Group, LLC, for approval of a map amendment (rezoning) of 824 acres from A-35 (Agricultural) to RR-2.5 (Residential Rural). The property is located at the southeast corner of the Judge Orr Road and Curtis Road intersection. (Parcel Nos. 43000-00-541, 43000-00-542, 43000-00-543, 43000-00-554, 43000-00-561, 43000-00-562, 43000-00-556, 43000-00-555, 43000-00-557)

Ms. Ruiz asked **Mr. Emmons** to go over the review criteria for a map amendment (rezone). Ms. Ruiz briefly covered the "Status of Major Issues" having to do with Meadow Lake Airport and the FAA concerns but explained that it would be covered in greater detail during the staff presentation. She then introduced the applicant's representative, **Mr. Bill Guman**, for their presentation.

Mr. Egbert – You mentioned in your letter of intent that you planned on affordable housing. Is that still the plan? **Mr. Guman** – We used the word attainable housing, not affordable. It would be a misnomer to say it's a community of affordable housing. We are looking for alternatives to the \$500-600,000 houses that are typically built on this size property. It does not mean doublewides or modular homes. Our price target

is in the \$300-350,000 range which is more affordable than \$500,000. We are paying respect to the rural lifestyle and surrounding neighborhoods.

Ms. Friedman – How many lots are actually going to be platted? **Mr. Guman** – I don't have an exact number, but it's currently working out to be 200-225 lots.

Ms. Ruiz gave her full presentation to the Planning Commission. Her PowerPoint is incorporated herein by this reference. Below is a summary of the content of the presentation:

- The request is for a rezone from the A-35 zoning district to the RR-2.5 zoning district. The RR-2.5 zoning district density and dimensional standards are:
 - Minimum lot size 2.5 acres
 - Minimum lot width at from lot line 200 feet
 - Setbacks 25 feet on the front and rear, 15 on the sides
 - Maximum height 30 feet
- The zoning in the vicinity
 - The property is surrounded by A-35 to the north, south, and east but that the property and those parcels surrounding were previously a part of Santa Fe Springs PUD, which allowed for high density residential, commercial, an industrial uses.
 - To the west, the parcels are zoned PUD and RR-5.
 - Those parcels which are part of Meadow Lake Airport (directly to the west) are also within the GA-O, which allows 1 dwelling unit per 2.5 acres.
 - Within 1 mile of the subject parcel, there are 3 different subdivisions with RR-2.5 zoning.
 - Across highway 24, which is approximately 1 mile away, is dense suburban development.
- The subject parcel was rezoned from the Santa Fe Springs PUD to A-35 12/12/17
- The surrounding existing development consist of:
 - Vacant agricultural land to the north, south, and east
 - Rural residential development consisting of both 5 and 2.5 acre parcels
 - An RV Park on Judge Orr Road
 - Meadow Lake Airport. Meadow Lake Airport is a unique private airport that allows for airport runways, hangers, and commercial uses, as well as single-family residences to co-exist within the same subdivision. The Federal Aviation Administration advises that Meadow Lake Airport Authority is a general aviation, public use, airport. Meadow Lake Airport Filing No. 14, for example, includes platted taxiways on the residential lots and allows for hangers as well as commercial uses on the same parcel. Across Highway 24 is dense suburban development
- The El Paso County Policy Plan (1998) provides the following relevant policies:

- **Policy 6.1.3-** *Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use, and access.*
- **Policy 6.1.11-** *Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.*
- The development of these parcels as RR-2.5 (Rural Residential) is a logical extension and density transition from the existing development in this area and is compatible in terms of uses and densities.
- The property is located within the Falcon/Peyton Small Area Master Plan (2008)
 - The Plan recommends urban density residential development with lot sizes being less than 2.5 acres in size when central services can be provided. Should the rezoning application be approved, the applicant is proposing to establish a Title 32 special district to provide central water service to the proposed development. The Plan recognizes the existence and importance of Meadow Lake Airport from a land use perspective, but does not further limit development near the airport and, furthermore, recognizes that the Part 77 surfaces and any noise overlay district for Meadow Lake Airport have not been adopted by the Board of County Commissioners.
- Staff Covered the Status of Major Issues having to do with Meadow Lake Airport and the FAA objecting to the request.
 - The Board of County Commissioners has not adopted the Part 77 surface overlay for Meadow Lake Airport. As such, staff recommends that the County cannot impose conditions of approval restricting the applicant's right to develop the land based upon such Part 77 surfaces.
 - Any request from Meadow Lake Airport of the County to adopt the Part 77 surfaces and impose land use restrictions would require the airport to submit an application for a 1041 permit as well as applications for an amendment to the Land Development Code to create a new overlay zoning district and for a map amendment (rezoning) to apply the new overlay zoning district.
 - Meadow Lake Airport was sent a letter dated October 3, 2018, which outlined these requirements and the position of the Planning and Community Development Department regarding the status of the Part 77 surfaces in substantial detail (see attached). Meadow Lake Airport has not submitted a complete application to date to initiate the required processes.
- Staff notified 32 adjacent property owners and received 2 letters in favor and 1 in opposition.

Mr. Egbert – Is the applicant proposing to let the potential home owners know about the noise and airport overlay? **Ms. Ruiz** – I'll leave that to the applicant to answer during their rebuttal. Because there are no regulations or criteria in place to require it, the County will not make this a recommended condition of approval. If the applicant is agreeable, it would be my recommendation that there is no additional condition added. If the Planning Commission feels strongly that it should be included it could be included as a notation that the applicant is proposing to do so, but not as a condition.

Ms. Friedman – It if was intended to be more urbanized, then 2.5 acre lots had water, sewer, and roads. What were the other public road services discussed in the plan? What is the road layout? **Ms. Ruiz** – The Falcon/Peyton Plan does discuss other services. They were proposing dense development with Santa Fe Springs so that could have included public transportation. They are proposing RR-2.5, and because we are just at the zoning stage and have not received an application for the preliminary plan or final plat. We don't have the number of lots or densities, or road configuration. I would recommend against focusing on the proposed subdivision, or putting conditions limiting the future subdivision because we are only at the zoning stage.

Ms. Nijkamp gave her engineering report/findings. There is a floodplain on the area being rezoned. The floodplain will need to be shown as no build areas with the preliminary plan and final plat(s). The applicant submitted a traffic study with the rezone. The traffic study outlined the need for improvements. With the preliminary plan and final plat the applicant will need to submit documentation for those necessary improvements. They will be required to pay the Road Impact Fee with any future final plat filings.

IN FAVOR: NONE

IN OPPOSITION:

Mr. Dave Elliott – I've been on the Board of Directors of Meadow Lake Airport for over 20 years and this is the first time the County has reached out to the FAA. So, I applaud **Ms. Ruiz**. There are seven developments being proposed around the airport. Meadow Lake Airport is a reliever airport. That entitled the airport to federal grants to maintain and oversee the Airport. We could lose our funding if we are not in compliance with the FAA. We also have to be aware of compatible land use and development. We believe any rezoning or development will put lives at risk for both aircraft people and residents. The FAA has no jurisdiction over land use.

Ms. Friedman – Is the problem that the feds in combination with the state haven't decided what land use looks like or is it that our code doesn't match? **Mr. Elliott** – They don't publish land standards. They say certain activities are not compatible. The state said that the local governments shall have zoning requirements around airports.

Mr. Risley – It appears that there have been some requirements put forth by the state that the County hasn't adopted yet and that there has been development around the Airport. Could you tell me why you think the County hasn't prohibited that development? **Mr. Elliott** – There's a lot of confusion on the Code requirements. We have an existing zoning overlay but it doesn't take into consideration the surrounding property.

Mr. Risley -- How has rezoning and development occurred around the airport?

Mr. Dossey – There is nothing in place at the County level that would prohibit a rezone of the property.

Ms. Ruiz – Regarding whether the County is slow to adopt the regulations. We don't believe that is the case. We have put the 1041 regulations in place that allow for the airports to be established, expand, and create overlay zones to limit uses and development. We feel we are in compliance with the federal regulations. We would not knowingly be contrary to Statute, as we are a statutory County. Meadow Lake is a private airport. This is a unique circumstance from other Airports in Colorado, which are operated by a municipality or local jurisdiction. In all other instances in Colorado the same process, or a very similar process, that we are requiring is followed, except it is the local jurisdiction making the application and not a private entity because it is their airport.

Ms. Lucia-Treese – Because there are no prohibitions by the County, therefore the request of this rezone can come forward and nothing prohibits it.

Mr. Dossey – In the letter we provided to Meadow Lake we outline the Part 77 regulations and the Code, one of the sections 15.7.202 of the 1041 regs “. . . provide evidence that sufficient property rights or restrictions exist, or alternatively, that adequate measures have been or will be taken and property rights have been or will be acquired to demonstrate that the airport site or expansion, and uses and activities associated with or generated by it, can be legally operated as proposed.” The applicant must acquire those property interests as part of the 1041 application. **Mr. Elliott** – There is no federal regulation to that regard. The County regulation is contrary to federal regulations.

Mr. Bart Jones – Colorado Pilots Association President – We have a developer that wants a zoning change. There's been discussion about applications and 1041s. For years there has been and will continue to be discussion over this subdivision. There are aircraft failures. Right now it's open space. If this project is approved, something will happen.

Mr. Guman had an opportunity for rebuttal. We acknowledge our intention is to develop. We are aware that we are adjacent to an airport and we want to offer that we include a disclosure agreement to home owners that they understand they will experience noise and/or vibration effects from the airport traffic. We will work with the

Airport on suitable language. The subdivision plans will not interfere with the Part 77 surfaces.

Mr. Risley – Was this an issue when you went through the entitlement process before for the development of Santa Fe Springs? **Mr. Guman** – We knew what the level of concern was, but it was not a condition of approval at that time. If there was language regarding a requirement to notify the neighbors that they would be impacted by noise, then we would have been building 1200 homes based on that prior approval.

Ms. Friedman – Could you explain why you didn't consider 5 acre lots? **Mr. Guman** – We are dealing with a floodplain that limits the buildable area. The floodplain area will be included as a no-build area and not part of the lot area. This is a development and there are economics point to this as well. Our initial application was for 5 acre zoning and we couldn't make it work. We feel like giving up 135 acres of open space and drainage, that we've brought other amenities- like equestrian trails. We are forming a metro district in order to provide central water service. I think the 2.5 acre zoning is wholly compatible. It is contiguous to the Meadow Lake property that has 2.5 acre lots as well.

DISCUSSION:

Mr. Risley – Given the approval criteria I think that it is completely allowed and substantiated or supported by the master plan; however I don't think this is the last time we will hear about airport issues. I hope we can find a way to get on the same page with regulations and that County Staff will work with Meadow Lake Airport.

Ms. Lucia-Treese – I concur with my colleague. We have to go by what we have before us. In my opinion, the applicant has satisfied all the requirements of a rezone. I am in support of this application.

PC ACTION: LUCIA-TREESE MOVED/RISLEY SECONDED TO APPROVE REGULAR ITEM NO. 4, P-18-008 FOR A MAP AMENDMENT (REZONE) OF 824 ACRES CURTIS ROAD UTILIZING RESOLUTION PAGE 27, MORE PARTICULARLY DESCRIBED ON PAGE 19-018 WITH THREE (3) CONDITIONS AND TWO (2) NOTATIONS. THE MOTION WAS APPROVED UNANIMOUSLY (5-0).

NOTE: For information regarding the Agenda item the Planning Commission is considering, call the Planning and Community Development Department for information (719-520-6300). Visit our Web site at www.elpasoco.com to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting. (The name to the right of the title indicates the Project Manager/ Planner processing the request.) If the meeting goes beyond noon, the Planning Commission may take a lunch break.

The minutes were approved as presented at the April 2, 2019 hearing.

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Lucia-Treese moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P-18-008

WHEREAS, ROI Property Group, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference from the A-35 (Agricultural) zoning district to the RR-2.5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by this Commission on March 19, 2019; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication and public notice was provided as required by law for the hearing before the Planning Commission.
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons were heard at that hearing.
4. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned.
5. The proposed land use or zone district is compatible with existing and permitted land uses and zone districts in all directions.
6. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district

7. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.
8. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the petition of John and Linda Jennings for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the A-35 (Agricultural) zoning district to the RR-2.5 (Residential Rural) zoning district be approved by the Board of County Commissioners:

BE IT FURTHER RESOLVED that the Planning Commisison recommends the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include, but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, Federal Aviation Administration, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RR-2.5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. The adjacent portions of Curtis Road shall be improved to meet the minimum standards of an arterial roadway per the Engineering Criteria Manual. Improvements will be made as part of the Curtis Road access permitting. The necessary improvements and phasing will be clarified with the future applications for Preliminary Plan and Final Plat. This work may be subject to any reimbursement as outlined in the El Paso County Road Impact Fee Program.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.
3. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the Board of County Commissioners for its consideration.

Commissioner Risley seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Egbert	aye
Commissioner Risley	aye
Commissioner Dillon	aye
Commissioner Lucia-Treese	aye
Commissioner Friedman	aye
Commissioner Bailey	aye

The Resolution was adopted by a vote of 5 to 0 by the El Paso County Planning Commission, State of Colorado.

March 19, 2019

Jim Egbert, Chair

EXHIBIT A

PARCEL A:

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S 89 DEGREES 21 MINUTES 33 SECONDS E, ALONG THE NORTH LINE OF SAID SECTION 3, 5275.27 FEET TO THE NORTHEAST CORNER THEREOF; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG THE EAST LINE OF SAID SECTION 3, 1841.19 FEET; THENCE N 89 DEGREES 49 MINUTES 04 SECONDS W, 5280.38 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG SAID WEST LINE, 1883.39 FEET TO THE POINT OF BEGINNING.

EXCEPT THOSE PORTIONS CONVEYED TO EL PASO COUNTY BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO, IN SPECIAL WARRANTY DEEDS RECORDED JANUARY 29, 2015 AT RECEPTION NO. 215008985 AND RECEPTION NO. 215008986.

PARCEL B:

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG THE WEST LINE OF SAID SECTION 3, 1974.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, N 00 DEGREES 05 MINUTES 14 SECONDS E, 1649.14 FEET; THENCE S 89 DEGREES 49 MINUTES 04 SECONDS E, 5280.38 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG SAID EAST LINE, 1649.15 FEET; THENCE N 89 DEGREES 49 MINUTES 04 SECONDS W, 5285.17 FEET TO THE POINT OF BEGINNING.

PARCEL C:

A PARCEL OF LAND LOCATED IN SECTION 3 AND SECTION 10, TOWNSHIP 13 SOUTH, RANGE 64 WEST, OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG THE WEST LINE OF SAID SECTION 3, 327.11 FEET; THENCE S 89 DEGREES 49 MINUTES 04 SECONDS E, 5289.95 FEET TO A

POINT ON THE EAST LINE OF SAID SECTION 3; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG SAID EAST LINE, 327.11 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 3; THENCE S 00 DEGREES 57 MINUTES 38 SECONDS W, ALONG THE EAST LINE OF SAID SECTION 10, 1320.52 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTH HALF OF SAID SECTION 10; THENCE N 89 DEGREES 48 MINUTES 49 SECONDS W, ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF SAID SECTION 10, 5285.51 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 00 DEGREES 43 MINUTES 38" SECONDS E, ALONG THE WEST LINE OF SAID SECTION 10, 1320.06 FEET TO THE POINT OF BEGINNING.

PARCEL 21:

A PORTION OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 3; THENCE ALONG THE EAST LINE OF SAID SECTION 3, S00°42'25"E (BEARINGS ARE RELATIVE TO THE NORTH LINE OF SECTION 3, BEING MONUMENTED AT THE WESTERLY END BY A FOUND NO.6 REBAR WITH A 3-1/4" ALUMINUM CAP IN A VAULT, STAMPED "PLS 17496", AND AT THE EASTERLY END BY A FOUND NO. 6 REBAR WITH 3-1/2" ALUMINUM CAP IN A VAULT, STAMPED "LS 17496", AND MEASURED TO BEAR S89°59'26"E, A DISTANCE OF 5275.03 FEET), A DISTANCE OF 3490.37 FEET, TO THE SOUTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO. 213021177, IN THE OFFICIAL RECORDS OF EL PASO COUNTY; SAID CORNER ALSO BEING THE POINT OF BEGINNING; THENCE S00°42'25"E, CONTINUING ALONG THE WEST LINE OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM

DEED RECORDED AT RECEPTION NO.213113100, IN SAID OFFICIAL RECORDS, A DISTANCE OF 1647.65 FEET, TO THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO. 213043391, IN SAID OFFICIAL RECORDS; THENCE S89°33'10"W, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 5289.71 FEET, TO A POINT LYING ON THE WEST LINE OF SAID SECTION 3; THENCE ALONG SAID WEST LINE, N00°32'28"W, A DISTANCE OF 1645.40 FEET, TO THE SOUTHWEST CORNER OF SAID PARCEL, RECORDED AT RECEPTION NO. 213021177, IN SAID OFFICIAL RECORDS; THENCE N89°31'43"E, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 5284.95 FEET, TO THE POINT OF BEGINNING.

RESOLUTION NO. 19-

**EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF
COLORADO**

**APPROVAL OF THE 824 ACRES CURTIS ROAD MAP AMENDMENT
(REZONING) (P-18-008)**

WHEREAS ROI Property Group, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from the A-35 (Agricultural) zoning district to the RR-2.5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on March 19, 2019, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

WHEREAS, a public hearing was held by this Board on April 9, 2019; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Board of County Commissioners.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. The proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

5. The proposed land use will be compatible with existing and permitted land uses in the area.
6. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.
7. For the above-stated and other reasons, the proposed Amendment to the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.
8. Changing conditions clearly require amendment to the Zoning Resolutions.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of ROI Property Group, LLC, to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the A-35 (Agricultural) zoning district to the RR-2.5 (Residential Rural) zoning district ;

BE IT FURTHER RESOLVED the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include, but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, Federal Aviation Administration, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RR-2.5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. The adjacent portions of Curtis Road shall be improved to meet the minimum standards of an arterial roadway per the Engineering Criteria Manual. Improvements will be made as part of the Curtis Road access permitting. The necessary improvements and phasing will be clarified with the future applications for Preliminary Plan and Final Plat. This work may be subject to any reimbursement as outlined in the El Paso County Road Impact Fee Program.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 23rd day of April, 2019, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

PARCEL A:

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Article 1. - General Provisions

7.101. Designation of Activity of State Interest

The following activity of state interest is hereby designated: site selection and expansion of airports. No person may engage in development, including site selection, construction, expansion, relocation or other significant change in use of such activity wholly or partially within unincorporated El Paso County without first obtaining a permit pursuant to these Regulations.

7.102. Purpose and Intent

- (1) The purpose and intent of these regulations is to facilitate the administration of airport location and expansion as defined herein, within unincorporated El Paso County, by establishing requirements which must be met before an airport site may be selected or expanded. These Regulations are intended to assist the County in balancing the value of airports as vital transportation infrastructure with the impacts on and needs of the surrounding community.
- (2) Airport site selection or expansion shall be accomplished in such a manner as to minimize dangers to public health and safety or to property.
- (3) Airports shall be located and expanded in a manner which will minimize disruption to existing communities, will minimize the impact on existing community or public services, as defined herein.
- (4) Airports shall be located and expanded in a manner which will complement the economic and transportation needs of the state and the area.
- (5) These Regulations are intended in part to protect the land areas around commercial service airports, public airports and reliever airports as defined by 43-10-113, C.R.S. and 14 CFR part 77.

7.103. Definitions

For the purpose of this Chapter, the following definitions will apply:

- (1) *Accident Potential Zone I (APZ-I)* means an area 3000 feet wide extending 1500 feet either side of the extended centerline of the airport runway and 5000 feet long located beyond the end of the Runway Protection Zone.
- (2)

Accident Potential Zone II (APZ-2) means an area 3000 feet wide extending 1500 feet either side of the extended centerline of the airport runway and extending 7000 feet beyond APZ-1.

- (3) *Aircraft* or *Airplane* means and includes all types of fixed-wing airplanes, including gliders. Powered lift (tilt-rotor) and helicopters are not included.
- (4) *Airport* means any municipal or county airport or airport under the jurisdiction of an airport authority. Airport also includes commercial, general aviation or reliever airports, and any area of land or water which is used or intended for the landing and takeoff of aircraft, any appurtenant areas which are used or intended for airport buildings or other airport facilities or rights-of-way, and all airport buildings and facilities, all with respect to its use for airport purposes. Airport includes an airport expansion and the associated Airport Influence Area. Airport does not include a personal airstrip as defined and regulated by Chapter 1 (definitions) and Table 5-1 (principal uses) of the El Paso County Land Development Code.
- (5) *Airport Influence Area* includes: (1) for Commercial Airports (CA): the Airport Noise Subzone, the Aircraft Navigation Subzone, the Accident Potential Zones I and II, and the Runway Protection Zone, all as shown on the County-approved "Commercial Airport District Map," dated September 23, 2003, on file in the office of the Department of Development Services, as amended, and which is fully incorporated herein by this reference; (2) for all General Aviation Airports-Reliever (GA-R): the Runway Protection Zone and the conical surface, as shown on the FAA and/or County approved Airport Master Plan or Airport Layout Plan; and (3) for all General Aviation Airports (GA): the Runway Protection Zone and/or the conical surface shown on the Airport Master Plan or other zones comparable to the Airport Navigation Subzone, the Accident Potential Zones I and II, and the Runway Protection Zones used by Commercial Airports. The Airport Influence Area is included as a part of the designated activity and development thereof is controlled under these regulations because of natural or man-made physical features, relationships to airport access, effects of secondary impacts, or other special circumstances found by the Board of County Commissioners.

(6)

Airport Layout Plan (ALP) means a scaled drawing (or set of drawings), in either traditional or electronic form, of current and future airport facilities that provides a graphic representation of the existing and long-term development plan for the airport and demonstrates the preservation and continuity of safety, utility, and efficiency of the airport to the satisfaction of the FAA.

- (7) *Airport Master Plan* means the plan which represents the airport's framework for long-term development, including, justification for future airport development, depicted on the Airport Layout Plan (ALP) as well as a schedule and financial plan for implementation of proposed development.
- (8) *Aircraft Navigation Subzone (ANAV)* means an area indicated at and above the ground as depicted on the Commercial Airport District Map or other maps adopted by the County for other airports. The ANAV Subzone will be based on the Airport's 14 CFR Part 77 civil airport imaginary surfaces.
- (9) *Airport Noise Subzone (ADNL)* means the area indicated by lines of increasing projected annual average noise exposure (DNL) from 65 DNL to 70 DNL, 70 DNL to 75 DNL, and 75 DNL to 80 DNL. The boundary of the ADNL reflects the 65 DNL line. The ADNL Subzone will be based on the most recent aircraft noise contours available from the Airport sponsor that were prepared based on FAA criteria.
- (10) *Applicant* means any person, including a municipality, special district or authority, or a state or federal entity, proposing to locate or expand an airport, in this jurisdiction and who applies for a permit under the provisions of this regulation.
- (11) *Commercial Airport (CA)* means a public airport that has at least 2,500 passenger boardings each year and receiving scheduled passenger service.
- (12) *Community or public services* means and includes, but is not limited to, County roads, trails, parks, open space, drainage structures and systems, water and wastewater systems, and mass transit facilities located in the unincorporated area of El Paso County.
- (13) *General Aviation Airport (GA)* means a public or private airport that does not have scheduled service or has scheduled service with less than 2,500 passenger boardings each year.
- (14)

General Aviation Airport-Reliever (GA-R) means an airport designated by the FAA to relieve congestion at a Commercial Airport and to provide more general aviation access to the overall community.

- (15) *Passenger boardings* means to revenue passenger boardings on an aircraft in service in air commerce whether or not in scheduled service. Passenger boardings also includes passengers who continue on an aircraft in international flight that stops at an airport in any of the 50 states for a non-traffic purpose, such as refueling or for aircraft maintenance rather than passenger activity.
- (16) *Runway Protection Zone (shown on some present mapping as "Clear Zone")* means an area at ground level prior to the threshold or beyond the runway end to enhance safety and protection of people and property on the ground.
 - (a) For the Colorado Springs Commercial Airport Overlay District, this extends 3000 beyond the existing landing threshold of the runway and is trapezoidal in shape, with the inner width being 1500 feet and the outer width being 2284 feet.
 - (b) For General Aviation and General Aviation -Reliever airports, the Runway Protection Zone is determined using appropriate FAA references for the runway in question.
- (17) *Site Selection* means: (1) the process for determining the location of a new Commercial, General Aviation-Reliever or General Aviation airport or; (2) the expansion or relocation of an existing airport. Expansion of an existing airport also includes extension of runways and development or operational changes, and any development or operational change which allows, or is likely to lead to any of the following as located within unincorporated El Paso County:
 - (a) Creation, alteration or expansion of the Airport Influence Area applicable to the airport in question;
 - (b) Any significant increase in air or ground traffic that is likely to disrupt the environment, or cause an impact on community or public services;
or
 - (c)

Construction or alteration of runway lighting or marking that is not otherwise depicted on a County-approved Airport Layout Plan or Airport Master Plan, to the extent such actions allow or are likely to allow (a) through (b) above, but not to include normal replacement of lighting or marking to conform to FAA requirements.

Site selection does not include expansion or development of an airport to accommodate increased, changed or expanded use of any airport by the U.S. Department of Defense.

7.104. Applicability

These Regulations shall apply only to the site selection and expansion of airports as defined at Section 7.102.

Document: C.R.S. 43-10-113

C.R.S. 43-10-113

Copy Citation

Current through all Laws passed during the 2018 Legislative Session and Ballot Measures
Approved in the November 2018 General Election

**Colorado Revised Statutes TITLE 43. TRANSPORTATION AVIATION SAFETY AND
ACCESSIBILITY ARTICLE 10. AERONAUTICS DIVISION**

43-10-113. Safe operating areas around airports - establishment

(1) The general assembly hereby declares commercial service airports, public airports, reliever airports, as defined in 49 U.S.C. sec. 47102, and the land areas surrounding such airports, as defined in 14 CFR part 77, to be a matter of state interest as provided in article 65.1 of title 24, C.R.S.

(2) Governmental entities with zoning and building permit authority shall adopt and enforce, at a minimum, rules and regulations to protect the land areas defined in 14 CFR part 77.

History

Source: L. 91: Entire article added, p. 1051, § 3, effective July 1.L. 2001: (1) amended, p. 1287, § 82, effective June 5.L. 2007: (1) amended, p. 2051, § 108, effective June 1.

COLORADO REVISED STATUTES

Nina Ruiz

From: Kelsea Dombrovski <KDombrovski@arapahoegov.com>
Sent: Tuesday, March 12, 2019 4:41 PM
To: Nina Ruiz
Cc: Bill Skinner
Subject: Arapahoe County Airport Inquiry
Attachments: Airport Influence Map 6-10.pdf; Chapter 10 - Overlay Districts - AIA specific.pdf; Land Use Map Dev Copy.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Hello Nina,

Thank you for being in touch on this question. I connected with one of my coworkers on this – Bill, copied on this email – as he has a good deal of experience in this area.

The Centennial Airport actually isn't private – it's a municipal airport, and so it's a slightly different situation than the private airport you're working with. Our process was as follows: In the late 1990s, the airport did a FAR Part 150 noise exposure and land use compatibility study and drafted proposed overlay language to be added to our development regulations. County staff then handled this as a Code Amendment with referrals, public comment, and the typical proceedings involved in a Code Amendment. The County, in cooperation with the airport and based on the aircraft noise studies, adopted airport influence area regulations as part of our Land Development Code regulations. These regulations delineate development restrictions in the vicinity of the airport.

I've attached a few documents here: the airport influence area map, the section of our code pertaining to the airport influence area overlay district, and the land use map indicating development guidelines for the area surrounding the airport.

I hope this helps answer some of your questions, and perhaps it will provide a possible roadmap for your situation.

Don't hesitate to be in touch with any additional questions and take care,

Kelsea Dombrovski | Planner

Planning Division | Arapahoe County Public Works and Development

6924 South Lima St. Centennial, CO 80112

Direct: 720-874-6854 | Planning Office: 720-874-6650 | TTY: 711

kdombrovski@arapahoegov.com | Fax: 720-874-6611

www.arapahoegov.com



ARAPAHOE COUNTY
SUSTAINABILITY INITIATIVE



na Ruiz

From: Dan Dertz <DDertz@douglas.co.us>
Sent: Monday, March 18, 2019 3:04 PM
To: Nina Ruiz
Cc: Citizen Connect
Subject: Citizen Connect Response: Centennial Airport

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Nina,

Thank you for your inquiry. Centennial is actually a public airport owned and operated by the Arapahoe County Public Airport Authority. We have established regulations for land use surrounding the Airport that can be found in the Douglas County Zoning Resolution (see Section 19 at <https://www.douglas.co.us/land/regulations-and-procedures/zoning/zoning-resolution/>). Information pertaining to the 1041 can be found on our Project Records Online <https://apps.douglas.co.us/planning/projects/Default.aspx?PossePresentation=HistoricJobs&PosseObjectId=12069536>.

Please let me know if you have any further questions.

Respectfully,

Dan Dertz | Public Outreach and Assistance Supervisor
Douglas County Department of Community Development
Planning Services Division
Address | 100 Third St., Castle Rock, CO 80104
Direct | 303.814.4399 **Main** | 303.660.7460
Email | ddertz@douglas.co.us

Hello,

I work for El Paso County planning. We have a private airport within our jurisdiction that is requesting us to restrict development within the vicinity without submitting a 1041 application or any other required application. They have not made a formal request for the boc to adopt the part 77 surfaces or to establish an airport overlay. We understand that the centennial airport is private. We are interested to know how you handle land use in the vicinity and what steps you may have required of the airport.

Thank you for your help!

Nina Ruiz