


**EL PASO COUNTY**  
**COLORADO**

**COMMISSIONERS:**  
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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Planning Commission**  
**Jim Egbert, Chair**

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

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

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

**Commissioner District: 2**

Planning Commission Hearing Date:	3/19/2019
Board of County Commissioners Hearing Date:	4/9/2019

**EXECUTIVE SUMMARY**

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

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



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

**A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION**

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

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

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

**B. Planning Commission Summary**

- Request Heard:
- Recommendation:
- Waiver Recommendation:
- Vote:
- Vote Rationale:
- Summary of Hearing:
- Legal Notice:

**C. APPROVAL CRITERIA**

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

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

**D. LOCATION (see attached vicinity and zoning map)**

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

## **E. BACKGROUND**

The subject parcel was previously part of a larger proposed development known as Santa Fe Springs. The Board of County Commissioners approved the Santa Fe Springs PUD1 (northeast of the intersection of Curtis Road and Falcon Highway) (PCD File No. PUD-04-002) on November 18, 2004, which included 1,018.72 acres of property and authorized the following land uses:

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

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

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

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

## **F. ANALYSIS**

### **1. Land Development Code Analysis**

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

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

2.5 zoning district are compatible with the allowed uses within the Meadow Lake neighborhood.

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

Across Highway 24, also located within one (1) mile of the subject parcel, there is dense suburban development consisting of 78 dwelling units per acre within the Woodmen Hills and Meridian Ranch developments. Similar suburban development is not compatible for the subject parcels at this time. As the population of El Paso County continues to grow, development continues to creep further to the east. The development of these parcels as RR-2.5 (Rural Residential) is a logical extension and density transition from the existing development in this area and is compatible in terms of uses and densities.

## **2. Zoning Compliance**

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

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

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

## **3. Policy Plan Analysis**

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

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

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

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

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

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

#### **4. Small Area Plan Analysis**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **5. Other Master Plan Elements**

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

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

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

Please review the Floodplain section below.

### **2. Wildlife**

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

### **3. Floodplain**

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

### **4. Drainage and Erosion**

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

### **5. Transportation**

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

## **H. SERVICES**

### **1. Water**

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

### **2. Sanitation**

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

### **3. Emergency Services**

The property is within the Falcon Fire Protection District.

### **4. Utilities**

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

### **5. Metropolitan Districts**

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

### **6. Parks/Trails**

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

### **7. Schools**

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

## **I. APPLICABLE RESOLUTIONS**

Approval        Page 27

Disapproval    Page 28

## **J. STATUS OF MAJOR ISSUES**

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

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

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

[C.R.S. 43-10- 113).

Therefore, we believe that El Paso County must:

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

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

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

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

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

*submitted to El Paso County upon receipt of the signed copies. Continued failure to comply with the State statute will result in litigation.*

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

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

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

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

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

#### **K. CONDITIONS AND NOTATIONS**

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

#### **CONDITIONS**

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include, but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, Federal Aviation Administration, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species

Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.

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

#### **NOTATIONS**

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

#### **L. PUBLIC COMMENT AND NOTICE**

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

#### **M. ATTACHMENTS**

Vicinity Map

Letter of Intent

Rezone Map

Zoning Map

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

Meadow Lake Airport Comment Letter

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

# El Paso County Parcel Information

P-18-008

File Name: **SP-18-041**

Zone Map No. **--**

Date: **FEBRUARY 26, 2019**

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



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



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# William Guman & Associates, Ltd.

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

URBAN PLANNING | COMMUNITY DESIGN | LANDSCAPE ARCHITECTURE | ENTITLEMENT

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MEMBERS AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS

## EL PASO COUNTY

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

OCTOBER 22, 2018 **AMENDED JANUARY 18, 2019**

**OWNER/APPLICANT, AND PLANNING CONSULTANT:**

**Owner/Applicant:**

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

**Planner:**

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

**El Paso County Planner:**

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

**PROJECT LOCATION/DESCRIPTION AND HISTORY OF PROPERTY:**

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

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

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

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

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

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

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

### **DEVELOPMENT REQUEST**

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

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

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

### **JUSTIFICATION FOR REQUEST**

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

### **EXISTING AND PROPOSED IMPROVEMENTS**

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

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

## **LAND DEVELOPMENT CODE, COMPREHENSIVE PLAN AND COUNTY MASTER PLAN CONSISTENCY**

### **EL PASO COUNTY LAND DEVELOPMENT CODE**

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

### **REZONE (MAP AMENDMENT) APPROVAL CRITERIA**

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

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

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

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

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

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

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

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

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

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

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

### **ADHERENCE WITH THE EL PASO COUNTY POLICY PLAN**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Goal 6.2**

*Protect and Enhance Existing and Developing Neighborhoods*

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

**Policy 6.2.2**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **ADHERENCE TO THE FALCON / PEYTON SMALL AREA PLAN**

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

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

#### **3 Goals and Principles**

##### **3.1 Land Use**

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

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

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

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

##### **3.3 Residential Areas and Densities**

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

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

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

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

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

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

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

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

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

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

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

### **3.5 Transportation**

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

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

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

### **3.5.6 Balance long term transportation infrastructure needs with current requirements.**

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

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

## **3.6 Water Supply**

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

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

## **3.7 Parks, Trails, and Open Space**

**3.7.1 Provide *recreational amenities* for area residents.**

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

## **3.8 Natural Systems**

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

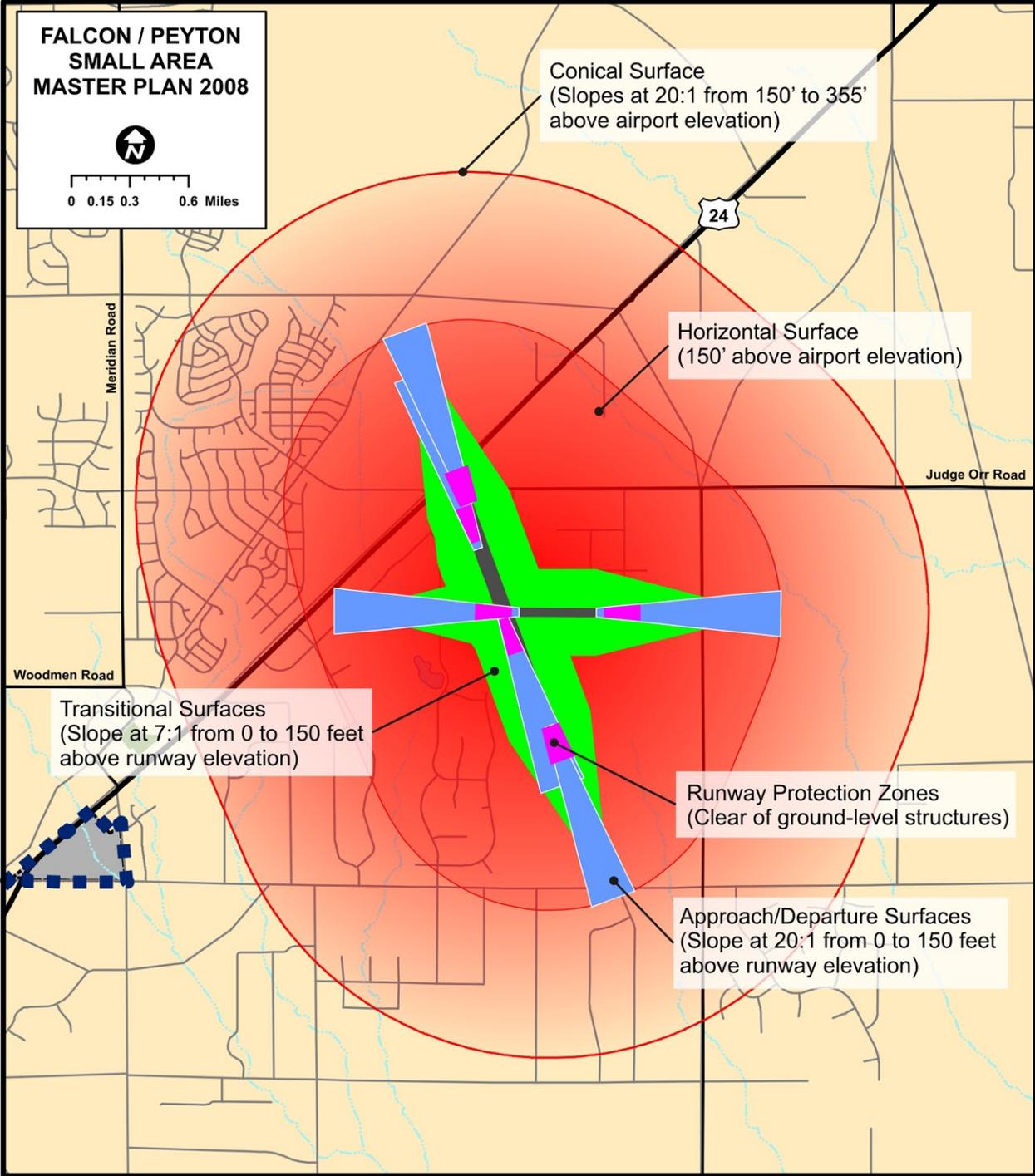
The Rezone Plan indicates that there are 135 acres of jurisdictional and non-jurisdictional wetlands and floodplains that will remain as no-build open space area. These areas will remain as no-build preservation tracts to protect natural watersheds and wildlife corridors.

**END**





# 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**  
**Judge Orr PUD**  
**824 Acres Curtis Rd, Residential Rezone**

File: SKP184  
File: PUD-17-005  
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](mailto:falcon20flier@msn.com)

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

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



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

Denver Airports District Office  
26805 E. 68<sup>th</sup> 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).

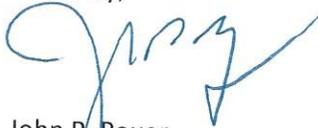
In accordance with Title 14 of the Code of Federal Regulations (14 CFR) Part 77, *Safe, Efficient Use, and Preservation of the Navigable Airspace*, and Colorado state law, the developer of Meadowlake Ranch must request an airspace analysis of the proposed developed to determine potential aeronautical 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.oa.faa.gov](http://www.oa.faa.gov).

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

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

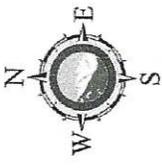
Sincerely,



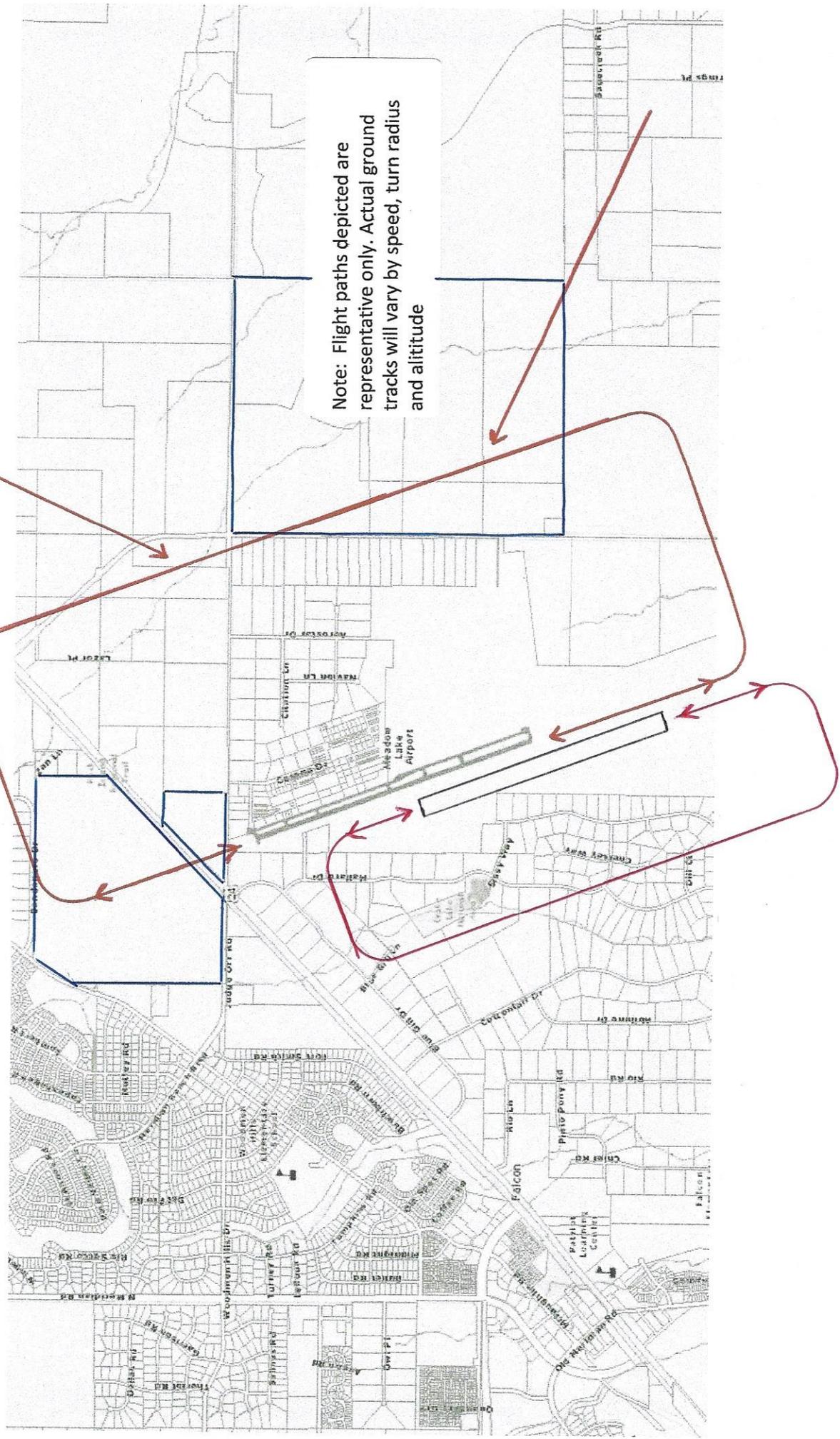
John P. Bauer  
 Manager  
 FAA/Denver Airports District Office

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

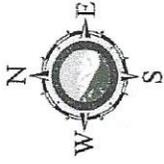
# El Paso County Assessor's Office



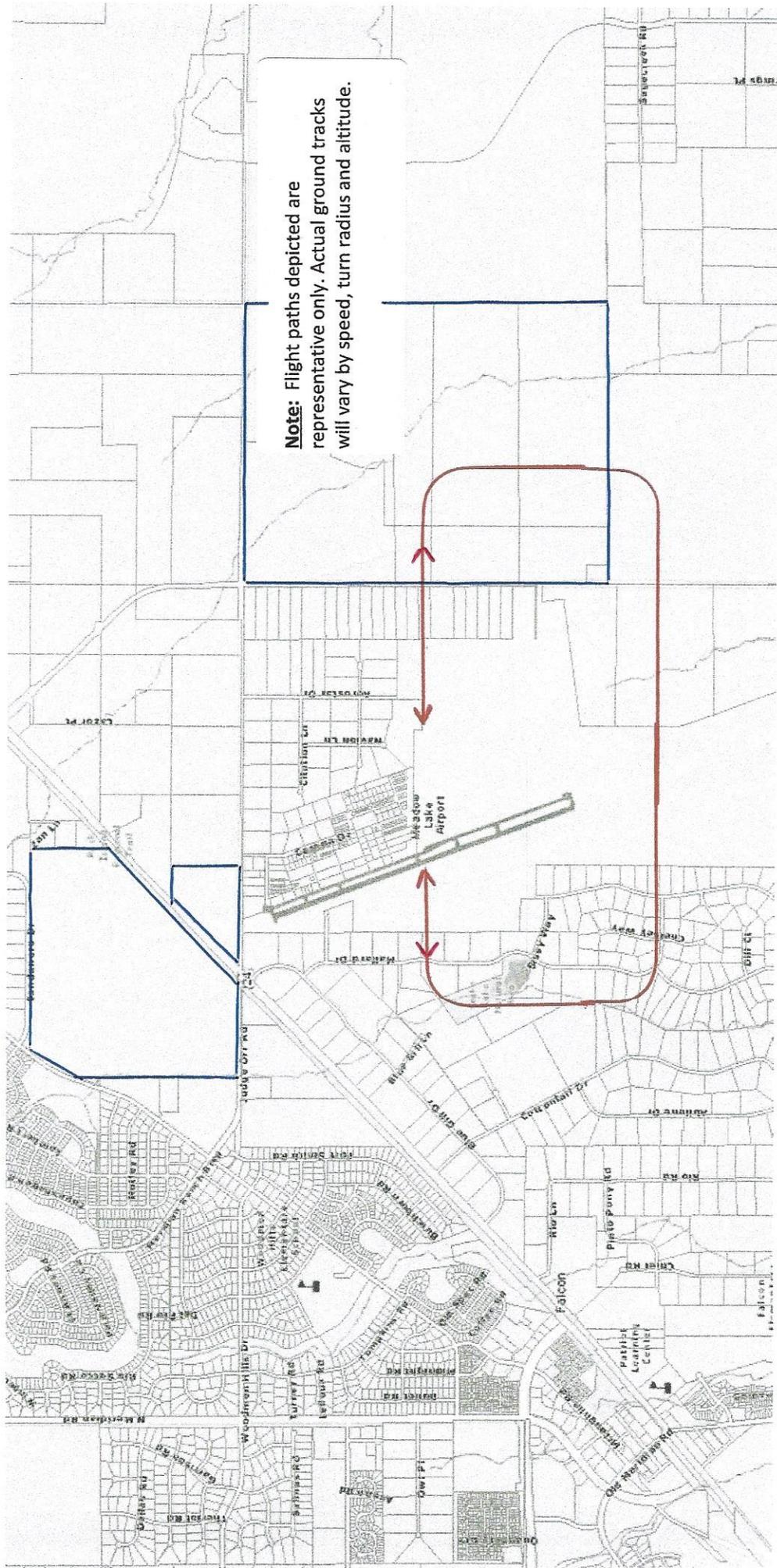
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# El Paso County Assessor's Office



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# EL PASO



# COUNTY

COMMISSIONERS:  
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MARK WALLER (PRESIDENT PRO TEMPORE)

STAN VANDERWERF  
LONGINOS GONZALEZ  
PEGGY LITTLETON

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

October 3, 2018

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

To the Meadow Lake Airport Association and Authorized Representative,

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

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

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

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



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

The applicable statutory reference is:

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

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

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

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

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

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

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

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

#### 1041 Permit

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

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

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

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

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

#### Land Development Code Amendment and Map Amendment (Overlay Rezoning)

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Dossey". The signature is written in a cursive style with a large, looping "C" and "D".

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

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

## Meadow Lake Airport Association, Inc.

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

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

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

- 1974 HB 74-1041 enacted legislation establishing "Matters of State Interest"  
CRS 43-10-113, Safe operating areas around airports - establishment  
*(1) The general assembly hereby declares commercial service airports, public airports, reliever airports, as defined in 49 U.S.C. sec. 47102, and the land areas surrounding such airports, as defined in CFR part 77, to be a matter of state interest as provided in article 65.1 of title 24, C.R.S.*  
*(2) Governmental entities with zoning and building permit authority shall adopt and enforce, at a minimum, rules and regulations to protect the land areas defined in 14 CFR part 77.*
- 
- 1988 Colorado Division of Aeronautics is created.
- 1989 FAA designates Meadow Lake Airport a "General Aviation Reliever Airport".
- 1990 Meadow Lake completes an initial Master Plan in accordance with provisions/requirements of the FAA Airport Improvement Program. A component of the Master Plan includes is the Airport Layout Plan (ALP), which includes a depiction of Part 77 surfaces
- 1998 El Paso County publishes a "Strategic Plan" which includes:  
A. Small Area Plans:  
9. Falcon/Peyton Comprehensive Plan (1993)  
B. Topical Elements:  
5. Meadow Lake Airport Part 77 Study (1990)  
*Yet no further action was taken by the County to implement land use protection required by CRS 43-10-113*
- Late 1990's El Paso County prepares GIS depiction of the County land areas, which include depiction of all county airport Part 77 surfaces.  
*Yet no further action was taken by the County to implement land use protection required by CRS 43-10-113*
- 2008 El Paso County approves a revision to the Falcon-Peyton Small Area Master Plan, including a depiction of the "Meadow Lake Airport Influence Area" (based on the Part 77 surfaces).  
*Yet no further action was taken by the County to implement land use protection required by CRS 43-10-113*

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

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

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

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

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

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

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

Respectfully,

David E. Elliott  
President, MLAA Board of Directors

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

## EXHIBIT A

### Background as Researched and Understood by El Paso County Staff

1. The Board of County Commissioners approved a General Aviation-Overlay (GA-O) (P-69-42Z) on May 18, 1970, which authorized the allowed Meadow Lake Uses, as follows:
  - a. Aero club facilities
  - b. Aircraft maintenance facilities
  - c. Airfields and landing strips
  - d. Airport terminals, related supporting facilities
  - e. Aviation control towers
  - f. Hangars and tie-down facilities
  - g. Navigation related businesses

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

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

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

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

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

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

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

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

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

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

6. The Board of County Commissioners approved a PUD zoning and concept plan (ZCP)(PUD-07-009) August 14, 2008 which contemplated a more detailed mix of private, commercial, and industrial uses on this Meadow Lake Airport Association owned property. A copy of the Conceptual PUD is attached under Exhibit A.6. With Resolution No, 08-353, under condition 6, the Development of the ZCP and PUD Development Plan shall be subject to all conditions of approval of the associated Sketch Plan. This condition makes both Conditions 3 and 11 above also applicable to a rezoning application. However, no actions have yet been taken place to retract those approvals.
7. The El Paso County Planning Commission approved the Falcon/Peyton Small Area Master Plan August 5, 2008. An updated Meadow Lake Airport Influence Area map was approved with this master plan update, attached under Exhibit A.7. El Paso County's current Geographic Information System (GIS) layers layout, attached under Exhibit A.8, matches what was adopted in 2008 through the Master Plan update. No request by Meadow Lake Airport for an amendment to the boundaries of the GA-O was made at that time, nor were any additional requests made to update the layout of the airport or the influence area, except what was adopted with the Falcon/Peyton Small Area Plan.
8. GA-O application (GA-O-12-1) was approved by the Board of County Commissioners on November 29, 2012, applicable to 385 acres of airport owned property. This approval was predicated upon a 5,000 foot by 200 foot turf runway, also known as the glider runway. A depiction of the overlay is attached under Exhibit A.9. The overlay map attached depicts the turf runway relocated from the east side of the primary runway, to the west side of the primary runway. This overlay was not applied to any property outside of the subject property. Per Resolution 12-390, attached, Condition 1:

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

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

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

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

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

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

Sub Attachments:

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

Exhibit A.1- August 19, 1981

Exhibit A.2- November 23, 1981

Exhibit A.3- April 17, 1990

Exhibit A.4- April 17, 1990

Resolution No. 07-106- March 29, 2007

Exhibit A.5- March 29, 2007

Exhibit A.6- August 14, 2008

Resolution No. 08-353- August 14, 2008

Exhibit A.7- August 5, 2008

Exhibit A.8- Created August 30, 2018

Exhibit A.9- November 29, 2012

Resolution No. 12-390- November 29, 2012

Meadow Lake Airport - Applicati

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

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

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

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

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

(Fig. 1)

AIRPORT MAINTENANCE SURFACES

(PLAN VIEW)

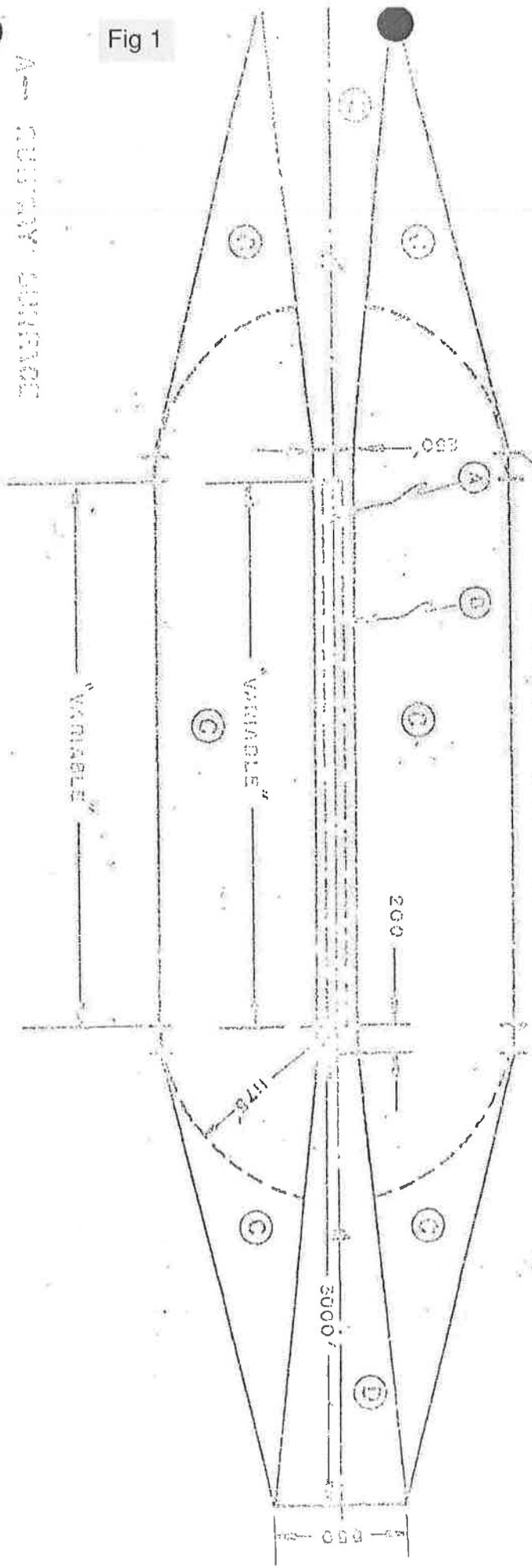


Fig 1

A - SURFACE SURFACE

B - PRIMARY SURFACE

C - TEMPORARY SURFACE

D - AIR MOBIL CLEARANCE

ACREAGES

	A	B	C	D	B,C,D (total area)	
4500'	4500'	5000'	5500'	6000'	6500'	7000'
Var.	Var.	Var.	Var.	Var.	Var.	Var.
25.82	28.99	31.56	34.43	37.30	40.17	
353.16	407.27	431.37	456.48	479.66	503.58	
73.64	75.64	75.64	75.64	73.64	73.64	
484.62	511.60	539.57	565.55	592.52	619.49	

(FIG. 2)

AIRPORT IMAGINARY SURFACES  
(ISOMETRIC DRAWING)

Fig 2

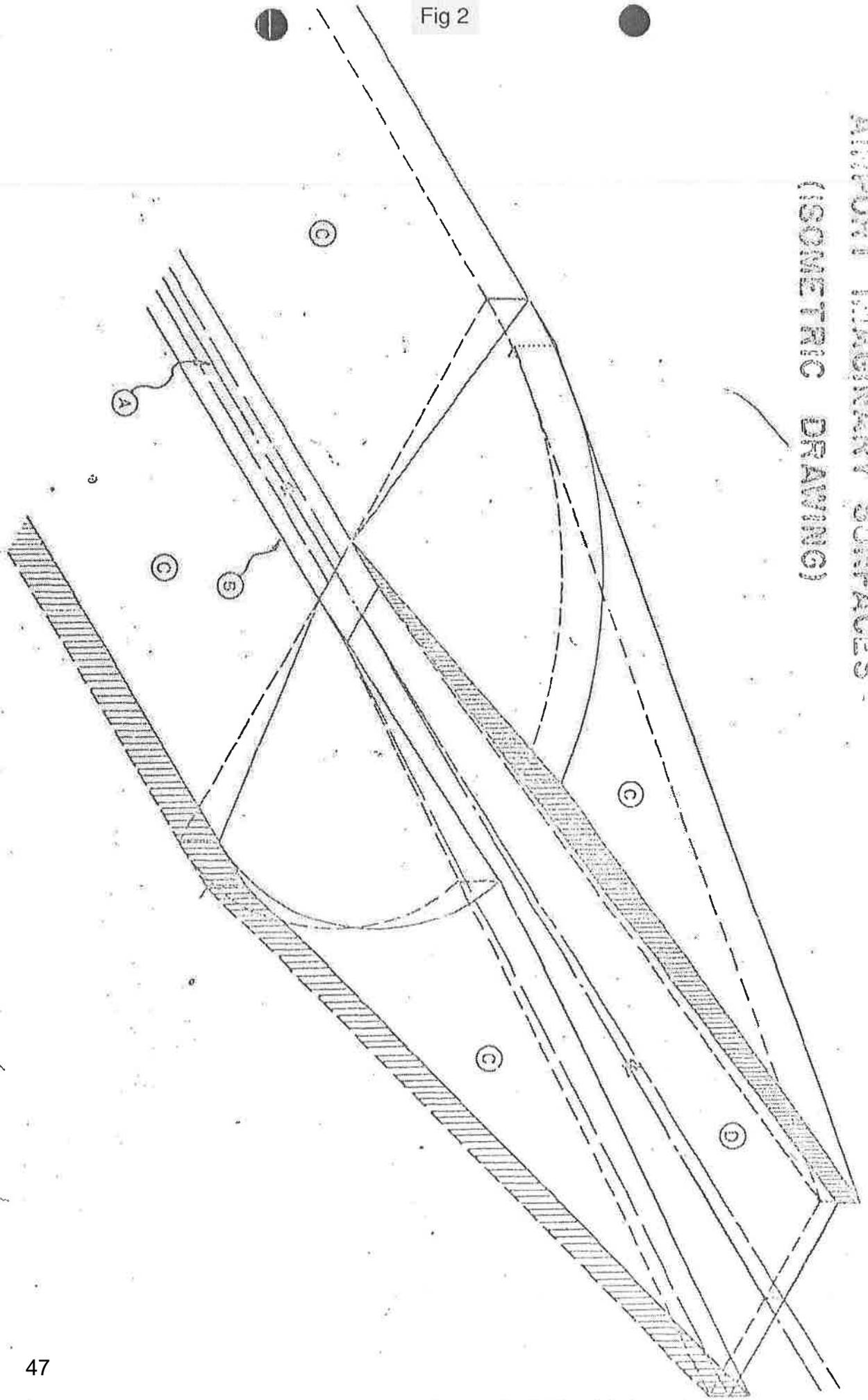


Fig 3

PREPARED BY  
COX SURVEYING CO.  
COLORADO SPRINGS, COLORADO

SCALE: 1"=400'



- FINNEY SURFACE
- PRIMARY SURFACE
- TRANSITIONAL SURFACE
- APPROACH CLEARANCE

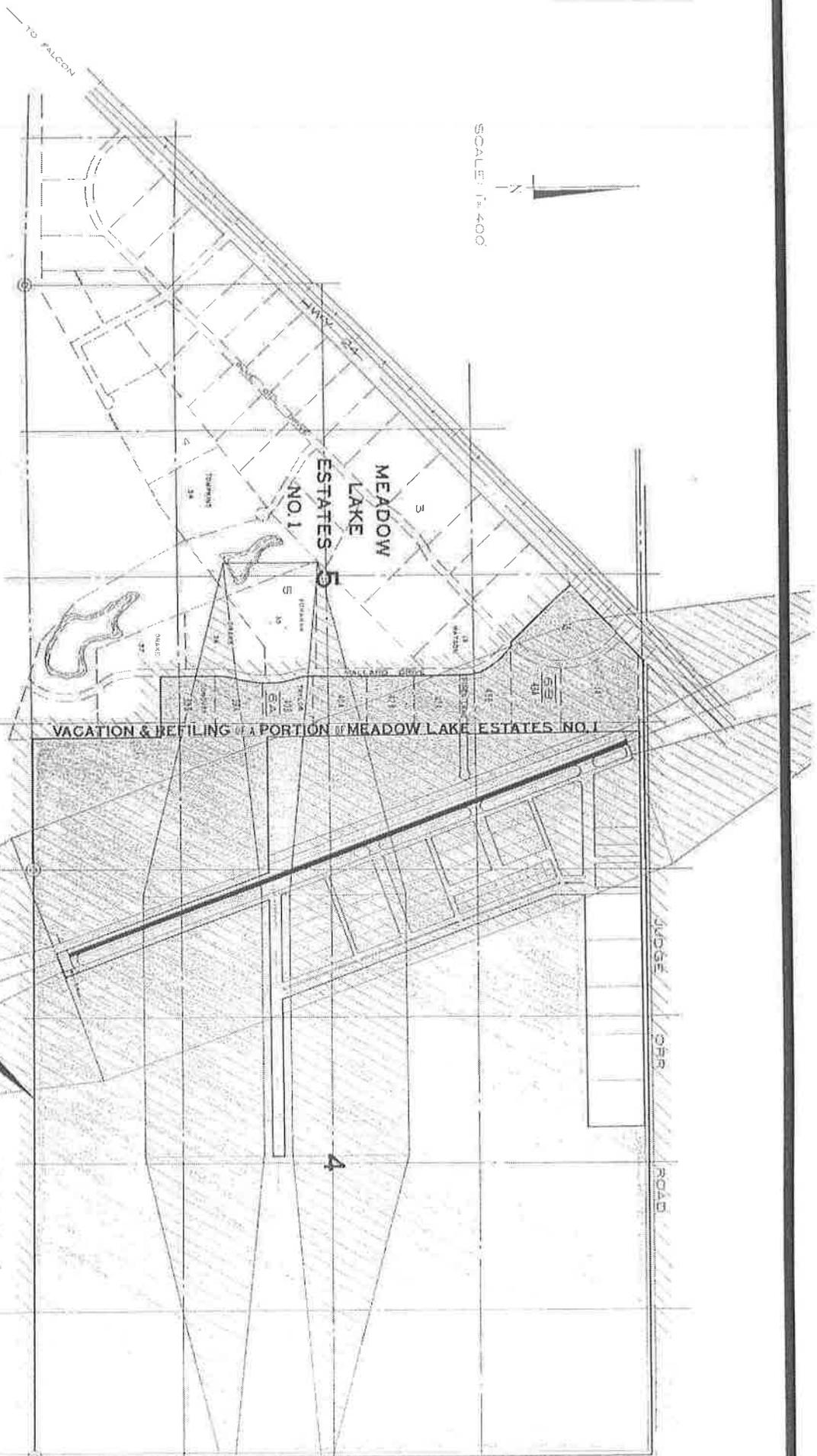
# MEADOW LAKE AIRPORT ZONE

DESCRIPTION OF ZONE TO BE INCLUDED IN AIRPORT ZONE

Reference is made to the subdivision map of Section 13, Township 33 N., Range 67 W., State of Colorado, recorded in the public records of the State of Colorado, under the name of "MEADOW LAKE ESTATES NO. 1", and to the subdivision map of Section 13, Township 33 N., Range 67 W., State of Colorado, recorded in the public records of the State of Colorado, under the name of "MEADOW LAKE ESTATES NO. 2".

The area shown on the above mentioned maps is hereby designated as the MEADOW LAKE AIRPORT ZONE, and the same is to be included in the Airport Zone of the State of Colorado.

The boundaries of the MEADOW LAKE AIRPORT ZONE are as follows: Beginning at the intersection of the center line of the road shown on the above mentioned maps and the center line of the road shown on the above mentioned maps; thence north along the center line of the road shown on the above mentioned maps to the intersection of the center line of the road shown on the above mentioned maps and the center line of the road shown on the above mentioned maps; thence east along the center line of the road shown on the above mentioned maps to the intersection of the center line of the road shown on the above mentioned maps and the center line of the road shown on the above mentioned maps; thence south along the center line of the road shown on the above mentioned maps to the intersection of the center line of the road shown on the above mentioned maps and the center line of the road shown on the above mentioned maps; thence west along the center line of the road shown on the above mentioned maps to the intersection of the center line of the road shown on the above mentioned maps and the center line of the road shown on the above mentioned maps; thence north along the center line of the road shown on the above mentioned maps to the intersection of the center line of the road shown on the above mentioned maps and the center line of the road shown on the above mentioned maps.



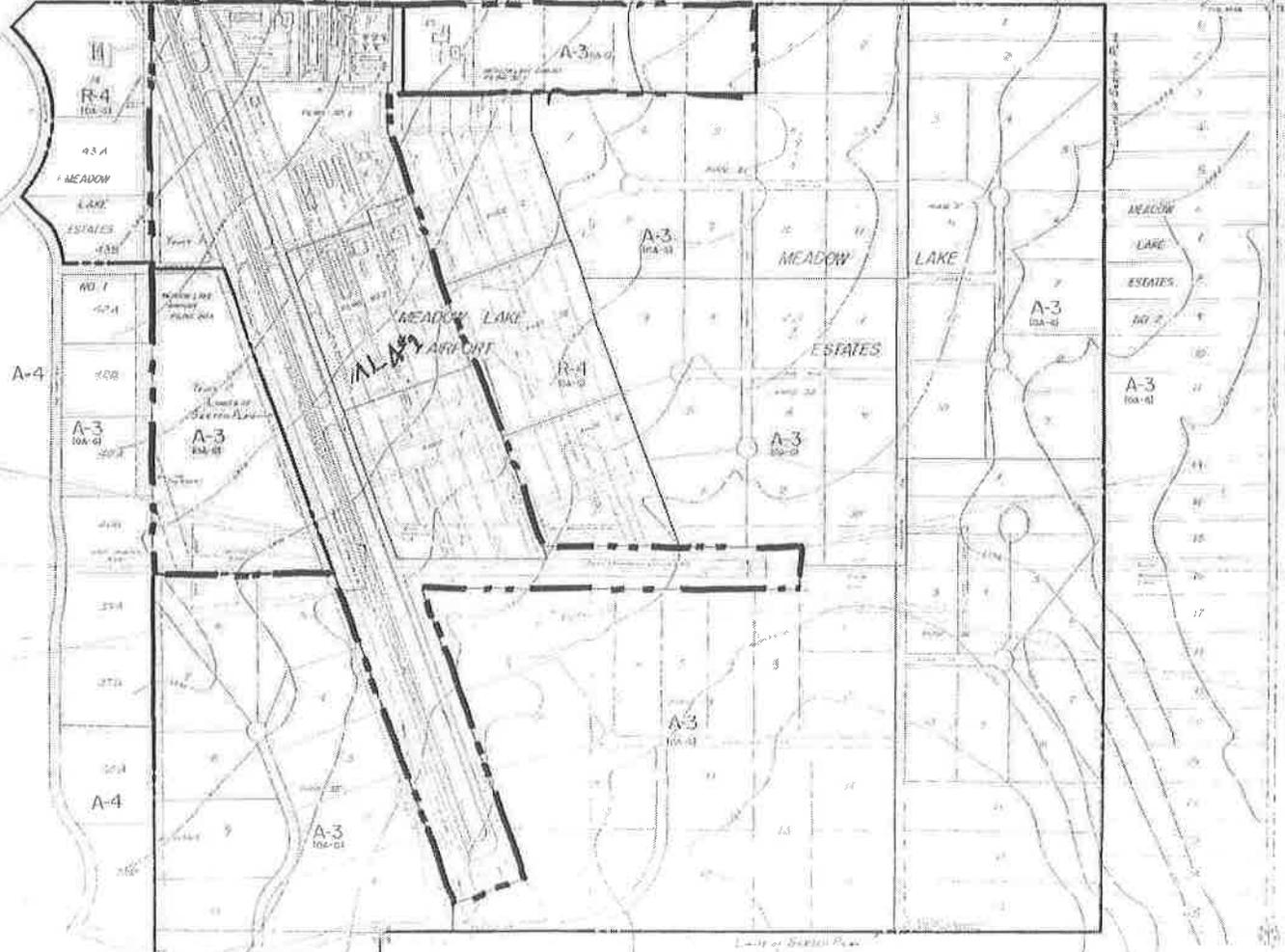
RECORDED  
 11/1/1971  
 11/1/1971  
 11/1/1971



Exhibit A.1

UNZONED

UNZONED

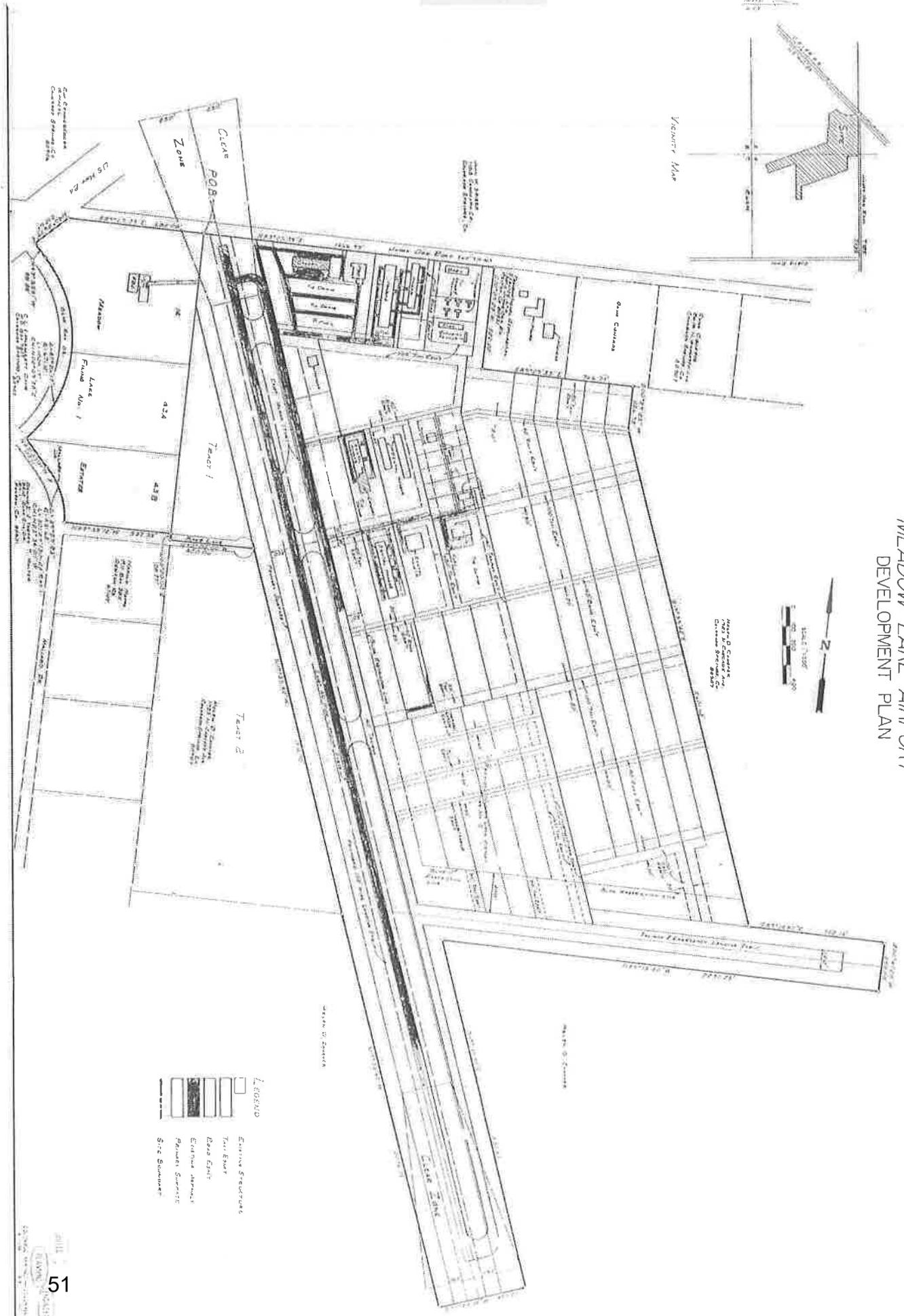


DATA

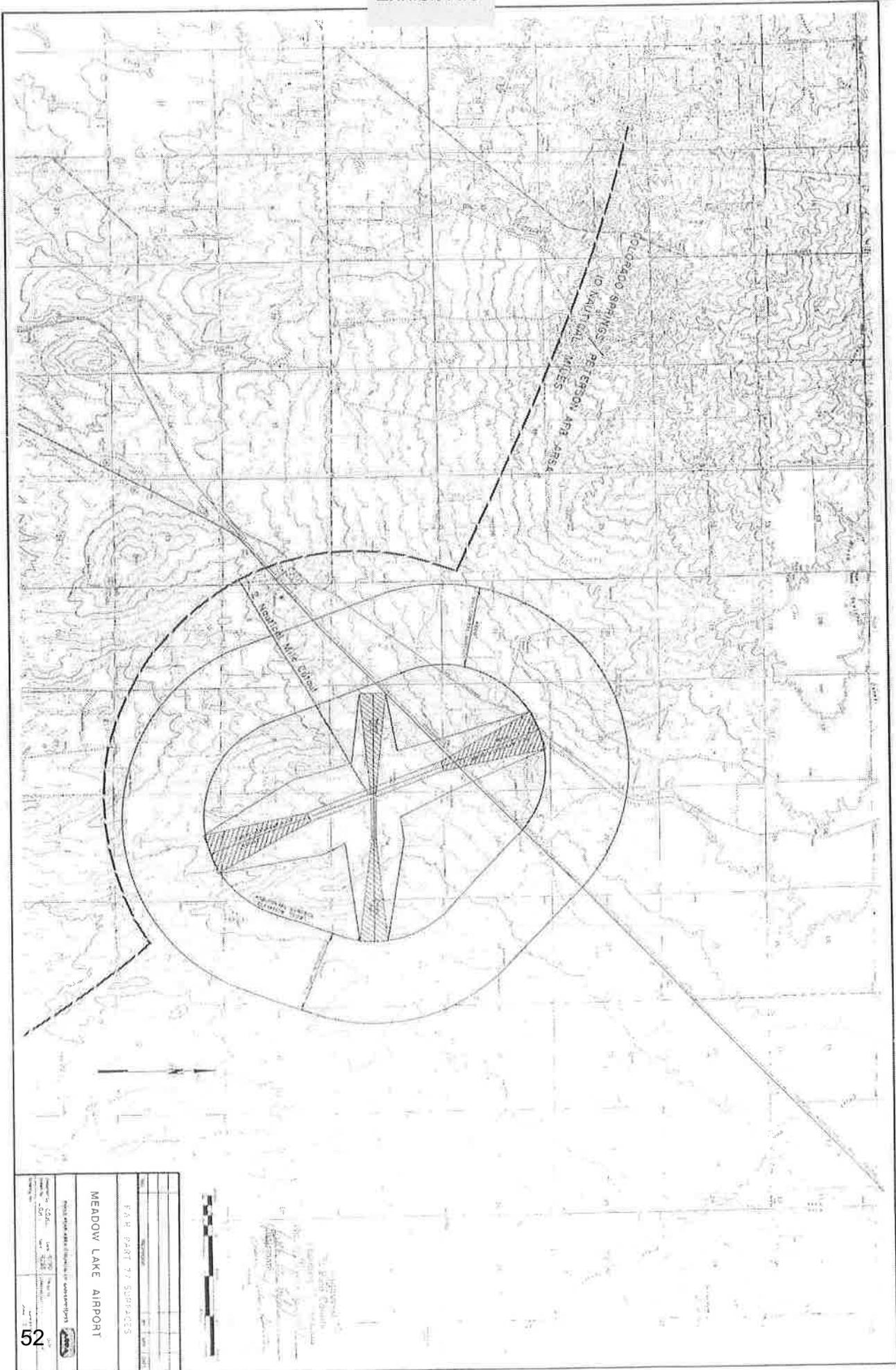
Meadow Lake Estates  
 Planned To Own Parcels  
 10/1/11  
 Meadow Lake Estates  
 10/1/11  
 10/1/11  
 10/1/11

Meadow Lake Estates  
 10/1/11  
 10/1/11  
 10/1/11

MEADOW LAKE AIRPORT  
DEVELOPMENT PLAN



- LEGEND
- Existing Structures
  - Taxiway
  - Road
  - Apron
  - Parking Apron
  - Fire Structure



MEADOW LAKE AIRPORT	
F.A.R. PART 77 SURVEYS	
Project No.	1000
Scale	1" = 100'
Date	10/1/00
Drawn by	J. J. ...
Checked by	J. J. ...
Approved by	J. J. ...

9. MP-90-2 MEADOW LAKE AIRPORT  
FAR PART 77 SURFACES

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

APPLICABLE RESOLUTIONS

Approval Page 31  
Disapproval Page 32

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

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

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

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

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



*J.P.*

ROBERT C. "BOB" BALINK El Paso County, CO  
04/19/2007 04:27:20 PM  
Doc \$0.00 Page  
Rec \$0.00 1 of 7 207053475



RESOLUTION NO. 07-106

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

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

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

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

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

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

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

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

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

CONDITIONS:

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

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

NOTATION:

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

Resolution No. 07-106

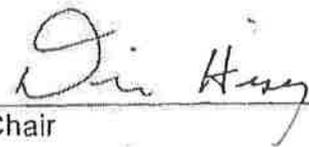
Page 4

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

DONE THIS 29<sup>th</sup> day of March 2007, at Colorado Springs, Colorado.

ATTEST  
By:   
Deputy County Clerk

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

By:   
Chair

Resolution No. 07-106  
EXHIBIT A, PAGE 1

**MEADOW LAKE AIRPORT:**

Parcel Information, Assessor's Office, El Paso County, CO Property Information  
Database Updated: 11/14/2005 Today: Tuesday, 11/15/2005 Time:  
2:29:26 PM

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

**Legal Description**

TR IN SEC 04-13-64 DESC AS FOLS: COM AT SW COR OF  
SEC 04; S 88<44'13" E 1062.96 FT ALG S LN OF SD SEC  
TO SLY EXT OF ELY LN OF 450.0 FT WIDE AIRCRAFT  
RUNWAY AS PLATTED IN MEADOW LAKE AIRPORT FIL NO 1,  
TH N 19<31'29" W 1400.0 FT ALG SD LN FOR POB  
TH N 19<35'42" W 430.47, S 89<18'40" E 2230.25 FT,  
N 00<45'05" E 100.0 FT, N 89<12'59" E 575.04 FT,  
N 00<29'25" E 515.37 FT, S 89<30'35" E 1042.99 FT,  
TH SLY ALG WLY LN OF MEADOW LAKE ESTATES FIL NO 2  
TO A PT ON S LN OF SEC 04, TH WLY ALG SD S LN  
2300 FT M/L, N 19<31'29" W 1400.0 FT,  
N 89<44'13" W 992.0 FT TO POB, TOG WITH  
LOTS 24 & 25 BLK 1 MEADOW LAKE ESTATES  
FIL NO 2, TOG WITH  
TR 1 MEADOW LAKE AIRPORT FIL NO 1, TOG WITH  
THAT PORT OF NW4 OF SEC 09-13-64 DESC AS FOLS:  
COM AT NW COR OF SD SEC 09, TH S 89<44'13" E 372.18 FT  
ALG N LN OF SD SEC FOR POB,  
TH CONT S 89<44'13" E 850.20 FT,  
S 19<31'29" E 1764.11 FT, S 70<28'31" W 800.00 FT,  
N 19<31'29" W 2051.94 FT TO POB, TOG WITH A PORT IN  
SW4 SEC 04-13-64 DESC AS FOLS: COM AT SW COR OF SD  
SEC 04, S 89<44'13" E 531.59 FT FOR POB,  
TH N 19<31'29" W 182.03 FT TO WLY EXT OF SLY LN OF  
450.00 FT WIDE AIRCRAFT RUNWAY AS PLATTED IN MEADOW  
LAKE AIRPORT FIL NO 1; N 70<28'31" E 500.00 FT ALG SD  
WLY EXT TO SE COR THEREOF, S 19<31'29" E 361.92 FT  
TO S LN OF SEC 04, TH N 89<44'13" W 531.38 FT  
ALG SD S LN TO POB, TOG WITH THE  
NLY 50 FT OF LOT 8, SLY 50 T OF LOT 6, TOG WITH PT OF  
LOT 8 DESC AS FOLS: BEG AT NW COR OF SD LOT, TH  
S 89<29'35" E 53.24 FT, S 19<35'42" E 50.0 FT,  
S 25<30'38" W 70.71 FT TO WLY LN OF SD LOT, TH  
N 19<35'42" W ALG SD WLY LN 118.30 FT TO POB BLK 2  
MEADOW LAKE AIRPORT FIL NO 1, TOG WITH AIRCRAFT RUNWAY  
MEADOW LAKE AIRPORT FIL NO 1, TOG WITH  
THAT PT OF TRACT 2 MEADOW LAKE AIRPORT FIL NO 1, TOG  
WITH THAT PT LY IN SE4 SEC 5-13-64 DESC AS FOLS:  
COM AT SW COR OF LOT 1 MEADOW LAKE AIRPORT FIL NO 9, TH  
S 00<03'47" W 1300.36 FT TO SW COR OF SD TRACT 2

**PROPOSED PHASES**

1. The proposed phases are shown in the attached map.

2. The proposed phases are shown in the attached map.

3. The proposed phases are shown in the attached map.

4. The proposed phases are shown in the attached map.

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10. The proposed phases are shown in the attached map.

**PROPOSED PHASES**

Phase	Area (Acres)	MLA
Phase 1	100.00	MLA
Phase 2	150.00	MLA
Phase 3	100.00	MLA
Phase 4	100.00	MLA

**PROPOSED PHASES**

Phase	Area (Acres)	MLA
Phase 1	100.00	MLA
Phase 2	150.00	MLA
Phase 3	100.00	MLA
Phase 4	100.00	MLA

**PROPOSED PHASES**

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5. The proposed phases are shown in the attached map.

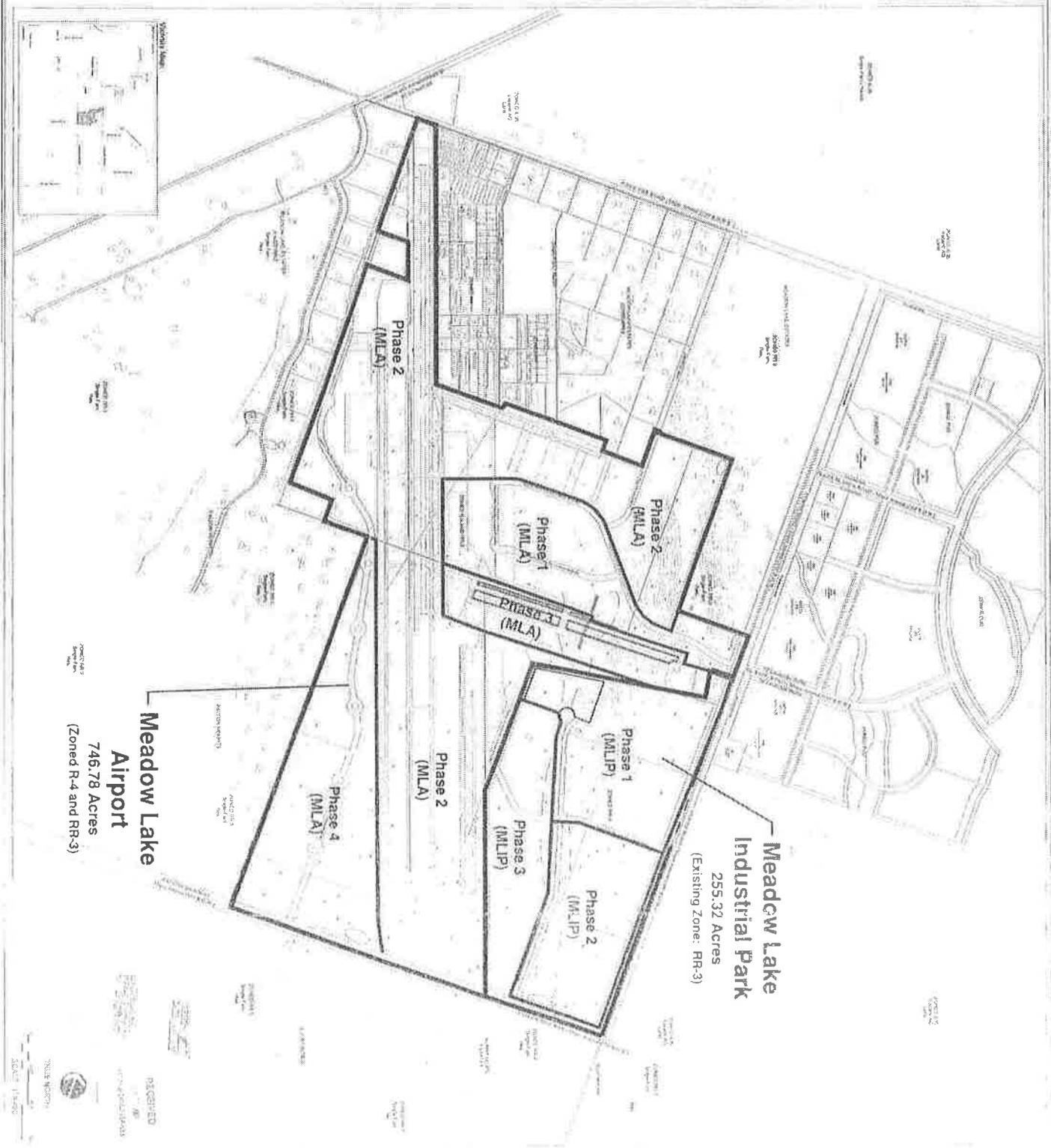
6. The proposed phases are shown in the attached map.

7. The proposed phases are shown in the attached map.

8. The proposed phases are shown in the attached map.

9. The proposed phases are shown in the attached map.

10. The proposed phases are shown in the attached map.











**Proposed Field Data**

Station	Station	Station	Station
1+00	2+00	3+00	4+00
5+00	6+00	7+00	8+00
9+00	10+00	11+00	12+00
13+00	14+00	15+00	16+00
17+00	18+00	19+00	20+00
21+00	22+00	23+00	24+00
25+00	26+00	27+00	28+00
29+00	30+00	31+00	32+00
33+00	34+00	35+00	36+00
37+00	38+00	39+00	40+00
41+00	42+00	43+00	44+00
45+00	46+00	47+00	48+00
49+00	50+00	51+00	52+00
53+00	54+00	55+00	56+00
57+00	58+00	59+00	60+00
61+00	62+00	63+00	64+00
65+00	66+00	67+00	68+00
69+00	70+00	71+00	72+00
73+00	74+00	75+00	76+00
77+00	78+00	79+00	80+00
81+00	82+00	83+00	84+00
85+00	86+00	87+00	88+00
89+00	90+00	91+00	92+00
93+00	94+00	95+00	96+00
97+00	98+00	99+00	100+00



Meadow Lake Airport  
Sketch Plan  
FALCON, COLORADO

**OWNERS:**  
 10000 Meadow Lake Blvd  
 2000 Meadow Lake Blvd  
 2000 Meadow Lake Blvd  
 2000 Meadow Lake Blvd  
 2000 Meadow Lake Blvd

**PREPARED BY:**  
 10000 Meadow Lake Blvd  
 2000 Meadow Lake Blvd  
 2000 Meadow Lake Blvd  
 2000 Meadow Lake Blvd

**SHEET INDEX**

**VICINITY MAP**



**GENERAL DEVELOPMENT STANDARDS FOR CONCEPT PUD (Includes Airport, Airfield - Airfield and Industrial Park Zones):**

**GENERAL NOTES:**

1. The purpose of this document is to establish the minimum standards for the development of the Meadow Lake Airport and Industrial Park Zones. These standards are intended to ensure that the development is consistent with the overall goals and objectives of the Meadow Lake Airport and Industrial Park Zones. The standards are intended to be used as a guide for the development of the Meadow Lake Airport and Industrial Park Zones. The standards are intended to be used as a guide for the development of the Meadow Lake Airport and Industrial Park Zones. The standards are intended to be used as a guide for the development of the Meadow Lake Airport and Industrial Park Zones.

**MEADOW LAKE INDUSTRIAL PARK Legal Description:**

The Meadow Lake Industrial Park is located in the County of ... and is bounded by ... The Meadow Lake Industrial Park is located in the County of ... and is bounded by ... The Meadow Lake Industrial Park is located in the County of ... and is bounded by ...

**MEADOW LAKE AIRPORT AIRFIELD Legal Description:**

The Meadow Lake Airport Airfield is located in the County of ... and is bounded by ... The Meadow Lake Airport Airfield is located in the County of ... and is bounded by ... The Meadow Lake Airport Airfield is located in the County of ... and is bounded by ...

**MEADOW LAKE AIRPORT CONCEPT PUD & DEVELOPMENT PLAN FOR AIRFIELD**

**GENERAL LEGAL DESCRIPTION (CONTINUED):**

The Meadow Lake Airport and Meadow Lake Industrial Park are located in the County of ... and are bounded by ... The Meadow Lake Airport and Meadow Lake Industrial Park are located in the County of ... and are bounded by ... The Meadow Lake Airport and Meadow Lake Industrial Park are located in the County of ... and are bounded by ...

Parcel ID	Area (Acres)	Owner	Address
10000 Meadow Lake Blvd	100	...	...
2000 Meadow Lake Blvd	200	...	...
2000 Meadow Lake Blvd	200	...	...
2000 Meadow Lake Blvd	200	...	...

**MEADOW LAKE AIRPORT Legal Description:**

The Meadow Lake Airport is located in the County of ... and is bounded by ... The Meadow Lake Airport is located in the County of ... and is bounded by ... The Meadow Lake Airport is located in the County of ... and is bounded by ...

**EXISTING AND PROPOSED ZONING:**



**ZONING LEGEND:**

- PROPOSED AIRPORT
- PROPOSED INDUSTRIAL PARK
- EXISTING ZONING: RES-1, R-1
- EXISTING ZONING: PUD-2, PUD-3

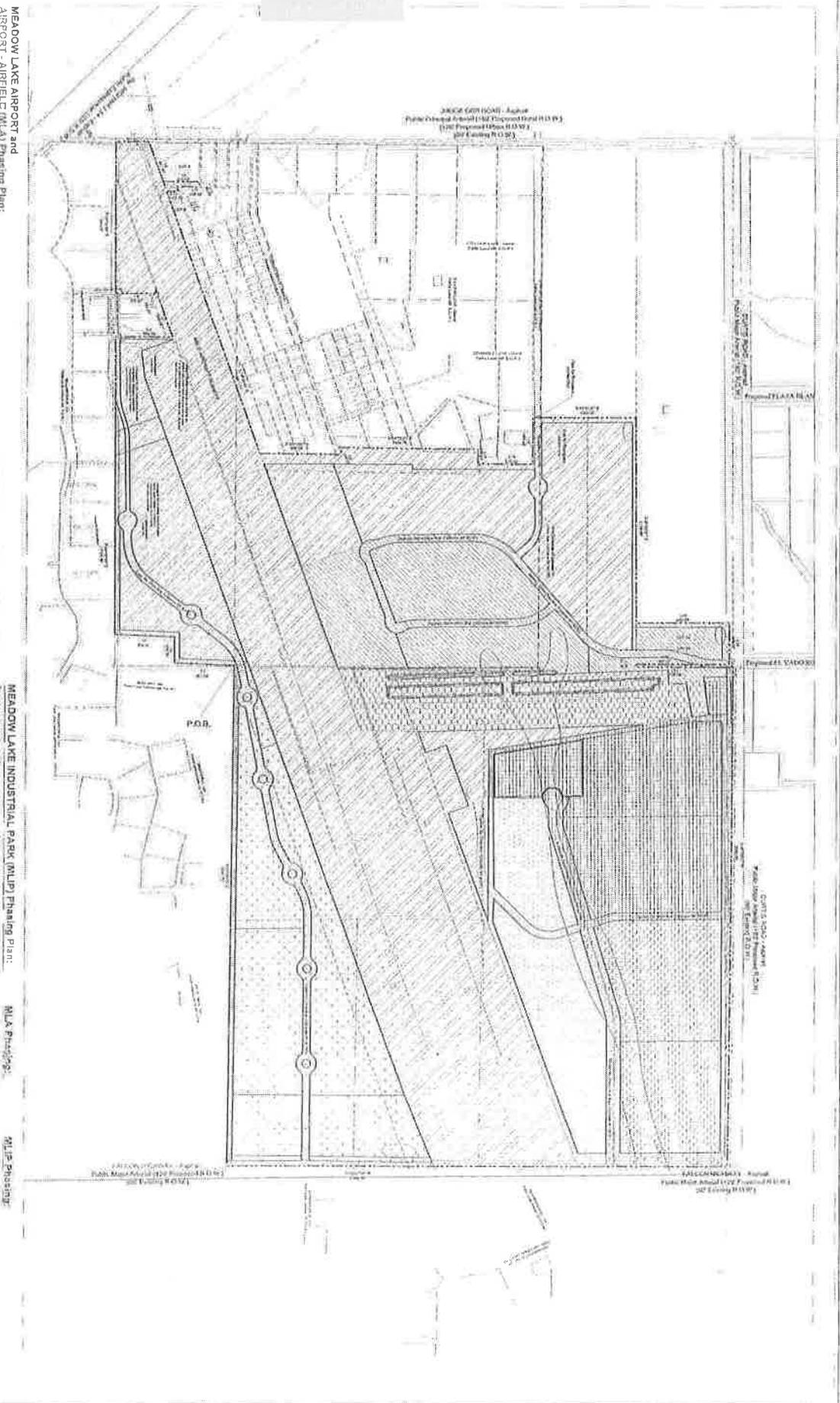
**SIGNATURE BLOCKS:**

**CERTIFICATE OF OWNERSHIP**  
 I, the undersigned, being the owner of the above described property, do hereby certify that the above described property is owned by me and that I am the owner of the same.

**COUNTY APPROVAL**  
 I, the undersigned, being the County Clerk, do hereby certify that the above described property is located within the County of ... and that the same is subject to the jurisdiction of the County of ...

Parcel ID	Area (Acres)	Owner	Address
10000 Meadow Lake Blvd	100	...	...
2000 Meadow Lake Blvd	200	...	...
2000 Meadow Lake Blvd	200	...	...
2000 Meadow Lake Blvd	200	...	...

Parcel ID	Area (Acres)	Owner	Address
10000 Meadow Lake Blvd	100	...	...
2000 Meadow Lake Blvd	200	...	...
2000 Meadow Lake Blvd	200	...	...
2000 Meadow Lake Blvd	200	...	...



**MEADOW LAKE AIRPORT and AIRFIELD (MLA) Phasing Plan:**

The following information is provided for the information of the public and is not intended to constitute a contract. The information is provided for the information of the public and is not intended to constitute a contract. The information is provided for the information of the public and is not intended to constitute a contract.

**MEADOW LAKE INDUSTRIAL PARK (MLIP) Phasing Plan:**

The following information is provided for the information of the public and is not intended to constitute a contract. The information is provided for the information of the public and is not intended to constitute a contract. The information is provided for the information of the public and is not intended to constitute a contract.

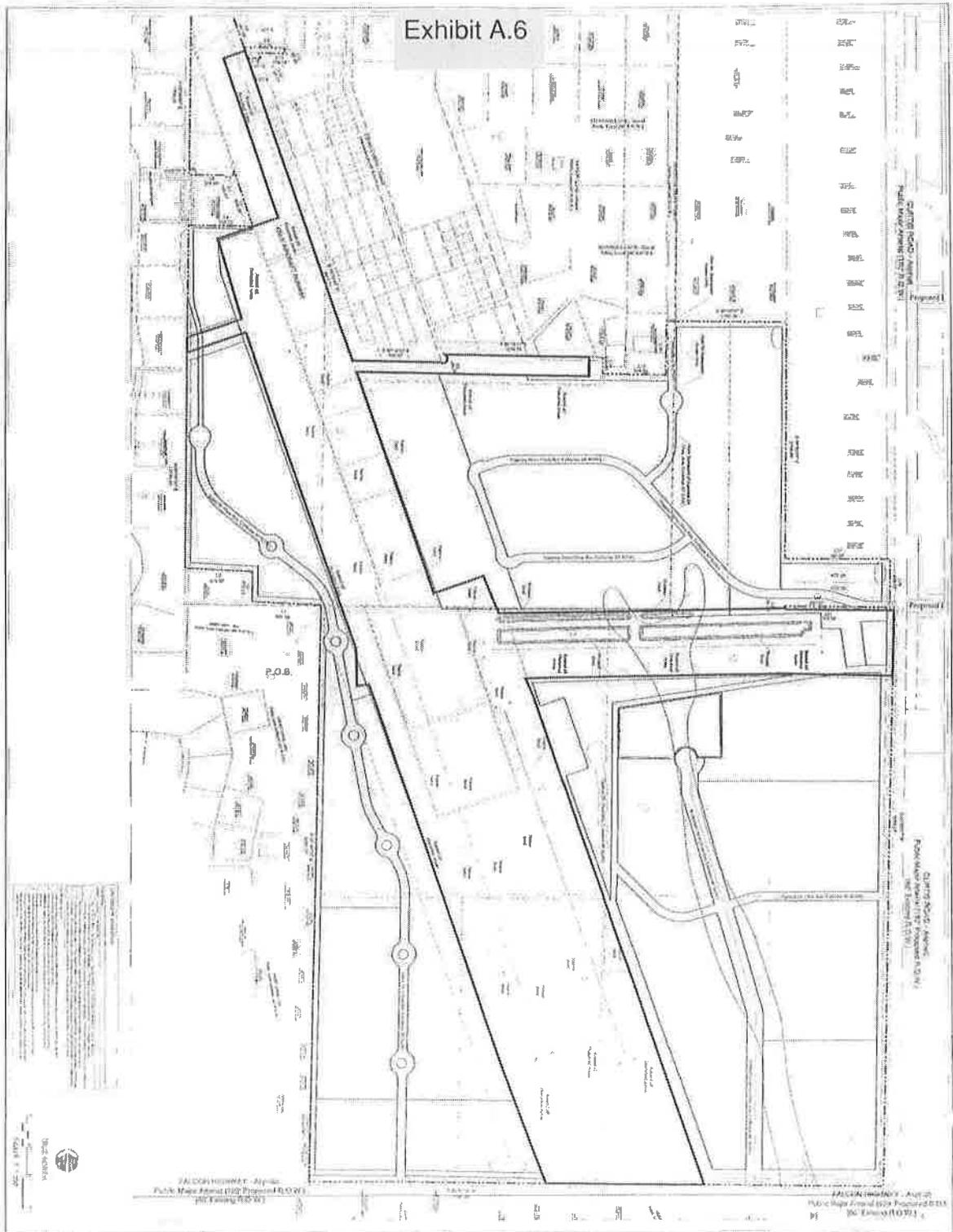
**MLA Phasing:**

Phase 1: ...  
 Phase 2: ...  
 Phase 3: ...  
 Phase 4: ...

**MLIP Phasing:**

Phase 1: ...  
 Phase 2: ...  
 Phase 3: ...  
 Phase 4: ...





**Meadow Lake Airport  
PUD**

FALCON, COLORADO

4

APR 11 2004

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RESOLUTION NO. 08-353

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

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

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

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

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

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

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

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

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

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

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

CONDITIONS:

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

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

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

NOTATION:

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

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

DONE THIS 14<sup>th</sup> day of August 2008, at Colorado Springs, Colorado.

ATTEST:

By: Julene E. Bahnd  
County Clerk & Recorder

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

By: Doni Hays  
Chair

Resolution No. 08-353  
EXHIBIT A, PAGE 1

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

Resolution No. 08-353  
EXHIBIT A, PAGE 2

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

### Meadow Lake Airport Influence Area

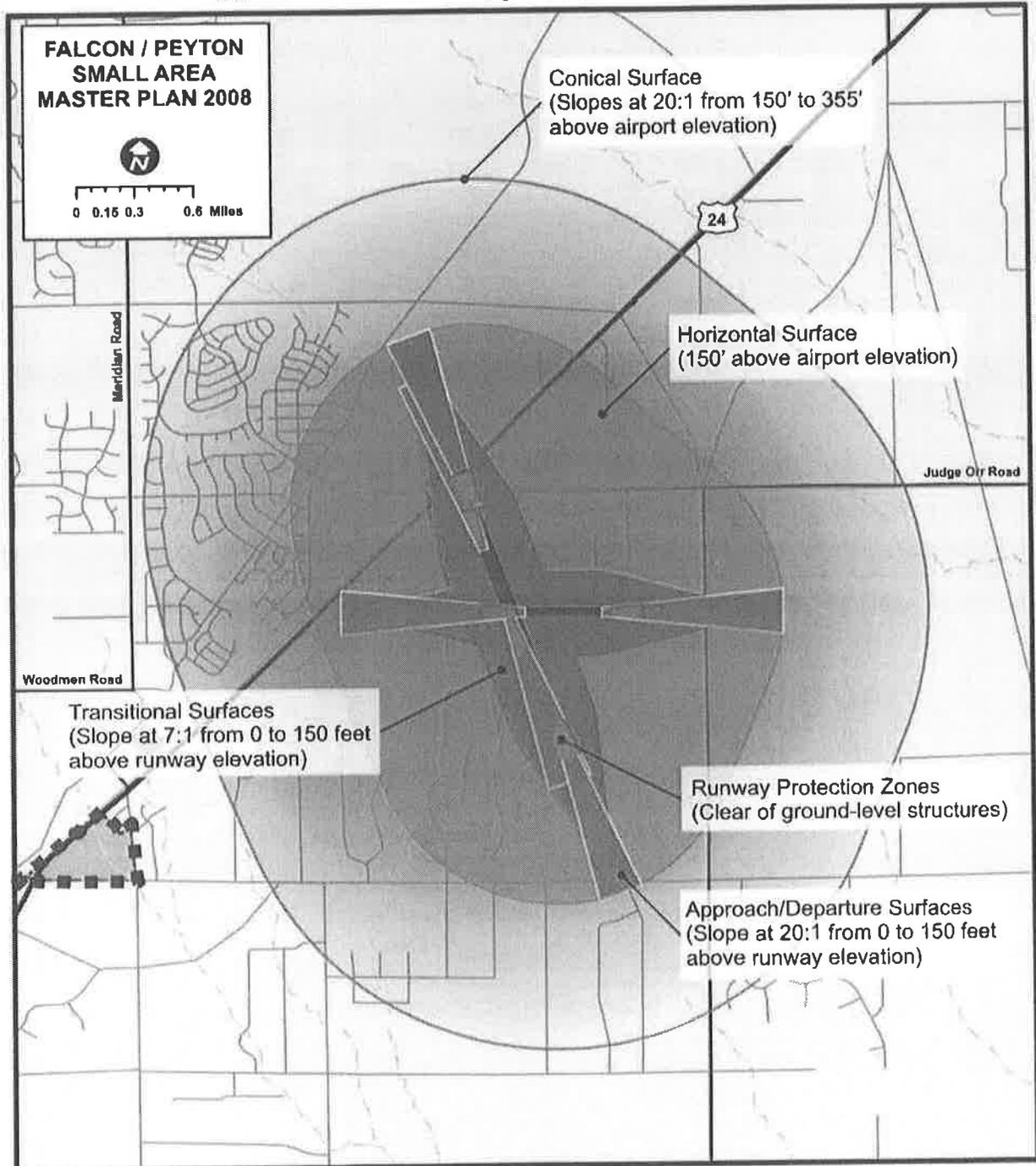
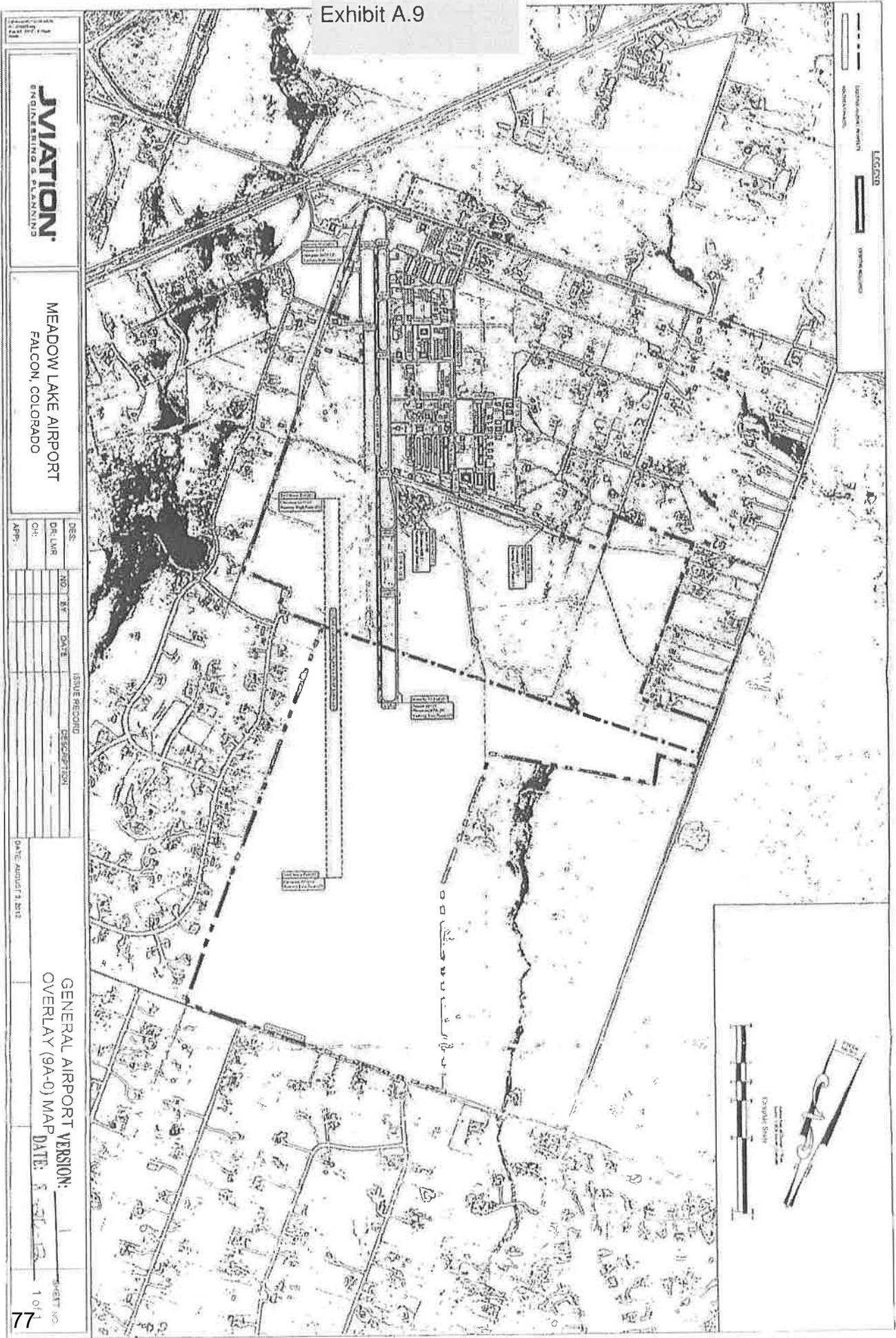




Exhibit A.9



**AVIATION**  
ENGINEERING & PLANNING

MEADOW LAKE AIRPORT  
FALCON, COLORADO

DES.	NO.	BY	DATE	ISSUE RECORD	DESCRIPTION
DR. LMR					
CH.					
APP.					

GENERAL AIRPORT VERSION: 1  
OVERLAY (9A-0) MAP DATE: 1-21-12  
DATE AUGUST 1, 2012  
SHEET NO. 1 OF 1

BOCC



RESOLUTION NO. 12- 390

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

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

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

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

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

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

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

WAYNE W. WILLIAMS  
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El Paso County, CO



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

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

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

**CONDITIONS OF APPROVAL**

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

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

**Additional staff recommended conditions after planning commission recommendation**

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

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

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

**NOTATIONS**

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

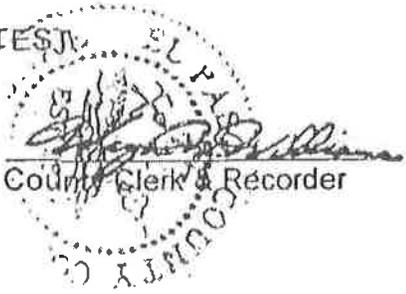
AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted.

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

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST

By:

  
County Clerk & Recorder

By:

  
Chair

Resolution No. 12- 390  
EXHIBIT A

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

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