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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission

FROM: Kari Parsons, Planner II
Steve Kuester, PE Engineer III
Craig Dossey, Executive Director

RE: Project File #: SKP-18-004
Project Name: Meadowlake Ranch Sketch Plan
Parcel No.: 42000-00-264

OWNER:	REPRESENTATIVE:
Daniel Ferguson 13202 Judge Orr Road Peyton, CO. 80831	N.E.S. Inc. 619 N. Cascade Avenue, Suite 200 Colorado Springs, CO. 80903

Commissioner District: 2

Planning Commission Hearing Date:	6/4/2019
Board of County Commissioners Hearing Date	6/20/2019

EXECUTIVE SUMMARY

A request by Daniel Ferguson for approval of a sketch plan for 307 acres to include 89 acres of urban density single-family residential, 69 acres of rural residential single-family, 27 acres of open space, 25 acres of commercial, and 97 acres industrial land uses. The subject parcel is within the A-35 (Agricultural) zoning district and is located at the northwest corner of the Judge Orr Road and Highway 24 intersection, and is within Sections 32 and 33, Township 12 South, Range 64 West of the 6th P.M. The property is located within the Falcon/Peyton Small Area Master Plan (2008).



The applicant anticipates including the development into the Woodmen Hills Metropolitan District upon approval of the proposed sketch plan. The purpose of the District would be to provide services to future residential and non-residential users within the District boundaries. These services would include, but not necessarily be limited to the provision of central water and wastewater services. A finding of water sufficiency is not being requested at this time nor is it required at the time of sketch plan approval.

If the sketch plan is approved the applicant will be required to process subsequent land use applications including, but not necessarily limited to, a map amendment (rezoning), preliminary plan, and final plat(s).

Meadow Lake Airport has 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 Daniel Ferguson for approval of a sketch plan for 307 acres zoned A-35 (Agricultural).

Waiver(s)/Deviation(s): There are no waiver(s)/deviation(s) associated with the sketch plan request.

Authorization to Sign: There are no items requiring signature associated with this request.

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

The Planning Commission and BOCC shall determine that the following criteria for approval outlined in Section 7.2.1, Sketch Plan, of the El Paso County Land Development Code (2019), have been met to approve a sketch plan:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The proposed subdivision is in conformance with the requirements of this Code;
- The proposed subdivision is compatible with existing and proposed land uses within and adjacent to the sketch plan area;
- The water supply report provides sufficient information to identify probable compliance with the water supply standards and identifies any need for additional water supplies;
- Services are or will be available to meet the needs of the subdivision including, roads, police and fire protection, schools, recreation facilities, and utility service facilities;
- The soil is suitable for the subdivision;
- The geologic hazards do not prohibit the subdivision, or can be mitigated;
- The subdivision will not interfere with the extraction of any known commercial mining deposit [C.R.S. §34-1-302(1), et seq.];
- The design of the subdivision protects the natural resources or unique landforms;
- The proposed methods for fire protection are adequate to serve the subdivision; and
- The subdivision is appropriate and the design is based on mitigating the constraints of topography, soil types, geologic hazards, aggregate resources, environmental resources, floodplain, airplane flight overlays, or other constraints.

D. LOCATION

North: RR-2.5 (Residential Rural)	Single-family residential
South: M (Industrial)/RR-5/R-4/PUD	Industrial/vacant/airport
East: A-5 (Agricultural)/CS (Commercial)/PUD	Commercial/vacant
West: RR-5 (Residential Rural)	Single-family residential/school

E. BACKGROUND

The subject property is zoned A-35 (Agricultural) and is surrounded by a multitude of different zoning districts reflecting the continuous growth in this area of the County. RR-2.5 (Residential Rural) single-family development is located to the north and is separated from the subject property by Bandero Drive. M (Industrial), RR-5 (Residential Rural), R-4 (Obsolete) and PUD (Planned Unit Development) zoned properties are located south of Judge Orr Road; these areas include a variety of land uses including Meadow Lake Airport. CS (Commercial Service), A-5 (Agricultural), and PUD zoned properties are located east of Highway 24. RR-5 (Residential Rural) zoned parcels are located adjacent to the western property boundary of the subject parcel. One-half (1/2) acre single-family lots are located further to the west, on the other side of Eastonville Road. These lots provide a transition to urban density single-family development within the Woodmen Hills development.

Meadow Lake Airport is a private airport that includes and allows airport runways, hangars, commercial uses, and single-family residences to co-exist within the same subdivision. The Federal Aviation Administration (FAA) identifies Meadow Lake Airport as a general aviation, public use airport.

The sketch plan depicts rural residential, commercial, and industrial uses which are compatible with the allowed uses within the Meadow Lake neighborhood as well as the properties located to the north, south, and east of the proposed sketch plan area.

The sketch plan also depicts urban single-family residential density which is compatible with density and land uses to the west of the subject property. Meadow Lake Airport has provided comment that the proposed urban single-family residential densities are not compatible with the operations of the general aviation, public use airport.

There is an existing aviation easement, which was granted in 1969, that covers approximately fifty percent of the subject property. Staff encouraged the applicant to work with Meadow Lake Airport to re-locate the aviation easement to contain the airport's operational flight path, which is located outside of the existing aviation easement. To staff's knowledge, relocation of the easement has not occurred at the time this staff report was finalized. The urban single-family residential component of the sketch plan is not proposed to be located within the operational flight path; however, commercial, industrial, and rural residential single-family uses are proposed to be located under the operational flight path.

The 1969 aviation easement is in the nature of a general overflight and noise easement. Development and uses may be affected by Meadow Lake Airport operations and the aviation easement. The applicability and effect of the aviation easement is a matter between the parties to the easement: Meadow Lake Airport, the Meadow Lake Airport Association, and the applicant as successor in title to a portion of its property that is burdened by the aviation easement. El Paso County is not a party to the aviation easement.

F. ANALYSIS

1. Land Development Code Compliance

The sketch plan process allows for review, at a conceptual level, of the feasibility and design characteristics of the proposal based on the standards set forth in the El Paso County Land Development Code (2019), and the review and approval criteria listed above. The request is compatible with the existing commercial, industrial, and residential uses in the area.

Rural residential single-family is proposed to be located within the northern portion of the property which is anticipated to transition the urban and industrial land uses from the existing rural residential properties to the north. The industrial land uses are proposed adjacent to the Highway 24 corridor. Industrial land uses are shown as being adjacent to rural residential single-family and urban residential single-family. The applicant will be required to depict a buffer separating the varying land uses on development plans to be provided with subsequent land use applications. Commercial uses are depicted adjacent to Judge Orr Road. The sketch plan depicts a clustering of urban density development between the rural residential single family and commercial land uses, thus providing a transition of land uses from north to south. The sketch plan depicts urban single-family density along the western boundary, which is compatible with the existing residential neighborhoods located within the Woodmen Hills development. For the above reasons, staff recommends that the request is in compliance with the Code.

2. Zoning Compliance

The property included in the sketch plan is currently zoned A-35 (Agricultural). If the sketch plan is approved by the Board of County Commissioners, the applicant will then be required to go through the appropriate entitlement process by submitting a map amendment (rezoning) of the property for the depicted land uses via subsequent land use 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 6.1.1- Allow for a balance of mutually supporting interdependent land uses, including employment, housing, and services in the more urban and urbanizing areas of the County.

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 6.1.5 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 uses*

- Accommodate multi-modal transportation linkages
- Allow for variations in design and character

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.*

Policy 10.2.2- *Carefully consider the availability of water and wastewater services prior to approving new development.*

Goal 13.1- *Encourage an adequate supply of housing types to meet the needs of County residents.*

The subject property is zoned A-35 (Agricultural) and is surrounded by a multitude of zoning districts allowing for mixed land uses in the area of the subject property. The sketch plan proposes mixed land uses consistent with the surrounding area which also reflects the urbanization of this area in the County. The urban single-family residential development depicted on the western portion of the sketch plan is a compatible extension of existing single-family residential development.

The plan also includes rural residential density which is anticipated to include various housing types. The applicant has depicted the non-residential land uses along both Highway 24 and Judge Orr Road, which should serve as both a land use transition and buffer between the proposed urban single-family and rural residential land uses and the afore mentioned regional transportation corridors. The commercial and industrial uses may provide for localized employment opportunities. A connection from the Rock Island Regional trail to the open space corridor, which is anticipated to preserve the natural features and non-jurisdictional wetlands on the subject property, is depicted on the sketch plan.

According to the water and wastewater resources reports submitted in support of the sketch plan, Woodmen Hills Metropolitan District has available water resources and wastewater treatment capacity to provide adequate service to the development within the sketch plan area.

4. Small Area Plan Analysis

The property is located within the Falcon/Peyton Small Area Master Plan (2008). The Plan states:

“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.”

More specifically the subject parcel is within the Highway 24 Corridor. Section 4.4.5, (page 4-24) includes the relevant following goals and policies:

4.4.5.2 Recognize the importance of Highway 24 as the primary transportation artery serving the existing and future needs of the area. Maintain options for stringent access control, adequate right-of-way preservation and adjacent land uses which will complement a higher speed, higher traffic expressway corridor

4.4.5.3 Maintain the integrity of the Rock Island Trail Corridor through the planning area by limiting at-grade crossings, encouraging compatible adjacent uses which complement the trail, and encouraging interconnecting non-motorized trails and adjacent open space

The proposed sketch plan depicts both urban lot sizes anticipated to be served by central water and sewer and rural residential lots with a minimum of a 2.5 acre lot size which is consistent with the above recommendations, goals, and policies regarding density. The rural residential lots are proposed to be adjacent the existing rural residential development to the north and adjacent to Highway 24, an expressway road. Further noise studies will be required to establish a buffer from the noise impacts of the expressway road to the residential development at the preliminary plan stage of development as required by the Land Development Code (2019). The sketch plan also depicts industrial land uses adjacent to Highway 24 which is more compatible with the higher speeds and traffic counts generated by the expressway road classification. The applicant has depicted internal trail connections to the Rock Island Regional Trail corridor on the sketch plan as recommended by the Plan.

The subject property is also subject to the policies of the Stapleton-Curtis Corridor sub-area. Section 4.4.7, of the Plan states that, “The Stapleton-Curtis corridor includes several existing and proposed road extensions that form a unified corridor through the Planning Area. Curtis Road enters the Planning Area on the southern end and extends up to Judge Orr Road. A planned extension of Curtis will bend westward, intersect with US Highway 24, and connect with Stapleton Road... Generally, the corridor would include areas within 1/4 mile of

the road, but could include other areas influenced by road noise, traffic impacts, or access controls.”

The subject property is located approximately one-tenth of a mile from Stapleton Road, therefore, staff recommends that the property is also be considered to be within the Stapleton/Curtis Corridor. Section 4.4.7, (page 4-26), includes the relevant following goals and policies:

- 4.4.7.1 Allow for the Stapleton/Curtis corridor to develop as a focus for commercial and mixed use development.
- 4.4.7.2 Recognize the greater Falcon Town Center as the primary commercial center in the planning area, and allow for reasonable expansion with integrated compatible mixed uses. Allow for some logical extension of this commercial area. Consistent with approved plans and consistent planning.

While the subject property is not immediately adjacent to the Stapleton-Curtis corridor, it is only one-tenth of a mile south of the Stapleton Road alignment, and is the largest remaining undeveloped property located near the intersection of Stapleton/Curtis Road and US Highway 24. The sketch plan depicts residential, commercial, and industrial uses, which are consistent with the policies listed above. US Highway 24 and Eastonville Road are regional north-south travel corridors from the Falcon Town Center. Siting both commercial and industrial uses on the subject property could be considered a logical extension of the existing mix of uses within the Falcon Town Center Planning Area.

Although direct access to Highway 24 from the subject property is not depicted on the State of Colorado’s US Highway Access Management Plan, the regional traffic proposed to be generated by the development is proposed to access Judge Orr Road which does intersect with US Highway 24 as well as Eastonville Road. Both roadways intersect with Stapleton Road and Curtis Road to the north. The traffic study (TIS) submitted by the applicant in support of this sketch plan application identifies both residential and non-residential (commercial and industrial) development impacts to the Stapleton/Curtis corridor. Forty-five percent of the non-residential traffic generated by this development is anticipated to access the Stapleton-Curtis corridor.

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.

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 transitional and approach surfaces to and from the runway(s). It is important to note that the Board of County Commissioners has not adopted Part 77 surfaces for Meadow Lake Airport as a component 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 horizontal surfaces to be 150, and conical surfaces to be 150 to 355 feet above the airport elevation at Judge Orr Road, which is the southernmost boundary of the sketch plan area. The sketch plan depicts residential, commercial and industrial land uses in this area. The maximum height for each land use category will be defined when these land use areas of the sketch plan are rezoned.

Recommended Condition of Approval No. 7 states that the applicant shall add the following note to the face of the sketch plan:

“Notice of potential aircraft overflight and noise impact associated with airport: This serves as notice of potential aircraft overflight and noise impacts on this property due to its close proximity to an airport, which is being disclosed to all prospective purchasers considering the use of this property for residential and other purposes. This property may be subject to the overflight and associated noise of arriving and departing aircraft during the course of normal airport operations.

All property within this development may be subject to an Avigation Easement as recorded at Book 2285 and Page 310, of the records of the El Paso County Clerk and Recorder.”

In addition to the Part 77 surfaces, properties surrounding the airport may experience additional noise from aircraft operations. There is no existing airport overlay zoning district for Meadow Lake Airport, however, for reference 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 in that area and requires construction methods to mitigate potential noise impacts. To establish a similar overlay zoning district for Meadow Lake Airport would require application by the Airport to the County to create the zoning district and as well as an application to rezone the respective off-airport properties to apply the overlay zoning district. 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 Code amendment or rezoning 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 to establish the Part 77 surfaces.

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. Colorado Parks and Wildlife and Colorado

State Forest Service were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies upland deposits and has been mapped as “good” for industrial minerals 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, no severed mineral rights exist

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

A Soil, Geology, and Geologic Hazard Study for the Meadowlake Ranch Sketch Plan prepared on July 30, 2018, by Entech Engineering was reviewed with this request. The report identifies constraints and hazards which are located throughout the development. These constraints and hazards include areas of shallow bedrock, expansive soils, artificial, fill, erosion, floodplain, ponded water, shallow ground water, seasonal shallow groundwater, and potentially seasonally shallow groundwater areas. Constraints and hazards that are not proposed to be mitigated have been identified as open-space corridors on the sketch plan map. Additional analysis will be required with subsequent entitlement processes, including, but not limited to, the preliminary plan.

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 08041C0554G, dated December 7, 2018, the Meadowlake Ranch development site is located within Zone X, areas outside the 500-year floodplain.

4. Drainage and Erosion

The overall development area generally drains from the northwest to southeast toward Judge Orr Road and U.S. Highway 24, and is tributary to the Bennett Ranch and Haegler Ranch drainage basins. Subdivision development within these drainage basins requires drainage and bridge fees to be paid at the time of final plat recordation.

Bennett Ranch Drainage Basin improvements in the area of Meadowlake Ranch are in place. The Haegler Ranch Drainage Basin Planning Study identified the Meadowlake Ranch property for the location of a proposed regional detention pond. The regional detention pond and full-spectrum/water quality detention will

be required for development of the site. Two full-spectrum detention ponds have been identified in the master development drainage plan (MDDP) submitted with the sketch plan.

5. Transportation

The proposed development is located northwest of the intersection of Judge Orr Road and U.S. Highway 24 and also has frontage on Eastonville Road along the northwest portion of the site and Bandanero Drive along the north property boundary. Direct access to the site is proposed from Eastonville Road, Bandanero Drive and Judge Orr Road. The Stapleton/Curtis corridor is also directly impacted as all three roads immediately intersect with this corridor. All of the roads are shown in the Major Transportation Corridors Plan Update (MTCP) (2016). The MTCP identifies Stapleton/Curtis as a principal arterial and Judge Orr Road and Eastonville Road as minor arterials and are on both the 2040 Roadway Plan and 2060 Corridor Preservation Plan. Bandanero Drive is a rural local road. U.S. Highway 24, a principal arterial, is separated from the site by the Rock Island Regional Trail. The surrounding roads are all adequate to serve the proposed development, with the improvements discussed below. The developer will dedicate rights-of-way for roadways as appropriate with the final plats throughout the overall development.

Transportation improvements necessary due to site development will be addressed with each subsequent preliminary plan and final plat. A traffic impact analysis (TIS) was received with the sketch plan application addressing the proposed project's anticipated traffic generation, impacts, and necessary improvements. The TIS indicates that the proposed development is expected to generate approximately 10,100 daily trips added to the regional transportation system. The impacts of the traffic generated by the proposed development will require mitigation by the developer (if not previously provided by others) as addressed in Table 6 of the TIS. Mitigation of the impacts may include either construction or financial contribution toward improvements including, but not limited to, the following:

1. Widening of Judge Orr Road to provide two through lanes in each direction.
2. Improvement of Eastonville Road from Snaffle Bit Road to Stapleton Road including auxiliary turn lanes at the site access.
3. Construction of auxiliary turn lanes on Eastonville Road approaching Stapleton Drive and signalization of the intersection.
4. Construction of auxiliary turn lanes and signalization, or roundabout, on Judge Orr Road approaching the site access.

5. Construction of auxiliary turn lanes and signalization, or roundabout, at the Judge Orr Road/Eastonville Road intersection.
6. Intersection reconfiguration improvements at Stapleton/Bandanero.
7. Construction of auxiliary turn lanes and realignment of the US 24/Judge Orr Road intersection.*

* - CDOT access permit improvements; CDOT has a preliminary design for the Judge Orr Road and U.S. Highway 24 Intersection realignment and the developer will be required to participate in that improvement as CDOT determines appropriate with its access permit review.

The Meadowlake Ranch development is subject to the El Paso County Road Impact Fee Program (resolution 18-471), as amended.

H. SERVICES

1. Water

Woodmen Hills Metropolitan District has provided documentation that the District does have the capability to provide services to the proposed development. Findings of sufficiency with respect to water quality, quantity, and dependability are not required with sketch plan approvals. Findings of sufficiency will be made with subsequent preliminary plan and/or final plat approvals for development within the sketch plan area.

2. Sanitation

Woodmen Hills Metropolitan District has provided documentation that the District does have the capability to provide wastewater service to the development.

3. Emergency Services

Fire protection and emergency services are provided by Falcon Fire Protection District. The District was notified of the submittal and did not identify any concerns with the proposed sketch plan.

4. Utilities

The sketch plan area is within the service area of Mountain View Electrical Association (MVEA), which provides electrical service. The sketch plan area is also within the service area of Black Hills Energy, which provides natural gas service.

5. Metropolitan Districts

The Woodmen Hills Metropolitan District was notified of the submittal and provided a comment that the sketch plan area is adjacent to the Woodmen Hills

Metropolitan Service District boundaries. Inclusion into the District is required to obtain services.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a sketch plan application.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a sketch plan application.

I. APPLICABLE RESOLUTIONS

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Disapproval Page 26

J. STATUS OF MAJOR ISSUES

The Meadow Lake Airport was sent a referral for the sketch plan application. The Airport supplied two different comment letters. The letter dated February 25, 2019, includes the following:

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 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 revised comment letter dated March 28, 2019, includes the following:

The Meadow Lake Airport Association (MLAA) continues to be adamantly opposed to consideration of the development plans listed above, and any others that may arise within the Meadow Lake Airport Influence Area (AIA), until such time as El Paso County develops, approves, and publishes a Land Use Plan for the Airport Influence Area in accordance with the requirement of C.R.S. 43-10-113 (ref a) and the County adoption of references (c) and (d).

The Falcon-Peyton 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). Several 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 landing options for aircraft, which have been used every year, and is considered to be a "compatible land use". But construction in accordance with these proposals is not compatible 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". References (e) and (f) are correspondence from the FAA Denver Airport District Office (ADO) that was provided to County Planning in response to the Meadowlake Ranch Sketch Plan and the 824 Acres Curtis Road (aka 629 CO Springs) Residential Rezone projects expressing opposition to the re-zoning and development of those areas.

El Paso County must defer any consideration of these proposals, and any others within the Meadow Lake Airport Influence Area, until a Land Use Plan has been developed and published. We would remind all that our 1041 application was accepted and paid for in April 2018 and vetted via the EDARP website during May 2018. The Administrative Determination of October 2018 requires MLAA to resubmit an application with a final FAA approved Master Plan and ALP (Airport Layout Plan) (reference g). 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 more than likely result in legal action.

The Board of County Commissioners has not adopted the Part 77 surfaces 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 exclusively 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 resubmit the application for a 1041 permit, so as to address all submittal and review requirements. In addition, the Airport will need to submit applications for an amendment to the Land Development Code to create a new overlay zoning district specific to Meadow Lake Airport and for a map amendment (rezoning) to apply the new overlay zoning district to the appropriate properties near the Airport.

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 in the form of a resubmittal of the original documentation submitted to the County 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 map amendment (rezoning), preliminary plan and final plat(s), but staff is not recommending a condition of approval to the same effect.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1, Sketch Plan, of the El Paso County Land Development Code (2019) staff recommends the following conditions and notations:

CONDITIONS

1. Additional analysis of the geological constraints and hazards shall be required with subsequent entitlement processes including but not limited to the preliminary plan.
2. Rezoning of the property is necessary to implement the sketch plan.
3. The applicant/ developer and/or property owner shall be required to participate in a fair and equitable manner in the upgrading of the surrounding roads and intersections including, but not necessarily limited to, Judge Orr Road, Eastonville Road, and U.S. Highway 24. The developer's general design and financial responsibilities regarding the final Judge Orr Road and U.S. Highway 24 intersection configuration and improvements, as well as other offsite improvements shall be determined with preliminary plan approval(s).
4. 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 and alignments 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. The applicant shall coordinate with CDOT on the ultimate alignment of the Judge Orr Road connection to U.S. Highway 24.
5. A County access permit will be required for the connection of new roads to Judge Orr Road. A CDOT access permit will be required for improvements to the Judge Orr/Highway 24 intersection. The applicant shall comply with all CDOT access permit requirements.
6. The master development drainage plan (MDDP) shall be approved prior to approval of a preliminary plan or final plat.
7. Applicant shall depict the following notes on the cover sheet for all land use approvals by the County (sketch plan map, preliminary plan map, final plat map, etc):

"Notice of potential aircraft overflight and noise impact associated with airport: This serves as notice of potential aircraft overflight and noise impacts on this property due to its close proximity to an airport, which is being disclosed to all prospective purchasers considering the use of this property for residential and other purposes. This property may be subject to the overflight and associated

noise of arriving and departing aircraft during the course of normal airport operations.

All property within this development may be subject to an Avigation Easement as recorded at Book 2285 and Page 310, of the records of the El Paso County Clerk and Recorder.”

8. Applicant shall delineate the boundaries of the avigation easement on the applicant’s property and the common flight path over the applicant’s property (to the extent known) for all airplanes taking off from and landing at Meadow Lake Airport, on and for all land use approvals by the County (sketch plan map, preliminary plan map, final plat map, etc.):

NOTATIONS

1. Applicable park, school, transportation, drainage, bridge, and traffic fees shall be paid to the El Paso County Planning and Community Development Department at the time of recording any final plats.
2. Access locations and roadway classifications are conceptual only and will be determined at the time of preliminary plan review. Final locations and classifications of roadways will be subject more detailed land use design and subdivision review.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 34 adjoining property owners on May 15, 2019, for the Planning Commission and Board of County Commissioners hearing. Responses will be provided at the hearing.

M. ATTACHMENTS

- Vicinity Map
- Letter of Intent
- Sketch Plan
- Figure 2-22 from the Falcon/Peyton Small Area Master Plan
- Meadow Lake Airport Comment Letters
- FAA Letter
- Adjacent Property Letters

El Paso County Parcel Information

File Name: SKP-18-004

PARCEL	NAME
4200000264	FERGUSON DANIEL S

Zone Map No. --

ADDRESS	CITY	STATE	ZIP	ZIPLUS	Date:
13202 JUDGE ORR RD	PEYTON	CO	80831	8401	MAY 1, 2019



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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Meadowlake Ranch Sketch Plan

Letter of Intent

August 2018

(Revised December 2018; April 2019)

Owner /Developer: Dan Ferguson

12302 Judge Orr Road

Peyton, CO

Planner: N.E.S. Inc.

619 North Cascade, Suite 200

Colorado Springs, CO 80903

(719) 471-0073

Engineer: Terra Nova Engineering Inc.

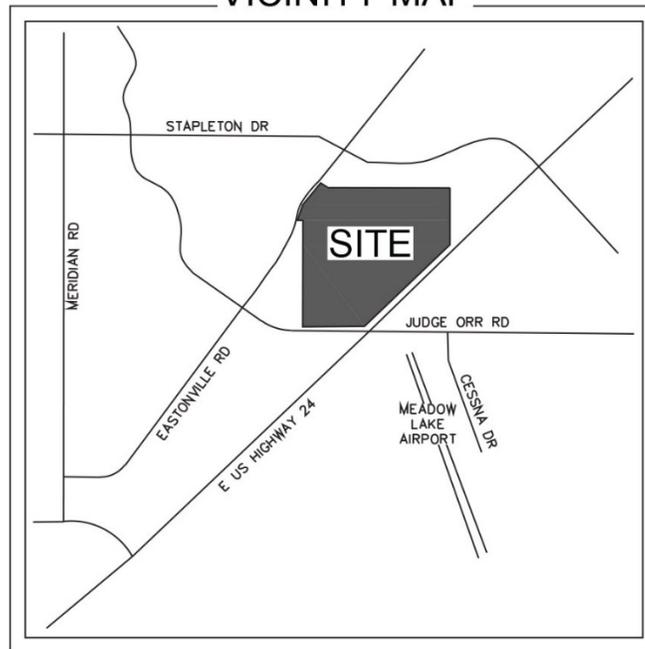
721 S. 23rd Street

Colorado Springs, CO 80904

719-635-6422

SITE LOCATION: The Meadowlake Ranch property is located at the northwest corner of State Highway 24 and Judge Orr Road. Bandanero Drive borders the north boundary, and Eastonville Road borders a portion of the western boundary. The Meadowlake Ranch consists primarily of prairie grassland, bisected by a wetland area. Adjacent land uses include commercial/industrial and the Meadow Lake Airport to the southeast; rural residential to the north and north east; urban residential to the west; and vacant land owned by the applicant to the south. The County Rock Island Trail borders the eastern property line. The Ferguson home is in the south central portion of the property, accessed from Judge Orr Road. The property is zoned A – 35.

VICINITY MAP



THE PLAN: Proposed access to the Meadowlake Ranch will be from Judge Orr Road a minor arterial; from Eastonville Road also a minor arterial; and from Bandanero Drive a local road. Access to State Highway 24 is restricted and not available. Access spacing restrictions on the minor arterials – ¼ mile – dictate the internal circulation system. An internal street is planned to connect Judge Orr to Eastonville in a north/south direction. Two east/west internal roads will need to cross the wetlands to provide adequate circulation.

THE primary site influences that affect the proposed land use are the Meadow Lake Airport, and the wetlands within the property. Both run generally north south through the property. Low intensity industrial land use is proposed beneath the airport runway flight path. Adjacent wetlands to the west will frame urban residential land use to be served by the Woodmen hills Metropolitan District. Annexation to the District will be requested with future applications. Meadow Lake Airport and commercial land use is proposed at the intersection of Judge Orr and Highway 24 fronting the length of Judge Orr Road. Rural residential land use is proposed in the north eastern quarter of the property with access to Bandanero Drive. This land use will be served by well and septic systems.

According to the property owner Dan Ferguson “The ponds within the wetlands are manmade features of the site. All the water is spring fed from the top pond, with the spring being adjacent to the old Railroad Right of Way along Eastonville Road. The railroad was probably located where it was to take advantage of the existence of the spring, and then the spring was improved and piped down into the series of ponds (dug by horse drawn equipment around 1912). This series of ponds terminates in Drake Lake (the county park to the south), and they

are all variously piped or French-drained one into the other. Ponds 2 and 3 are French-drained, not pipe connected, so that's why they can be seasonal during dry years. Otherwise, it's all about a 2.5 inch pipe system that feeds the wetland which exists in an odd place along the ridge between the Bennet and Haegler basins. The wetland should be in the bottom of a basin, not along the high ground between basins, but that's the artifact of them being totally manmade.”

Buffers will be provided between non-residential and residential uses. The details of buffers, which may include berms, walls, fencing and/or setbacks will be defined with the Preliminary Plan and Zoning of the parcels shown on the Sketch Plan. Note that environmentally sensitive areas on proposed Industrial land use will be used as buffers.

JUSTIFICATION:

Conformance with the El Paso County Policy Plan

The Meadowlake Ranch conforms to the following goals and Policies of the El Paso County Policy Plan.

PURPOSE AND INTENT. Holistic Application.

The applicable policies in this document should be considered and applied comprehensively rather than singularly. Most development proposals will naturally be consistent with some policies while inconsistent with others. The appropriate approach is to evaluate all of the relevant policies and then make a land use decision with respect to overall consistency based on a preponderance of policies within this Policy Plan.

Policy 2.1.10 Encourage preservation of open space in subdivisions *Open space has been shown on this plan.*

Policy 2.1.11 Encourage approaches to natural system preservation and protection which also accommodate reasonable development opportunities *Wetland and pond areas have been shown as open space on the plan.*

Policy 2.3.1 Preserve significant natural landscapes and features. *This Sketch Plan has identifies and preserves most of the natural features of this site.*

Goal 6.3 Continue to support existing and carefully planned future urban density development in the unincorporated County, provided the requisite level of urban services is available or will be available in a timely fashion. *Urban services will be available to serve the urban land use portion of this project.*

Policy 6.3.2 Rely on the Small Area Planning process to define the subarea specific boundaries for urban density development. ***This Sketch Plan reflects the Falcon/Peyton Small Area Plan, which recommends urban development for this property.***

Policy 6.1.6 Direct development toward areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently. ***Urban services will be available to serve the urban land use portion of this project.***

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 land plan promotes this policy.***

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. ***This proposed development is similar in terms of land use and density to adjacent Woodmen Hills and Four Way Ranch.***

Policy 6.1.14 Support development which compliments the unique environmental conditions and established land use character of each sub-area of the County. ***See conformance with the Falcon/Peyton Small Area Plan discussed below.***

Policy 8.3.3 Address protection of natural features beginning with the initial stages of development review process. ***This Sketch Plan has identifies natural features of this site which are proposed to be preserved as open space.***

Policy 9.2.3 Strictly limit direct access onto major transportation corridors in order to preserve their functional capacity. ***The Sketch Plan proposes access in conformance with County policies. Access spacing on adjacent streets meets County criteria.***

Policy 9.4.5 Encourage processes by which development can contribute a reasonable and fair share toward off-site transportation improvements. ***This project will pay its fair share of transportation costs through the Countywide Transportation Fee Program.***

Policy 11.1.14 and Policies 11.3. And Policy 11.4.8. Require development plans to effectively address both quantitative and qualitative impacts of drainage within the project site. ***This property has off-site flow passing through it. The intent is to provide improvements for this off-site flow as needed to prevent erosion and mitigate sediment transfer through the property. All on-site developed flow will be treated prior to release by either routing the flow across a landscaped area or directly conveying the flow to a proposed detention/SWQ facility. The post-development flow exiting the property will not be significantly altered from the pre-development flow. Full spectrum detention will be employed.***

Policy 11.3.1 Where feasible, support the use of natural or naturalistic drainage approaches rather than hard line solutions. ***Onsite drainage channels will be preserved, if possible. Where modifications are necessary, grass lined channels are proposed.***

Policy 11.3.3 and Policy 11.3.4. Fully evaluate the relative impact of proposed drainage improvements on the maintenance of water quality. ***All on-site developed flow will be treated prior to release by either routing the flow across a landscaped area or directly conveying the flow to a proposed detention/SWQ facility. Per ECM 1.7.1.B, all proposed lots 2.5 acres or larger do not require WQCV per ECM 1.7.1.B. however, roadway improvements will require sediment BMPs.***

Policy 11.3.5 Protect the integrity of wetlands, riparian areas and associated wildlife habitat through a combination of careful land development and drainage system design. ***The Sketch Plan shows wetlands in open space land use.***

Policy 12.1.3 Approve new urban and rural residential development only if structural fire protection is available. ***Fire protection is available from the Falcon Fire Protection District.***

Policy 15.3.3 Encourage innovative approaches to the problem of financing solutions to the off-site fiscal impacts of development. ***This project will be required to participate in the El Paso County Road Impact Fee Program. The decision to join one of the two fee program PID districts or to exercise the opt-out (of the PID) option will be provided at the Final Plat stage. The fee required up-front with each subdivision will be payable at the time of building permit.***

Conformance with the Falcon/Peyton Small Area Plan

The Meadowlake Ranch is within the Falcon/Peyton Small area Plan. As shown of Figure 4-5 of the Plan, this property is shown as appropriate for urban development. It is located at a Potential Node and Corridor of Activity, defined as an “area where future development and infrastructure is expected to be concentrated in the future.” More specifically, the property is within the Meadow Lake Airport Area. The Plan has conflicting policies which both promote urban development and protection of the Meadow Lake Airport.

This application proposes to both respect the Airport flight influences to the property while providing for reasonable land uses including appropriate interface with existing adjacent land development. To that end, the plan places non-residential uses under the majority of the airport flight path but also provides a land use transition internal to the property to rural residential lots to the north along Bandanero Drive.

The applicant has discussed proposed land uses with the airport, the FAA, and neighbors on Bandanero Drive. In response to neighbors on Bandanero Drive, rural residential has replaced the original proposal to extend non-residential uses up to Bandanero Drive. This land use transition within the Meadowlake Ranch property results in a buffer to existing rural residential uses along Bandanero.

In response to the airport and the FAA, the amount and extent of the industrial proposed land use has been increased over the initial county submittal to minimize the amount of residential land and to reduce the overall density within this Sketch Plan. These changes represent a compromise between the competing Falcon/Peyton Plan recommendations.

It should be noted that in discussions with the FAA, all residential land use is routinely discouraged in the vicinity of any airport, a comment which includes existing residential land uses in the Falcon area.

The following policies of the Plan relate to this area:

- 4.4.3.1 Recognize the economic and safety importance of Meadow Lake Airport and encourage compatible land uses within and around this facility.
- 4.4.3.4 Recognize the meadow Lake Airport area as an appropriate location for non-residential uses including those industrial uses which are more compatible with Airport operations and surrounding residential uses.

Section 4.4.5 of the Falcon/Peyton Plan refers to the Highway 24 Corridor. The following policy recommendation applies to the Meadowlake Ranch

- 4.4.5.2 Recognize the importance of Highway 24 as the primary transportation artery serving the existing and future needs of the area. Maintain options for stringent access control, adequate right-of-way preservation and adjacent uses which will compliment higher speed, high traffic expressway corridor.

Several of the General Policies of the Falcon/Peyton Small Area Plan also pertain to this stage of planning for the Meadowlake Ranch:

- 4.5.2.1 Incorporate areas for mixed non-residential uses within planned urban developments, and specifically set aside areas for future non-retail employment uses as a part of the Sketch Plan process for larger urban developments. ***The inclusion of industrial land use in the Sketch Plan accomplishes this.***
- 4.5.5.7 More intense uses that would result in more traffic should be confined to high volume transportation routes designated on the MTCP. ***Commercial and industrial uses***

within the proposed Sketch Plan are located adjacent to Highway 24 and Judge Orr Road both of which are high volume transportation routes.

- 4.5.8.1 Identify major stream corridors within the planning area with opportunities for integration as centerpieces for linear open space, park, recreation, trail and wildlife corridor uses in conjunction with surrounding development. ***Although the drainage system that traverses the site is not a major stream corridor, the ponds associated with this drainage provide a recreational opportunity that is reflected in the Sketch Plan.***
- 4.5.11.1 Integrate development with natural features and natural systems with special attention toward preserving floodplains and riparian corridors. ***The most significant natural system is the drainage and ponds that are shown on the Sketch Plan as open space. Minor drainages are shown at the boundary of land uses with the intention of using them as buffers within those land use parcels.***

IMPACT REPORTS:

- Wetlands. Wetland delineation by CORE Consultants is included in their Impact Report for the property. This data has been used to inform the land use plan.
- T&E Species. CORE Consultants evaluated the site for potential habitat for Threatened and Endangered species and found it highly unlikely that such species exist on site.
- A Visual Analysis was prepared by NES, Inc.
- A Noise Study of Highway 24 impacts to residential land use will be prepared with the Preliminary Plan.
- A Traffic Impact Analysis by LSC accompanies this application
- A MDDP by Terra Nova accompanies this application

TRAFFIC: A Traffic Impact Analysis has been prepared by LSC Transportation Consultants, Inc. and is included in this submittal as a separate document.

MINERAL DEPOSITS: Entech Engineering, Inc. has evaluated the site for the presence of commercially viable mineral deposits and has found that such deposits are either absent or are not commercially viable. See Page 13 of their July 2018 Report for details.

JURISDICTIONAL IMPACTS

Districts Serving the Property

- Natural Gas – Colorado Springs Utilities. A Service letter is provided in the application
- Electricity – Mountain View Electric. Will Serve Letter included in application.
- Water – Proposed Woodmen Hills Metropolitan District. Annexation to the District will be pursued.

- Wastewater – Proposed Woodmen Hills Metropolitan District. Annexation to the District will be pursued.
- Fire Protection – Falcon Protection District
- Schools – Falcon District #49
- El Paso County Conservation District
- Upper Black Squirrel Ground Water District

Meadowlake Airport Association (MLAA) Issues.

Meadowlake Airport Association (MLAA) has corresponded with El Paso County in opposition to the Meadowlake Ranch Sketch Plan request. MLAA asserts that El Paso County must adopt restrictive land use regulations over large portions of Meadowlake Ranch in order to benefit MLAA aviation operations. It is relevant to note that MLAA has only a limited avigation easement over a portion of Meadowlake Ranch. The easement does not reflect the current flight operations from their primary runway (15/33) going north from the airport. The easement only acknowledges that airplanes fly over the easement area; it does not restrict land use.

Both MLAA and Meadowlake Ranch are privately owned. MLAA has made no effort to obtain avigation easements over adjacent private property that it states are critical to its operations. Nor has MLAA offered to discuss with private landowners the acquisition of the private property it needs, or to offer to purchase the landowners' development rights, or to request an avigation easement which would protect their flight operations. MLAA is demanding that El Paso County deprive Meadowlake Ranch of its development rights without compensation - the very definition of a regulatory taking.

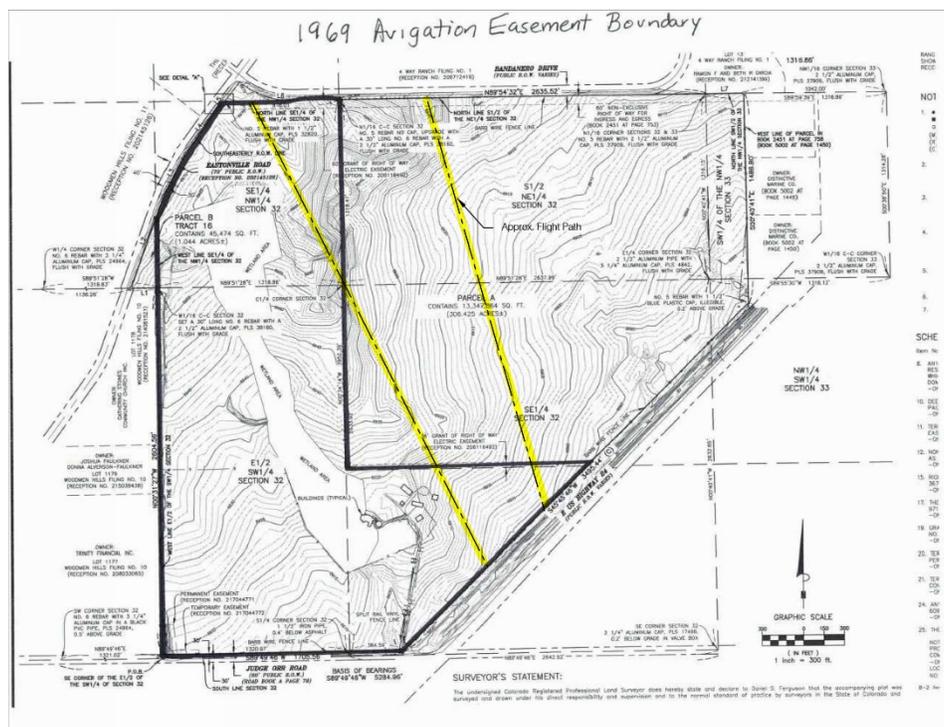
There is an existing very general avigation easement on a portion of Meadowlake Ranch as shown on the following exhibit. The easement was recorded on only a portion of Meadowlake Ranch in 1969. The easement only acknowledges that airplanes fly over the easement area; it does not restrict land use. The exhibit also shows the flight path of the existing MLAA runway over Meadowlake Ranch, the majority of which is outside of the avigation easement. MLAA has not requested an avigation easement for their flight operations over the portions of Meadowlake Ranch over which no avigation easement exists. There is no right for aircraft to fly over Meadowlake Ranch below 500 feet, or to land on Meadowlake Ranch property where no express right to do so exists.

The MLAA has previously asserted, erroneously, that federal and state laws obligate the County to initiate the regulatory action to protect the Meadow Lake Airport flight paths from adjacent development, with no responsibility by the private airport operator (MLAA) to obtain such County approval on its own behalf. That is not how the County's 1041

process operates. The landowner, not the County, must initiate the 1041 process. The County's 1041 regulations arise out of C.R.S. §24-65.1-201, *et seq.*, concerning the administration by local governments of areas of state interest. The state statute authorizes the local government to designate both areas and activities of state interest and to adopt a public process for the designation of those matters of state interest.

MLAA has strongly objected to the failure of El Paso County to adopt a 1041 plan for the airport. When MLAA last approached the County over six years ago seeking a rezoning and approval of a General Aviation Overlay (GAO) for the airport property, El Paso County approved the request but specifically noted that approval of the GAO was limited, did not extend beyond the property owned by MLAA, and that future approval of a broader GAO would require MLAA to **have or obtain** easements over adjacent private properties, and **provide proof** of the same (see Condition #9, Resolution No. 12-390), before any progress in extending the GAO beyond airport property or obtaining 1041 designations could occur. MLAA never took the required steps, as shown by the Administrative Determination for Meadow Lake Airport authored by Craig Dossey on October 3, 2018. The MLAA now complains that the County has failed its obligation to protect the airport from surrounding development. Until the MLAA completes its 1041 regulatory process, to include the acquisition of needed avigation easements, the County is not in any position to enforce development restrictions on adjacent properties that the MLAA desires. For the County to do so would constitute a taking of private property without compensation.

Merely because the MLAA has obtained significant funding from the FAA over the years for Meadow Lake Airport does not mean that the desire to protect its private interest in operating a private airport takes precedence over the County's land use process – and adjacent property owners' property rights. The FAA has no authority to supersede or override the local government's regulatory processes, including the County's 1041 process. The FAA has left land use decisions to local government.



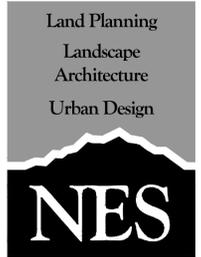
MEADOWLAKE RANCH SKETCH PLAN

LOCATED IN SECTION 32 & SECTION 33, TOWNSHIP 12 SOUTH,
RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN

Owner:
Daniel S. Ferguson
13202 Judge Orr Rd.
Peyton, CO 80831

Planner/Landscape Architect:
N.E.S. Inc.
619 N. Cascade Ave. Suite 200
Colorado Springs, Colorado 80903

Civil Engineer:
Terra Nova Engineering, Inc.
Ability Design Build, LLC
721 S. 23rd St.
Colorado Springs, Colorado 80904



N.E.S. Inc.
619 N. Cascade Avenue, Suite 200
Colorado Springs, CO 80903

Tel. 719.471.0073
Fax 719.471.0267

www.nescolorado.com

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SITE DATA

Tax ID Number: 4200000264
Master Plan: Falcon/Peyton Plan
Existing Land Use: Agriculture/Residential
Existing Zoning: A-35

Site Acreage: 307.469 AC (13,393,349 SF)
Number of Units: 338
Gross Density: 1.11 DU/AC

Total Areas (See Land Use Table):

Residential:	
Rural Residential:	69 AC
Urban Residential:	89 AC
Total Residential:	158 AC
Commercial:	25 AC
*Industrial:	97 AC
Open Space:	27.4 AC
Total:	307.4 AC

*Low intensity industrial use is proposed.

SHEET INDEX

Sheet 1 of 3: Cover Sheet
Sheet 2 of 3: Sketch Plan
Sheet 3 of 3: Adjacent Property Owners Map

LEGAL DESCRIPTION

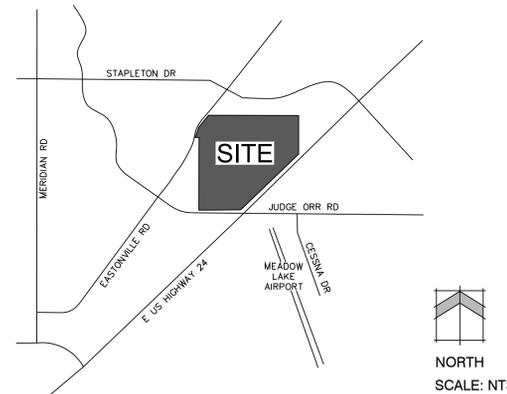
PARCEL A:
THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, THE EAST HALF OF THE SOUTHWEST QUARTER, THE SOUTHEAST QUARTER, AND THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 32, TOGETHER WITH THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, AND THE NORTHWEST QUARTER OF THE THE SOUTHWEST QUARTER SECTION 33, ALL IN TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 32, THENCE NORTH ALONG THE WEST LINE OF SAID EAST HALF TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, THENCE NORTH ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER TO ITS INTERSECTION WITH THE NORTHWESTERLY RIGHT OF WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD, SAID LINE ALSO BEING THE SOUTHEASTERLY RIGHT OF WAY OF EASTONVILLE ROAD, THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY RIGHT OF WAY TO ITS INTERSECTION WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, THENCE EAST ALONG SAID NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER TO THE NORTHWEST CORNER OF SAID NORTH (SOUTH) HALF OF THE NORTHEAST QUARTER, THENCE EAST ALONG THE NORTH LINE OF SAID NORTH (SOUTH) HALF TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE THE NORTHWEST QUARTER OF SECTION 33, THENCE EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER TO THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED RECORDED NOVEMBER 26, 1971 IN BOOK 2451 AT PAGE 758 OF THE RECORDS OF SAID COUNTY, THENCE SOUTH ALONG SAID WEST LINE TO ITS INTERSECTION WITH THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, THENCE CONTINUE SOUTH ALONG SAID WEST LINE TO ITS INTERSECTION WITH THE NORTHWESTERLY RIGHT OF WAY LINE OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD, THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE TO ITS INTERSECTION WITH THE EAST LINE OF SAID SECTION 32, THENCE CONTINUING SOUTHWESTERLY ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE TO ITS INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 32, THENCE WEST ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING; EXCEPTING THEREFROM THE SOUTH 38 FEET OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32.

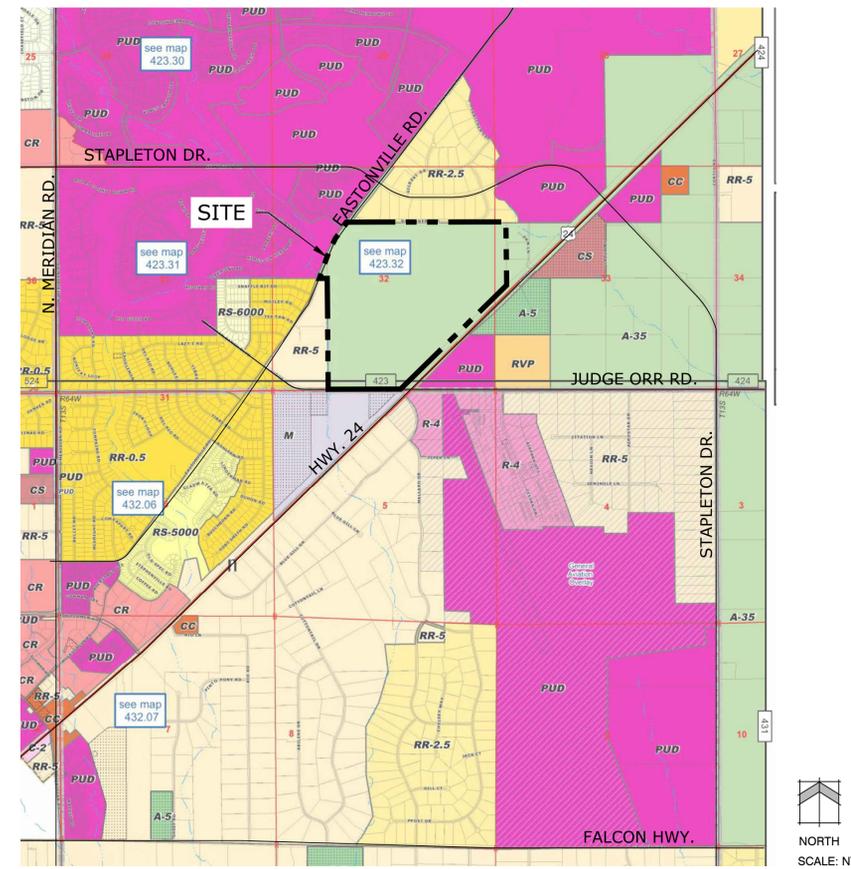
PARCEL B:
THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, LYING EASTERLY OF EASTONVILLE ROAD ALSO SHOWN AS TRACT 16 ON THE LAND SURVEY PLAT OF HUGH BENNETT ESTATES RECORDED SEPTEMBER 23, 1997 UNDER RECEPTION NO. 97111407 AND APRIL 8, 1998 UNDER RECEPTION NO. 98045158.

TOTAL ACERAGE IS 307.469 AC.

VICINITY MAP



ZONING MAP



GENERAL NOTES

1. A NOXIOUS WEED MANAGEMENT PLAN WILL BE PROVIDED WITH THE PRELIMINARY PLAN.
2. A NOISE STUDY FOR HIGHWAY 24 WILL BE PROVIDED WITH THE PRELIMINARY PLAN.
3. THE PROPERTY IS SUBJECT TO FINDINGS OF A GEOLOGIC HAZARD REPORT BY ENTECH DATED JULY 30, 2018. CONTACT EL PASO COUNTY PLANNING & COMMUNITY DEVELOPMENT IF YOU WOULD LIKE TO REVIEW A COPY OF SAID REPORT. FURTHER DETAILED REPORT SHALL BE PROVIDED WITH SUBSEQUENT PRELIMINARY PLAN.
4. NO ACCESS PERMITTED TO HIGHWAY 24.
5. INTERNAL SETBACKS AND BUFFERS BETWEEN INDUSTRIAL LAND USE AND RESIDENTIAL LAND USE WILL BE ESTABLISHED WITH ZONING AND PRELIMINARY PLAN.
6. NO PORTION OF THE MEADOWLAKE RANCH SITE FALLS WITHIN THE FEMA 100-YEAR FLOODPLAIN AS DESIGNATED ON MAP NO. 08041C575F.
7. ALL PROPOSED ACCESS LOCATIONS AND PROPOSED ROADS ON THIS SKETCH PLAN ARE CONCEPTUAL AND SUBJECT TO CHANGE. DEVIATION REQUESTS MUST BE APPROVED FOR TRANSPORTATION AND ACCESS DESIGN THAT IS NOT IN CONFORMANCE WITH EPC ENGINEERING CRITERIA MANUAL STANDARDS.
8. INTERNAL TRAIL CONNECTION TO THE ROCK ISLAND TRAIL WILL BE SHOWN ON PRELIMINARY PLANS FROM RESIDENTIAL LAND USE AS SHOWN.
9. A 25' EASEMENT WILL BE PROVIDED FOR COUNTY TRAILS ALONG THE NORTH SIDE OF JUDGE ORR RD. AND THE EAST SIDE OF EASTONVILLE RD. TO BE SHOWN ON PRELIMINARY PLANS.
10. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN AVIGATION EASEMENT GRANTED TO MEADOW LAKE AIRPORT, RECORDED APRIL 08, 1969, IN BOOK 2285 AT PAGE 310.
11. IT IS ANTICIPATED THAT HIGH GROUNDWATER LEVELS WILL REQUIRE AN UNDERDRAIN SYSTEM, IN OR NEXT TO THE PUBLIC STREETS. LOCATION AND MAINTENANCE OF ANY UNDERDRAIN SYSTEMS WILL BE DETERMINED WITH FUTURE DESIGN.

DISTRICTS PROVIDING SERVICE:

1. ELECTRIC: MOUNTAIN VIEW ELECTRIC
2. GAS: COLORADO SPRINGS UTILITIES
3. FIRE PROTECTION: FALCON PROTECTION DISTRICT
4. SCHOOLS: FALCON DISTRICT #49
5. WATER AND WASTEWATER- PROPOSED: WOODMEN HILLS METROPOLITAN DISTRICT

MEADOWLAKE RANCH

SKETCH PLAN

DATE: 6-13-18
PROJECT MGR: J. MAYNARD
PREPARED BY: R. SAWYER

ENTITLEMENT

DATE	BY	DESCRIPTION
11-15-18	RS	REVISIONS PER COUNTY COMMENTS
2-26-19	RS	REVISIONS PER COUNTY COMMENTS

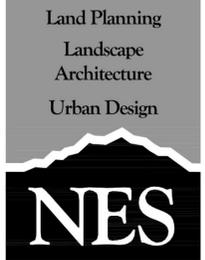
COVER

1

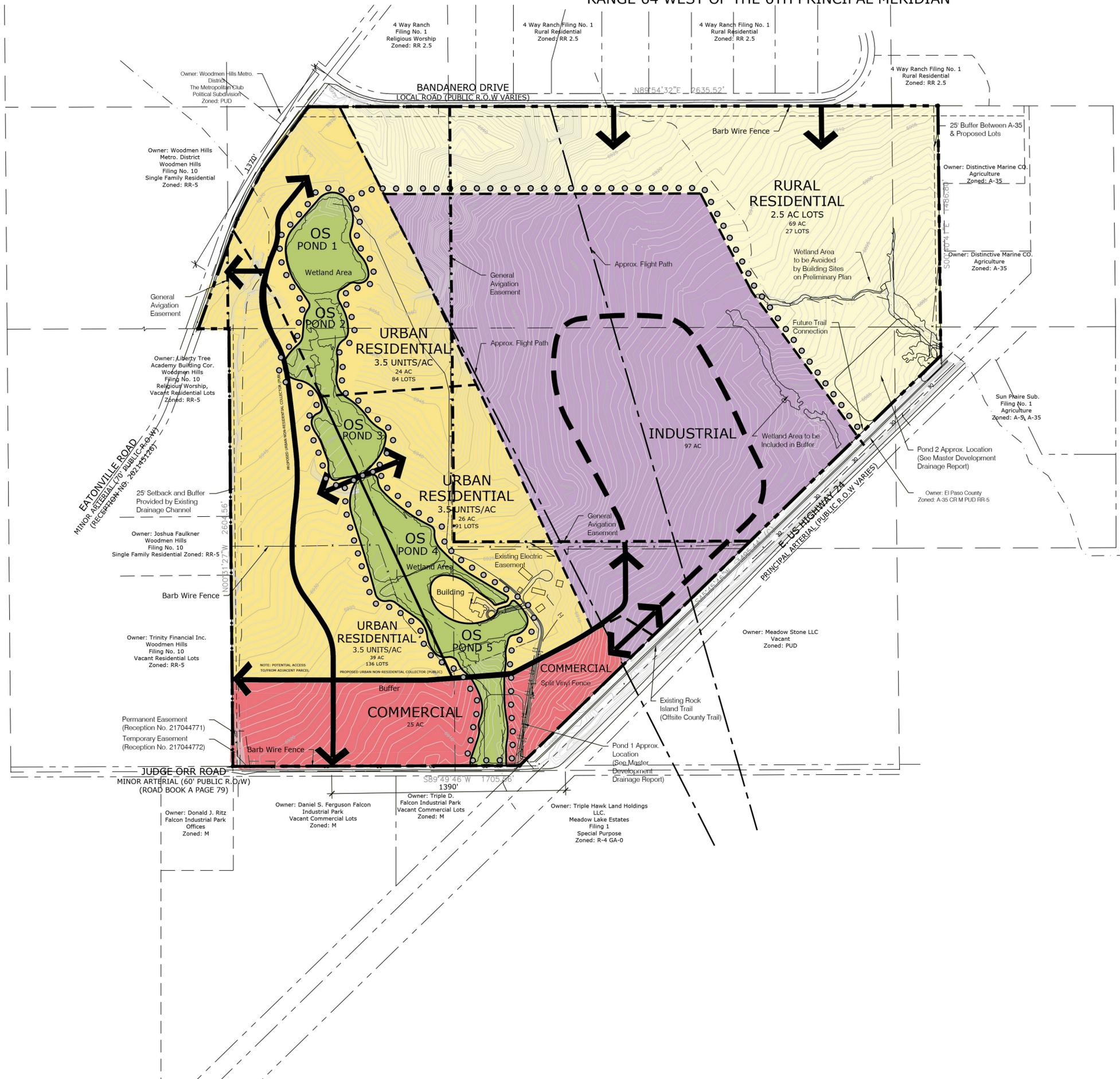
1 OF 3

MEADOWLAKE RANCH SKETCH PLAN

LOCATED IN SECTION 32 & SECTION 33, TOWNSHIP 12 SOUTH,
RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN



N.E.S. Inc.
619 N. Cascade Avenue, Suite 200
Colorado Springs, CO 80903
Tel. 719.471.0073
Fax 719.471.0267
www.nescolorado.com
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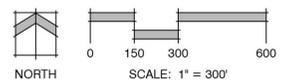
Land Use	Density	Acres	Lots/Units
Rural Residential	2.5 AC Lots	69 AC	27 Lots
Urban Residential	3.5 Units/AC	89 AC	311 Units
Commercial		25 AC	N/A
Industrial		97 AC	N/A
Open Space		27.4 AC	N/A
Total		307.4 AC	338 Lots/Units

Legend:

- General Avigation Easement
- Property Line
- Land Use Bubble
- Approximate Flight Path
- Open Space (OS)
- Access Arrow
- Intermittent Stream
- Proposed Trail

Note: Trail locations are shown conceptually. Trail locations will be determined on subsequent Preliminary Plans based on detailed design and environmental concerns.

General Notes:
1. CDOT has conceptual plans to make improvements to the Judge Orr/ Highway 24 intersection, which if designed and approved, could require right-of-way acquisition by CDOT.



MEADOWLAKE RANCH SKETCH PLAN

DATE: 6-13-18
PROJECT MGR: J. HAYWARD
PREPARED BY: R. SAWYER

ENTITLEMENT

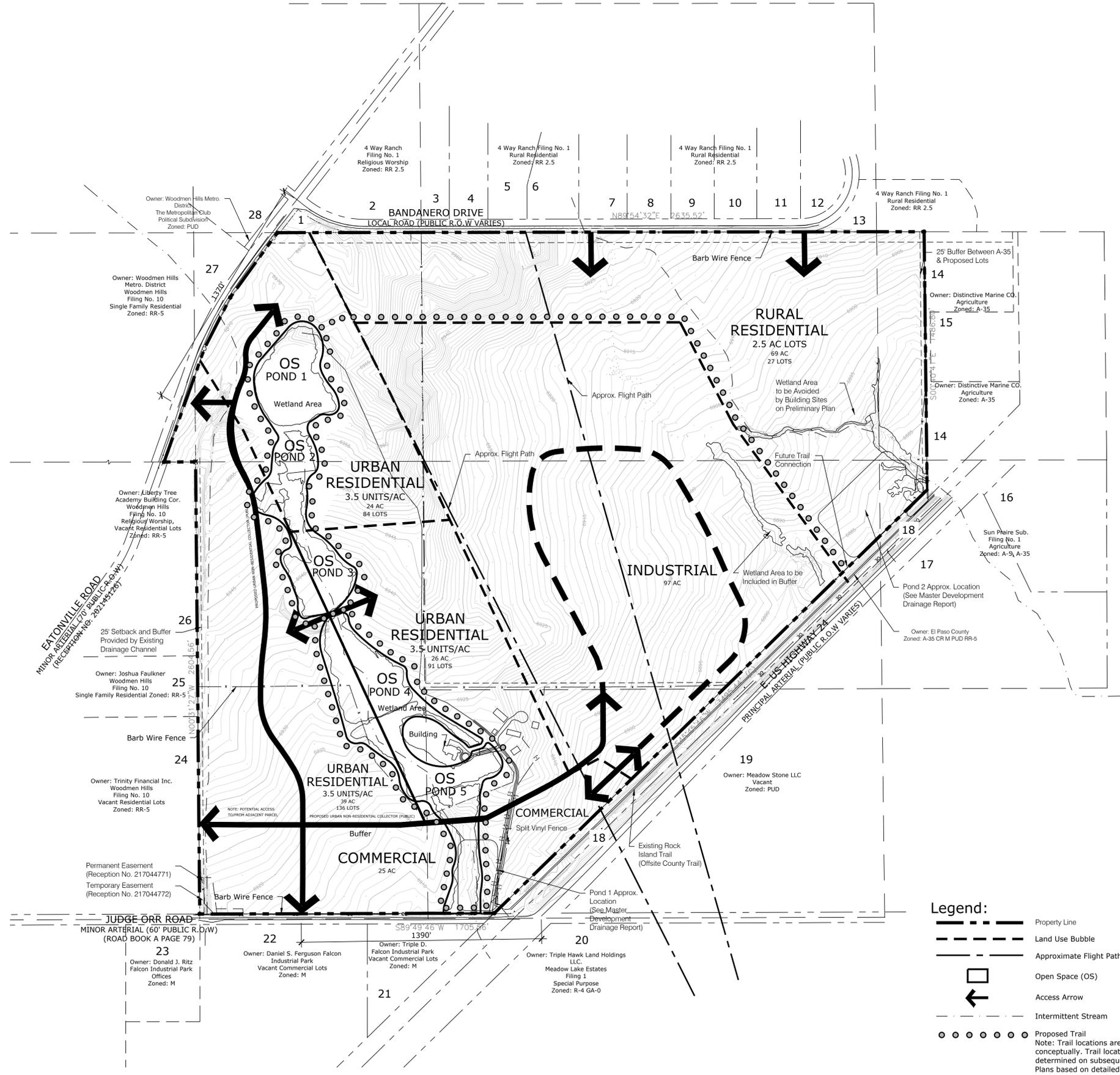
DATE:	BY:	DESCRIPTION:
11-15-18	RS	REVISIONS PER COUNTY COMMENTS
2-26-19	RS	REVISIONS PER COUNTY COMMENTS

SKETCH PLAN

2
2 OF 3

MEADOWLAKE RANCH SKETCH PLAN

LOCATED IN SECTION 32 & SECTION 33, TOWNSHIP 12 SOUTH,
RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN

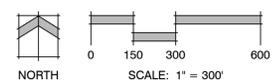


ADJACENT PROPERTY OWNERS

1. 423207001 Peter R. Martz Location: 13211 Bandanero Dr. Mailing: PO BOX 50223 Colorado Springs, CO 80949-0223	14. 423300004 Distinctive Marine CO. Location: Zan Ln. Mailing Address: PO BOX 9732 Colorado Springs, CO 80932-0732
2. 423206004 Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints Attn: File #592-1028 Location: 13210 Bandanero Dr. Mailing: 50 E North Temple Fl 22 Salt Lake City, UT 84150-0022	15. 423300005 Distinctive Marine CO. Location: Zan Ln. Mailing Address: PO BOX 9732 Colorado Springs, CO 80932-0732
3. 423203001 Dawell Rae & Michael Allen Pugh 13310 Bandanero Dr. Peyton, CO 80831-3810	16. 423300102 H3O Investments LLC Location: 13955 E. Highway 24 Mailing Address: 704 Silver Oak Grv. Colorado Springs, CO 80906-8627
4. 423203002 Michael J. & Susan P. Drake 13360 Bandanero Dr. Peyton, CO 80831-3810	17. 423300101 Aaron L. & Tanisha R. Smith 13925 E. US Highway 24 Peyton, CO 80831-8407
5. 4232103003 David M. & Jennifer A. Post 13410 Bandanero Dr. Peyton, CO 80831-3805	18. 420000285 El Paso County Location: E. Highway 24 Mailing: 27 E. Vermijo Ave. Peyton, CO 80903-2208
6. 4232103004 803 Equity Holdings - Independence Location: 13450 Bandanero Dr. 2376 Margaux Valley Way Colorado Springs, CO 80921	19. 420000249 Meadow Stone LLC Location: 13580 Judge Orr Rd. Mailing: 11605 Meridian Mkt. VW #124/270 Peyton, CO 80831-8238
7. 4232103005 Robert W. & Sheri L. Miller Location: 7475 N. Peyton Hwy. Peyton, CO 80831-7307	20. 420000249 Triple Hawk Land Holdings LLC Location: 8345 Blue Gill Dr. Mailing: 4183 Cherryvale Dr. Colorado Springs, CO 80918-6139
8. 4232103005 Amber Tempkin-Brown 13560 Bandanero Dr. Peyton, CO 80831-3807	21. 430500601 Triple D. Location: 12925 Judge Orr Rd. Mailing: 4207 Falkner Dr. Naperville, IL 60564-7304
9. 4232103007 Mark W. & Gaye L. Belles 13610 Bandanero Dr. Peyton, CO 80831-3808	22. 430500602 Daniel S. & Lisa D. Ferguson Family LLP Location: 12925 Judge Orr Rd. Mailing: 13202 Judge Orr Rd. Peyton, CO 80831-8401
10. 4232103008 Gary Marshall & Brenda K. Brown 13610 Bandanero Dr. Peyton, CO 80831-3808	23. 430500603 Donald J. & Nyla R. Ritz Location: 12925 Judge Orr Rd. Mailing: 4105 Radium Springs Rd. Albany, GA 31705-9324
11. 4232103009 John K. & Andrea R. Crosby 13710 Bandanero Dr. Peyton, CO 80831-3809	24. 4232102003 Trinity Financial Inc. Location: 8507 Eastonville Rd. Mailing: 30202 Deer Shadow Way Monument, CO 80132-8041
12. 4232103010 Paul T. JR. & Cathy A. Harimann 13760 Bandanero Dr. Peyton, CO 80831-3809	25. 4232102002 Joshua Faulkner & Donna Alverson-Faulkner 8555 Eastonville Rd. Peyton, CO 80831-4087
13. 4232103002 Ramon F. & Beth R. Garcia Location: 13761 Bandanero Dr. Mailing: 13811 Bandanero Dr. Peyton, CO 80831-3804	26. 4232102001 Liberty Tree Academy Building Cor. Location: 8279 Eastonville Rd. Mailing: PO BOX 64614 Colorado Springs, CO 80962
	27. 4232102003 Woodmen Hills Metropolitan District & Meridian Service Metro District C/O Community Resource SVCS Location: 9002 & 9252 Eastonville Rd. Mailing: 7995 E. Prentice Ave. STE 103E Englewood, CO 80111-2710
	28. 4232102078 Woodmen Hills Metropolitan District Location: 13195 Bandanero Rd. Mailing: 8046 Eastonville Rd. Peyton, CO 80831-6175

Legend:

- Property Line
 - Land Use Bubble
 - Approximate Flight Path
 - Open Space (OS)
 - Access Arrow
 - Intermittent Stream
 - Proposed Trail
- Note: Trail locations are shown conceptually. Trail locations will be determined on subsequent Preliminary Plans based on detailed design and environmental concerns.



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MEADOWLAKE RANCH SKETCH PLAN

DATE:	6-13-18
PROJECT MGR:	J. MAYNARD
PREPARED BY:	R. SAWYER

ENTITLEMENT

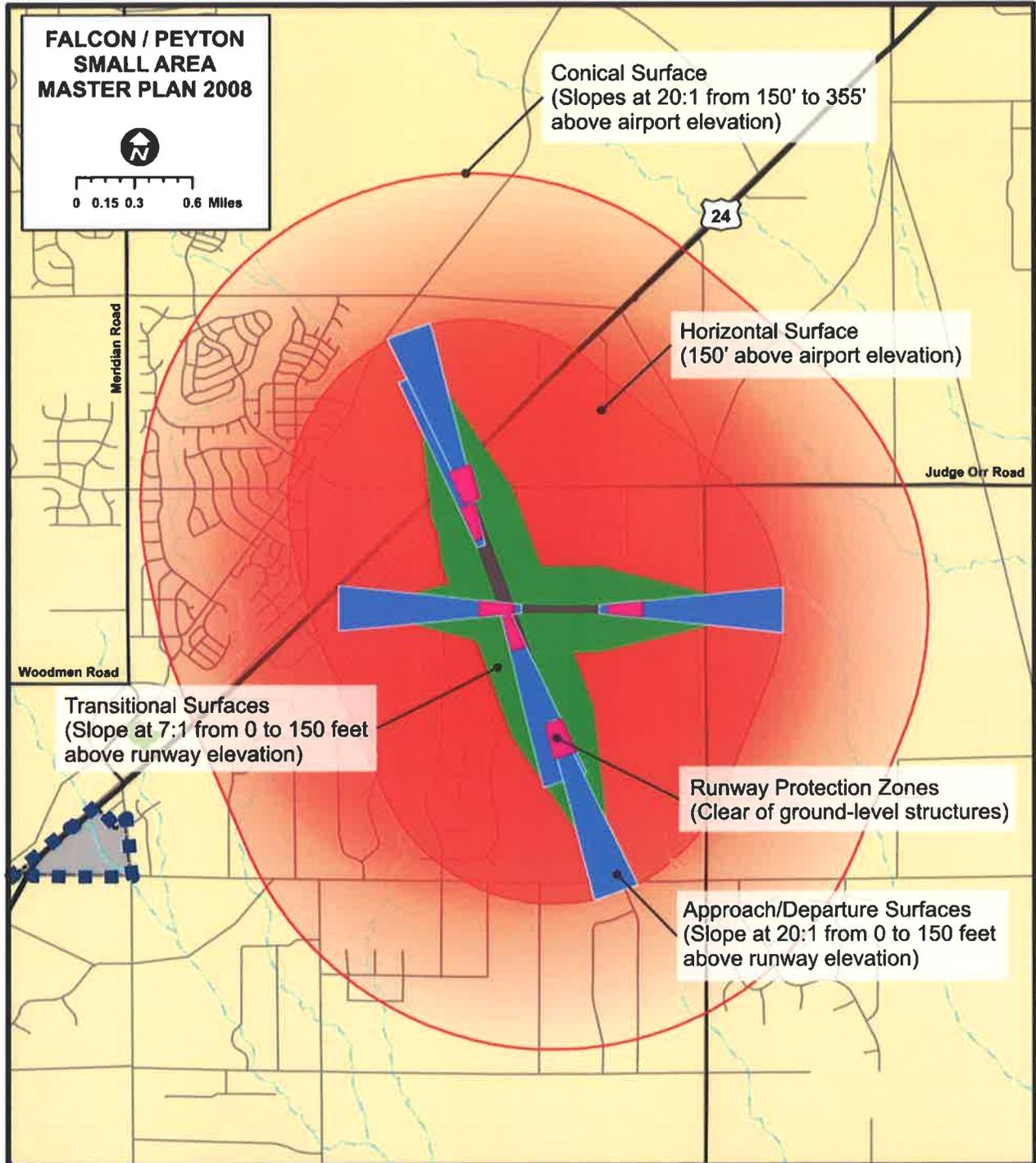
DATE	BY	DESCRIPTION
11-15-18	RS	REVISIONS PER COUNTY COMMENTS
2-26-19	RS	REVISIONS PER COUNTY COMMENTS

ADJACENT PROPERTY OWNERS

3

3 OF 3

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

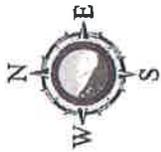
cell: (719) 339-0928

email: falcon20flier@msn.com

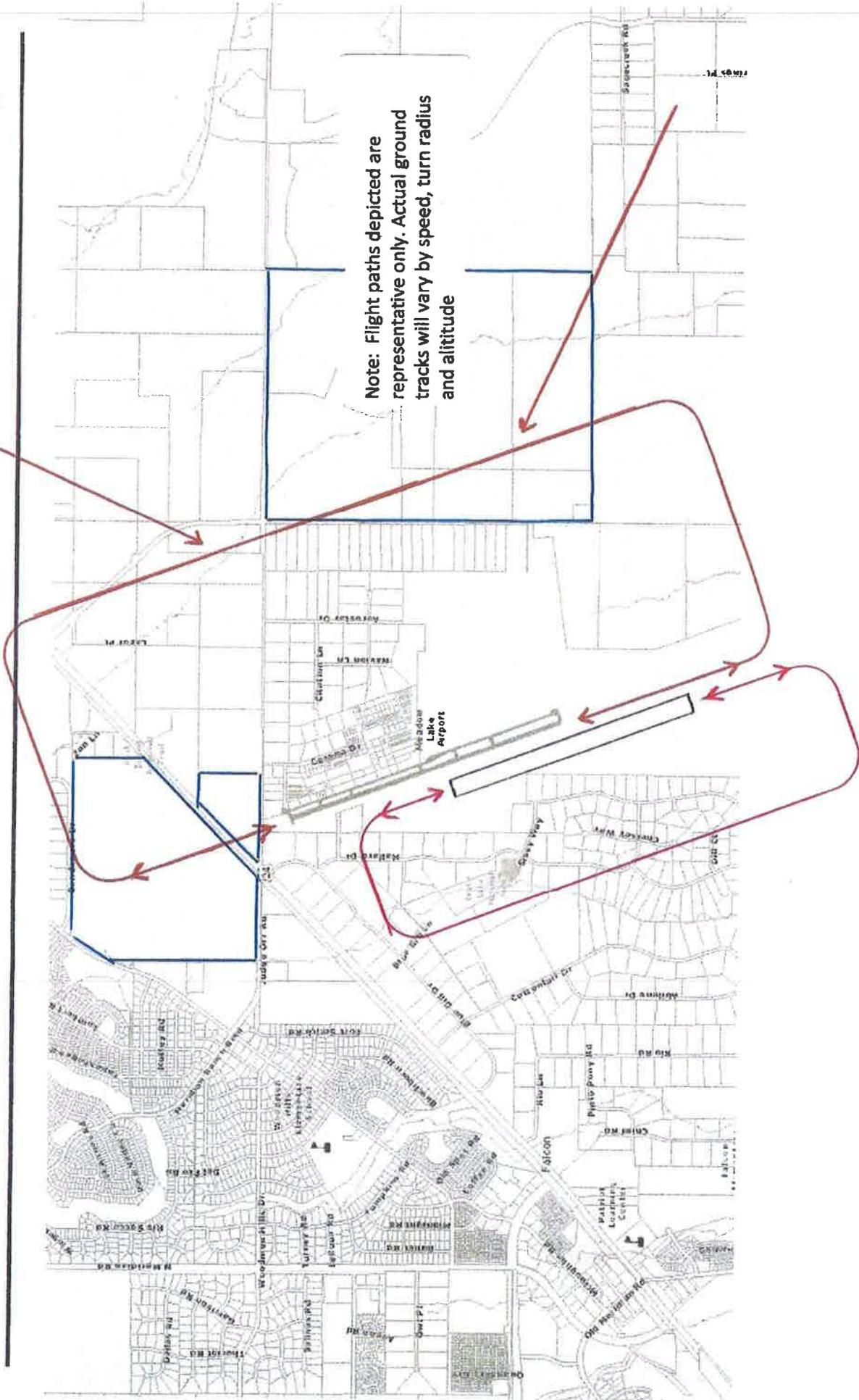
Copy: Holly Williams El Paso County Commissioner (District 1)
Mark Waller, El Paso County Commissioner (District 2, Airport Liaison)
Stan VanderWerf, El Paso County Commissioner (District 3, Airport Liaison)
Longinos Gonzalez, Jr, El Paso County Commissioner (District 4)
Cami Bremer, El Paso County Commissioner (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

El Paso County Assessor's Office



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Note: Flight paths depicted are representative only. Actual ground tracks will vary by speed, turn radius and altitude

Meadow Lake Airport Association

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

Date: March 28, 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:

- | | |
|--|------------------|
| 1. "Meadowlake Ranch Sketch Plan" | File: SKP184 |
| 2. "Judge Orr PUD" | File: PUD-17-005 |
| 3. "Judge Orr RV Park and Storage" | File: PPR-16-040 |
| 4. "14200 Judge Orr Road Family Expansion" | File: AL195 |
| 5. "Judge Orr Ranchettes Rezone" | File: P-17-015 |
| 6. "Pete Lien and Sons Batch Plant" | File: VA192 |
| 7. "824 Acres Curtis Road Residential Rezone"
aka "629 CO Springs Residential Rezone"
aka "Saddlehorn Ranch" | File: P188 |

- Ref: (a) C.R.S. 43-10-113 Safe Operating Area Around Airports
(b) C.R.S. 41-1-107 Ownership of Space
(c) El Paso County Policy Plan
(d) Falcon-Peyton Small Area Master Plan
(e) FAA Denver Airport District Office (ADO) letter dated October 9, 2018
(f) FAA Denver ADO email March 14, 2019
(g) Meadow Lake Airport Master Plan Update and Airport Layout Plan (2018)(Draft)

The Meadow Lake Airport Association (MLAA) continues to be adamantly opposed to consideration of the development plans listed above, and any others that may arise within the Meadow Lake Airport Influence Area (AIA), until such time as El Paso County develops, approves, and publishes a Land Use Plan for the Airport Influence Area in accordance with the requirement of C.R.S. 43-10-113 (ref a) and the County adoption of references (c) and (d).

The Falcon-Peyton 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). Several 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 landing options for aircraft, which have been used every year, and is considered to be a "compatible land use". But construction in accordance with these proposals is not compatible 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". References (e) and (f) are correspondence from the FAA Denver Airport District Office (ADO) that was provided to County Planning in response to the **Meadowlake Ranch Sketch Plan** and the **824 Acres Curtis Road** (aka 629 CO Springs) **Residential Rezone** projects expressing opposition to the re-zoning and development of those areas.

El Paso County must defer any consideration of these proposals, and any others within the Meadow Lake Airport Influence Area, until a Land Use Plan has been developed and published.

We would remind all that our 1041 application was accepted and paid for in April 2018 and vetted via the EDARP website during May 2018. The Administrative Determination of October 2018 requires MLAA to resubmit an application with a final FAA approved Master Plan and ALP (Airport Layout Plan) (reference g). 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 more than likely result in legal action.

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) Development Proposals within the Meadow Lake Airport Traffic Pattern



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

April 30, 2018

Kari Parsons
Planner II
Planning and Community Development
El Paso County
2880 International Circle, Suite 110
Colorado Springs, CO 80910

RE: Meadowlake Ranch Development, File # SKP184

Dear Ms. Parsons,

Thank you for the opportunity to review the revised application for the Meadowlake Ranch Development (File #SKP184). The FAA appreciates the effort made by the developer and county to explore alternative uses of this land. In particular, we support the removal of proposed residences in approach and departure areas for Runway 15. While industrial uses of approach and departure areas is compatible with the airport operations, we also recommend the county keep those areas with a known history of aircraft crashes and emergency landings free of structures or any use that would result in the congregation of persons.

While proposed residential development is no longer proposed in approach and departure surfaces for Runway 15, residential is still proposed in close proximity to the runway environment and residents will be subject to aircraft overflight. For reasons discussed in our Oct. 2018 letter to El Paso County concerning the subject development, 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 close proximity of the proposed residential development to Runway 15 could be distressing to residents, as they would be subjected to considerable "single-event" noise impacts from aircraft overflights and there could be visual (perceptual) impacts from aircraft operating into and out of the airport. Accordingly, we strongly recommend an avigation 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 within the proposed development.

As a reminder, 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. 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.

In addition, please remind the project applicant of the requirement to request an FAA airspace review prior to construction. 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 proponent of construction 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.

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.

Finally, the project's Letter of Intent makes multiple references to the fact the Meadow Lake Airport is a private airport. To clarify, the Meadow Lake Airport is privately-owned but it is a public use airport that receives Federal airport development funds and is in the National Plan of Integrated Airport Systems. As such, the Meadow Lake Airport Association, as the airport sponsor, is required by Federal law to maintain the airport to FAA safety standards and to make the airport available for public use 24/7.

If you have questions regarding the above comments, please contact me at (303) 342-1264 or at linda.bruce@faa.gov.

Sincerely,



Linda Bruce
Colorado State Planner



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 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 in the proposed development must be analyzed to determine to 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.oaaaa.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.

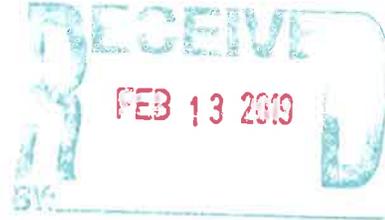
Sincerely,



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

Mark Belles
Gaye Belles
13610 Bandanero Drive
Peyton, Colorado 80831



Kari Parsons
Project Manager
Planning and Community Development
Planning Division, El Paso County
2880 International Circle, Suite 110
Colorado Springs, Colorado 80910

February 2nd, 2019

Reference: Meadowlake Ranch Sketch Plan, Project File No. SKP184

Dear Ms. Parsons,

We have reviewed the revised Letter of Intent posted on January 7th, 2019 and the revised Sketch Plan posted on January 14th, 2019 at the El Paso County Development Application Review website for this project.

The revised sketch plan expands the proposed Industrial use area in a northerly direction as compared to the previous sketch plan. See Attachments A and B. The sketch plan is drawn to scale and indicates that the boundary of the Industrial use area will be less than 600 feet from properties on the north side of Bandanero Drive. We own and live at one of those properties.

The Revised Letter of Intent asserts that the development will comply with the El Paso County Policy Plan, paragraph 6.1.3 by virtue of being "... similar in terms of land use and density to adjacent Woodmen Hills and Four Way Ranch". Paragraph 6.1.3 states,

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

We contend that the quantity of Industrial use area (58 acres or 19% of the development) and the close proximity of proposed Industrial use area to Residential use area not only fails to comply with this plan goal, but actually violates the goal. Contrary to the statement in the Letter of Intent, there are no nearby Industrial uses in either the Woodman Hills or 4-Way Ranch Metropolitan Districts No. 1.

The Revised Letter of Intent asserts that the development will comply with the Falcon/Peyton Small Area Plan, paragraph 4.5.2.1 which states,

Incorporate areas for mixed non-residential uses within planned urban developments, and specifically set aside areas for future non-retail employment uses as a part of the Sketch Plan process for larger urban developments.

We contend that the close proximity of proposed Industrial use area to Residential use area not only fails to comply with this plan goal, but actually violates the goal. It is not the objective of paragraph 4.5.2.1 to encourage close proximity of Industrial and Residential uses. Mixed non-residential use is normally understood to exclude Industrial use.

While not mentioned in the Letter of Intent, we argue that the Sketch Plan depicting the close proximity of Industrial use to Residential use also violates the following paragraphs of the El Paso County Policy Plan,

- Paragraph 6.1.8 - Encourage incorporating buffers or transitions between areas of varying use or density where possible.
- Paragraph 6.1.9 - Viable residential properties should be reasonably protected from the adverse impacts of major roadways and other potentially incompatible land uses.
- Paragraph 6.2.8 - Clearly defined boundaries should be established for large institutional, industrial, and commercial areas and used in order to protect the integrity of established and developing neighborhoods.

Further, while not mentioned in the Letter of Intent, we argue that the Sketch Plan depicting the close proximity of Industrial use to Residential use also violates the following paragraph of the Falcon/Peyton Small Area Plan,

- Paragraph 4.5.1.6 - Avoid hard-line boundaries between designated areas for particular uses and densities unless there are sub-area characteristics that support these boundaries.

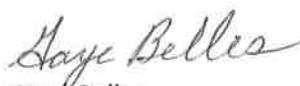
We understand that these revisions are in response to comments from Federal Aviation Administration as the project relates to Meadow Lake Airport. Our view is that the concerns of local residents should take precedence over those of the Airport as we are in closer proximity to the project and the impacts of Industrial use will be much larger on us that residential use impacts will be on the Airport.

We object to the extension of the Industrial use are to the north.

Please note that our comments submitted on December 10th, 2018 regarding the viewshed issues still apply.

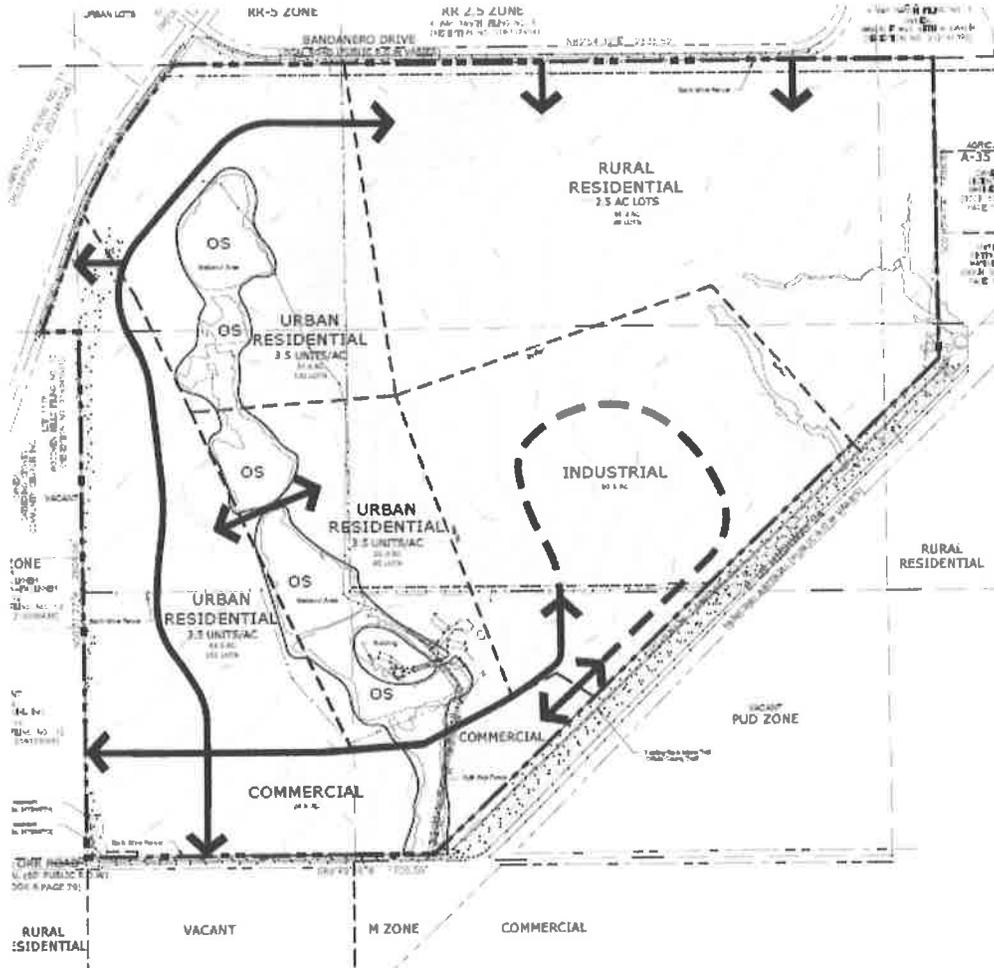
Please file a copy of this letter in the El Paso County Development Application Review website for this project.


Mark Belles

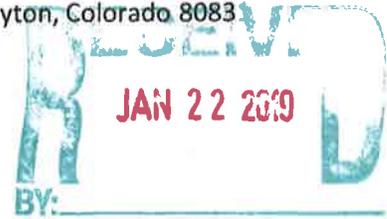

Gaye Belles

Attachment A

Previous Proposed Sketch Plan



Paul and Cathy Hartmann
13760 Bandanero Drive
Peyton, Colorado 8083



Kari Parsons
Project Manager
Planning and Community Development
Planning Division, El Paso County
2880 International Circle, Suite 110
Colorado Springs, Colorado 80910

18 Jan 2019

Reference: Meadowlake Ranch Sketch Plan, Project File No. SKP184

Dear Ms. Parsons,

I have read the Letter of Intent for the Meadowlake Ranch Sketch Plan, Project File No. SKP184 and wish to bring the following omission in the discussion of the compliance with the project with the Falcon/Peyton Small Area Master Plan. Please see the following attachment.

I urge you to consider this aspect of the stated Goals of the Falcon/Peyton Small Area Master Plan in the analysis of this project.

Please file a copy of this letter in the El Paso County Development Application Review website for this project.

Regards

Paul Hartmann

Meadowlake Ranch

Consistency Analysis with the Falcon/Peyton Small Area Master Plan [FPSAMP] (August 2008)

- Planning Area Description
 - Natural Systems and Resource Development
 - Visual Resources [FPSAMP, paragraph 2.6.8]

Visual resources include natural, sculpted, and cultural landscapes. Certain visually significant features possess high enough aesthetic values to be treated in much the same way as protected natural resources. The compatibility of these kinds of visual resources with future development is a critical consideration in the master planning process.

Indeed, a "rural character" is often cited as a primary attractant to those who choose to call the Falcon and Peyton Area home. Myriad elements intermingle to result in this rural identity, and visual factors are among the most important. The wide-open plains that stretch through Falcon and Peyton bestow a visual distinctiveness to the Planning Area in comparison to other nearby population centers. The way in which the plains frame views of the Front Range to the west is especially notable. Aside from providing utility to the area in the form of ranching and equestrian activities, expansive tracts of open land provide vistas that are prized community assets, worthy of respect in the face of future development scenarios.

Standing in contrast to the plains of Falcon and Peyton are a few of the buttes of Palmer Divide's tapering, southernmost extent, which terminates about three [sic] miles south of the northern County line. Rattlesnake Butte, a 7,400-foot formation found in Homestead Ranch Regional Park, from which the Front Range as well as the Sangre de Cristo Mountains are viewable, is another type of visual resource in the Planning Area. The surrounding landscape in this northwest section of the Planning Area, featuring Ponderosa Pine and sandstone bluffs, is also distinct from the meadows and grasslands typical of the remaining areas.

Land development can have especially pronounced impacts on the visual character of plains and grasslands landscapes. Due to insubstantial topographical variation, buildings can disrupt sightlines for great distances in settings like that of the Planning Area. This is exacerbated by the lack of vegetation available to screen development. *As a result, the visual benefits of clustering development and limiting sprawl can be especially significant in Falcon and Peyton.* [My emphasis].

Attachment A

- **Goals and Objectives**
 - **Miscellaneous [FPSAMP, paragraph 3.9]**
 - **Preserve the visual resources that are unique or are considered part of the identity of the planning area.**
- **Specific application to this FPSAMP Goal and Objective as it relates to the Meadowlake Ranch development is how the development preserves the signature visual resource of all of El Paso County – The viewshed of Pikes Peak.**

Within the proposed Meadowlake Ranch Urban Residential Area (near the easterly boundary) a ridgeline establishes the natural viewshed. Breaking that ridgeline will impact the viewshed and fail to meet the FPSAMP goal to “Preserve the visual resources that are unique or are considered part of the identity of the planning area”.

Potential mitigation strategies to preserve the viewshed are as follows;

- **Place open space along the ridgeline.**
- **Align an internal road or rear property line with appropriate set-backs.**

The residents whose viewshed may be impacted by this development urge El Paso County to comply with the stated Goals of the El Paso County Falcon/Peyton Small Area Master Plan.