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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission

Brian Risley, Chair

FROM: Nina Ruiz, Planning Manager

Jeff Rice, PE Engineer III

Craig Dossey, Executive Director

RE: Project File #: SP-19-006

Project Name: Saddlehorn Ranch

Parcel Nos.: 43000-00-599, 43000-00-600, 43000-00-601, 43000-00-602

OWNER:	REPRESENTATIVE:
Gorilla Capital Co.	William Guman & Associates, Ltd.
	731 N. Weber Street, Suite 10
	Colorado Springs, CO

Commissioner District: 2

Planning Commission Hearing Date:	3/4/2021	
Board of County Commissioners Hearing Date	3/23/2021	

EXECUTIVE SUMMARY

A request by Gorilla Capitol Co., for approval of a preliminary plan to create 218 single-family residential lots, 134.33 acres of open space, and public right-of-way. The 816.47-acre property is zoned RR-2.5 (Residential Rural) and is located at the southeast corner of the Judge Orr Road and Curtis Road intersection and is within Section 3, Township 13, and Range 64 West of the 6th P.M. The property is located within the Falcon/Peyton Small Area Master Plan (2008). The applicant also request the Board of County Commissioners make a finding of water sufficiency in terms of quality, quantity, and

2880 International circle, Suite 110 Phone: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127 FAX: (719) 520-6695 dependability. Approval by the Board of County Commissioners of the preliminary plan with a finding of sufficiency for water quality, quantity, and dependability authorizes the Planning and Community Development Department Director to administratively approve all subsequent final plat(s).

Comments were received by email from Meadow Lake Airport Association on February 9, 2021 indicating that they have outstanding comments and concerns regarding development within proximity of the private airport (see attached). Neither staff nor the applicant have had an opportunity to discuss these concerns with Meadow Lake Airport Association due to the Meadow Lake Airport Association President being unavailable due to prior commitments. Staff anticipates facilitating any necessary meetings once the President is available. Please review the Land Development Code and Small Area Plan Analysis sections below for information regarding the County's limitations pertaining to limiting development applications adjacent to the Airport. Meadow Lake Airport Association was sent a referral for the proposed Saddlehorn Ranch Preliminary Plan through EDARP seven (7) times beginning on May 14, 2019 and has not responded whatsoever to any of the referrals.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Gorilla Capitol Co., for approval of a preliminary plan to create 218 single-family residential lots, 134.33 acres of open space, and public right-of-way and for a finding of sufficient water quality, quantity, and dependability, thereby authorizing administrative approval of subsequent final plats.

Waiver(s)/Deviation(s): The following waiver of the El Paso County Land

Development Code (2021) (LDC) and deviations from the Engineering Criteria

Manual (2020) (ECM) are requested with the Saddlehorn Ranch Preliminary Plan:

• The waiver of <u>LDC</u> Section 8.4.4(D) is associated with the design of the Preliminary Plan but was approved as a standalone request to the Board of County Commissioners on February 9, 2021. Section 8.4.4.D, Dead-End Road Standards, to allow for a cul-de-sac not meeting the requirement that a dead-end road not exceed the <u>ECM</u> length requirements, and to provide a second means of access if the road would serve more than 25 lots. The proposed design shows Barrosito Trail as a dead-end cul-de-sac with a length of 4,392 feet and serving 41 lots, which would be the case until the time that road connections through anticipated future adjacent subdivisions to the east and south are constructed. The reason for the requested waiver and deviation to exceed maximum cul-de-sac length is that in the future, when the parcels to east and south are developed, Barrosito Trail will become an interconnected road to the south and La Noria Way will become an

interconnected road to the east, and to create a connecting loop in the interim would require the extension of a roadway 1,200 feet west at Copperas Court to intersect with Benito Wells Trail, requiring a drainageway crossing. If the additional connection is required, the additional asphalt paving and a box culvert crossing the existing drainageway would increase stormwater runoff and result in additional maintenance and operations costs for El Paso County and the Saddlehorn Metropolitan District.

- ECM Section 2.3.8 Roadway Terminations, Cul-de-sac length, to allow for a cul-de-sac with a length of 4,392 feet for Barrosito Trail where 1,600 feet is the maximum length allowed by the Engineering Criteria Manual for rural conditions. As described above, anticipated future subdivisions east and south of Saddlehorn Ranch will provide road connections to eliminate the cul-de-sac condition. Falcon Fire Protection District provided a letter stating that it has no objections to the interim cul-de-sac. The deviation request was approved. As noted above, the associated waiver request has also been approved by the Board of County Commissioners.
- ECM Section 2.3.3.E, Horizontal Curve Radii, Table 2-5, Minimum Centerline Curve Radius; to allow for reduced centerline radii of 200 feet where 300 feet is required on a local road. This deviation applies at four internal locations and is requested due to topographic conditions and natural features of the site, including floodplain constraints, which "lend themselves to the use of a reduced radius to create an efficient layout... Use of the required 300 foot centerline radius would create the need for excessively long flag lots or excessively large lots for the underlying RR-2.5 zoning." The posted speed will be 25 mph at these locations, correlating with urban local road criteria. The daily traffic volume on these streets is minimal with each curve location only serving ten (10) or less nearby lots. "The applicant believes excessively long flag lots are less) desirable than the reduced centerline radius." The associated deviation request has been approved.
- ECM Section 2.2.4 Design Standards by Functional Classification, Rural Minor Arterial; to allow for the use of a modified cross-section for the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) two (2) lane principal arterial road (where there is no ECM cross-section) and an interim narrower shoulder than standard for the Curtis Road cross-section, with a two (2) foot shoulder proposed where an eight (8) foot shoulder is required until the time that Curtis Road is widened to the east with future Saddlehorn Ranch final plats (after Saddlehorn Ranch Filing 1), and to the

west at the time that either the MTCP 2040 roadway improvement project to widen Curtis Road to a two (2) lane road or the MTCP 2060 roadway project to widen Curtis Road to a four (4) lane principal arterial occurs. Per the rezone approval for Saddlehorn Ranch (PCD File No. P-18-008), a condition of approval requires Curtis Road to be improved to meet the minimum standards of an arterial roadway per the Engineering Criteria Manual. The anticipated average daily traffic (ADT) on Curtis Road does not justify construction of the full minor arterial cross-section with the Saddlehorn Ranch Filing No. 1 final plat and the proposed two (2) foot paved shoulders and two (2) foot gravel shoulders in the interim will provide improvements equivalent to a rural local road and adequate levels of service with the Filing No. 1 traffic. Future Saddlehorn Ranch final plats will provide the required minor arterial improvements for the east side of Curtis Road along the complete project frontage, with an eight (8) foot paved shoulder and two (2) foot gravel shoulder, as well as the necessary right-of-way dedication (72 feet) and preservation (18 feet) allowing for the construction of the future east one-half of the four (4) lane road widening. This deviation has been approved with a condition that it be re-evaluated with the next Saddlehorn Ranch final plat after Filing No. 1.

• ECM Section 2.2.4 – Design Standards by Functional Classification, Rural Minor Arterial; to allow for the use of a modified cross-section for the MTCP 4-lane minor arterial road (where there is no ECM cross-section) for the purposes of right-of-way dedication for Judge Orr Road. The cross-section proposed for the depiction of right-of-way dedication on the preliminary plan is equivalent to the two (2) lane rural minor arterial with two additional 12-foot lanes added and ditches widened proportionally, measuring 70 feet on each side of the road centerline. The associated deviation has been approved.

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

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

In approving a preliminary plan, Section 7.2.1.D.2 of the El Paso County Land Development Code (2019) the BoCC shall find that:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. §30-28-133(6) (b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions.
 [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
- Legal and physical access is or will be provided to all parcels by public rights-ofway or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into

the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities:

- · Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision:
- · The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

D. LOCATION

Agricultural North: A-35 (Agricultural) Agricultural South: A-35 (Agricultural) Agricultural East: A-35 (Agricultural) Rural Residential

West: RR-5 (Residential Rural)/PUD

(Planned Unit Development)

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 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 development. The PUD was never perfected by subsequent rezoning actions 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 complied with:

"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 (Agricultural) zoning district based upon failure to comply with the condition of approval. The Board of County Commissioners approved the County initiated rezoning of the subject parcels from the PUD zoning district to the A-35 (Agricultural) zoning district on December 12, 2017.

The Board of County Commissioners approved a map amendment (rezone) of the development area to RR-2.5 (Residential Rural) on April 23, 2019. On July 23, 2019, the Board of County Commissioners approved a request for approval of a Colorado Revised Statute Title 32 Special District service plan (multiple district formation) with a maximum debt authorization of \$45 million, a debt service mill levy of 50 mills, an operations and maintenance mill levy of 10 mills, and 5 mills for covenant enforcement with a maximum combined mill levy of 65 mills. The statutory purposes of the Districts include: 1) street improvements and safety protection; 2) design, construction, and maintenance of drainage facilities; 3) design, land acquisition, construction, and maintenance of recreation facilities; 4) mosquito control; 5) covenant enforcement, and 6) design, construction, and maintenance of public water and sanitation systems.

The Board of County Commissioners approved a request to authorize the County Engineer to issue a construction permit for pre-development site grading including limited final grading associated with the water quality facilities within the proposed 816-acre Saddlehorn Ranch development in advance of approval of the Saddlehorn Ranch Preliminary Plan on February 9, 2021.

Section 8.4.4.D.3 of the Code states:

"Maximum Length of Dead-End Road. The maximum length of a dead-end road is governed by the ECM and may be further limited in those areas subject to wildfire hazard in accordance with this Code."

The Preliminary Plan includes a proposed dead-end roadway, which is proposed to be 6,361 feet in length. A temporary cul-de-sac has been shown on the preliminary plan to allow for fire access and turn around. The associated deviation to the Engineering Criteria Manual has been approved by the ECM Administrator (see attached). Falcon Fire Protection District has provided a letter of support for the length of the dead-end road. The Board of County Commissioners approved the waiver of Section 8.4.4.D.3 of the El Paso County Land Development Code (2021) on February 9, 2021, which limits the length of the dead end road to no longer than that allowed by the ECM.

The applicant has submitted a request for approval of a preliminary plan to create 218 single-family residential lots; 134.33 acres of open space and public right-of-way; and for a finding of sufficient water quality, quantity, and dependability, thereby authorizing administrative approval of subsequent final plats.

F. ANALYSIS

1. Land Development Code Compliance

With the exception of the deviations listed above, this application meets the preliminary plan submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (2019).

The Meadow Lake Airport Association was sent a referral for the preliminary plan application seven (7) times beginning on May 14, 2019 and did not provide a comment. Comments were eventually received by email from the Meadow Lake Airport Association on February 9, 2021, indicating that they have outstanding comments and concerns regarding development within proximity of the private airport (see attached). Neither staff nor the applicant have had an opportunity to discuss these concerns with Meadow Lake Airport Association due to the Meadow Lake Airport Association President being unavailable due to prior commitments. Staff anticipates facilitating any necessary meetings once the President of the Meadow Lake Airport Association is available. To summarize, the Meadow Lake Airport Association is requiring that the County impose a condition of approval requiring the applicant to provide the Airport with an

avigation easement to limit development within the requested avigation easement area.

The <u>Land Development Code</u> includes the GA-O (General Aviation Overlay) Zoning District. The GA-O includes certain use allowances as well as a requirement for an "Airport Activity Notice and Disclosure" for any map amendment (rezone) or subdivision action. Meadow Lake Airport and some of the surrounding area is subject to the overlay. However, a map amendment (rezone) has not been requested for the Saddlehorn Ranch Preliminary Plan area, therefore, the land is not subject to the overlay. Additionally, the Board of County Commissioners has not adopted the Part 77 Surface Overlay for Meadow Lake Airport. As such, PCD staff, in consultation with the County Attorney's Office, recommends that the County cannot impose conditions of approval requiring an avigation easement or restricting the applicant's right to develop the land based upon such Part 77 Surfaces. Requiring such an easement or development restrictions is outside of the County's purview due to the Preliminary Plan area not being subject to GA-O or Part 77 Surfaces.

Any request from the Meadow Lake Airport Association of the County to adopt the Part 77 surfaces and impose land use restrictions would require the association 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 applicant requesting a permit to develop or expand an airport, such as Meadow Lake Airport, 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).

The Meadow Lake Airport Association 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). The Meadow Lake Airport

Association has not submitted a complete application to date to initiate the required processes.

The applicant may choose to work with the Meadow Lake Airport Association to accommodate their requests with the future applications for final plat(s), but staff is not recommending any conditions of approval to address those concerns.

2. Zoning Compliance

The RR-2.5 (Rural Residential) zoning district is intended to accommodate low-density, rural, single family residential development. The RR-2.5 (Rural Residential) zoning district's density and dimensional standards are as follows:

- Minimum lot size 2.5 acres
- Setbacks 25 feet in the front and rear and 15 feet on the sides
- Maximum building height 30 feet
- Maximum lot coverage none

The proposed preliminary plan will create 218 single-family residential lots, 134.33 acres of open space, and public right-of-way. Individual residential site plans will be required prior to building permit authorization to ensure all proposed structures will meet the dimensional standards of the <u>Code</u>.

3. Policy Plan Analysis

The <u>El Paso County Policy Plan</u> (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.

Policy 6.1.13 - Encourage the use of carefully planned and implemented clustering concepts in order to promote efficient land use, conservation of open space and reduction of infrastructure costs.

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 subject property is surrounded by A-35 (Agricultural) parcels to the north, east, and south, and by RR-5 (Residential Rural)/PUD (Planned Unit Development) 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 along and across Highway 24. The development of these parcels is a logical extension and provides a density transition from the existing development in this area and is compatible in terms of proposed uses and densities. The proposed subdivision is contiguous to and compatible with the previously developed areas.

Due to a major drainage way and floodplain that runs through the property, approximately 16.5 percent of the total site is being preserved as open space with a trail system that will be open to the general public. The applicant is proposing a clustered design to allow for the preservation of additional open space. The result of implementing the clustered design concept is that the overall density for the development is proposed to be one (1) dwelling unit per 3.75 acres.

4. Small Area Plan Analysis

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

"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 <u>Plan</u> 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 preliminary plan depicts proposed lots that are a minimum of 2.5 acres in size. The applicant is proposing to construct public roadways that will be dedicated to El Paso County for future maintenance, has provided an onsite wastewater treatment report identifying suitable locations for septic systems on each proposed lot, and is proposing to develop a new central water treatment facility to serve those lots within the Preliminary Plan area.

The subject parcel is adjacent to the Meadow Lake subarea of the <u>Plan</u>. 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 Association seven (7) referral requests for comments on the proposed request beginning on May 14, 2019 and has not received an official response to date. However, Meadow Lake Airport Association did ultimately provide comments via email expressing concerns on February 9, 2021.

The <u>Plan</u> 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 <u>Plan</u> 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, depicts the potential Federal Aviation Administration (FAA) Part 77 obstruction (page 2-62). 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 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 preliminary plan. 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 preliminary plan 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 the 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 <u>Code</u> pertaining to limiting uses within the vicinity of the Meadow Lake Airport, nor has the Airport initiated a formal application with the County to adopt such standards. Please see the Land Development Code section above for more information on what would be required of Meadow Lake Airport for the County to adopt the Part 77 Surfaces.

To summarize, the <u>Plan</u> recommends urban density residential development with lot sizes being less than 2.5 acres in size when central services can be provided. The <u>Plan</u> recognizes the existence and importance of Meadow Lake Airport from a land use perspective, but does not further limit development near the airport and, furthermore, recognizes that the Part 77 Surfaces and any noise overlay district for Meadow Lake Airport have not been adopted by the Board of County Commissioners. Staff recommends the proposed preliminary plan is consistent with the recommendations of the <u>Falcon/Peyton Small Area Master Plan</u> (2008).

5. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.

Goal 1.2 - Integrate water and land use planning.

Goal 4.4 – Protect and enhance the quality, quantity, and dependability of water supplies.

Policy 5.3.1 – Evaluate cluster development alternatives to determine if water savings could occur.

Policy 5.5.1 – Discourage individual wells for new subdivisions with 2.5 acre or smaller average lot sizes, especially in the near-surface aquifers, when there is a reasonable opportunity to connect to an existing central system, alternatively, or construct a new central waters supply system when the economies of scale to do so can be achieved.

Policy 6.0.7 – Encourage the submission of a water supply plan documenting an adequate supply of water to serve a proposed development at the earliest stage of the development process as allowed

under state law. The water supply plan should be prepared by the applicant in collaboration with the respective water provider.

The proposed development includes lots to be served by a new central water system and individual onsite wastewater treatment systems with a minimum lot size of 2.5 acres. Water sufficiency has been analyzed with the review of the proposed Saddlehorn Ranch Preliminary Plan. Please see the Water section below for a summary of the water findings and recommendations for the proposed development. The State Engineer and the County Attorney's Office have recommended that the proposed development has an adequate water supply in terms of quantity and dependability.

Saddlehorn Ranch is a rural residential development and is within Region 3, the Falcon Area, which primarily draws from nonrenewable resources from the Denver Basin. The <u>Plan</u> identifies the current demands for Region 3 to be 4,494 AFY (Figure 5.1) with the projected need at build-out in 2060 at 8,307 AFY (Figure 5.3). Region 3 currently has 7,164 AFY in supplies, which means by 2060 there is anticipated to be a deficiency of 1,143 AFY (Table 5-2).

The water resources report submitted in support of the proposed development identifies that the Saddlehorn Ranch District has adequate water rights to serve the proposed development. The District owns water rights to 198.16 AFY, which is in excess of the anticipated total demand of 146.06 AFY for the proposed development. The <u>Plan</u> specifically identifies this area as an anticipated area of development by 2060. The timing of the proposed development is in line with the anticipated growth schedule included in the <u>Plan</u>. Additionally, the applicant has provided a commitment letter and water resources report documenting that the District has adequate capacity to serve the additional lots.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. The El Paso County Community Services Department, Environmental Services Division, Colorado Parks and Wildlife, Colorado State Forest Service, and the U.S. Army Corps of Engineers were each sent a referral and have no outstanding comments. The U.S. Fish and Wildlife Service provided a letter indicating they have no concerns.

The <u>Master Plan for Mineral Extraction</u> (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. No comments have been received from the mineral rights owner to date.

Please see the Parks section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation section below for information regarding conformance with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

Please see the Floodplain section below for a discussion regarding floodplain on the property.

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 08041C0558G, a large portion of the development is located within Zone X, areas outside of the 500-year floodplain. The portions of the development containing three drainageways running through the property are located within Zone AE 100-year floodplains where base flood elevations are provided on the FIRM Panel. The northeast corner of the property contains an unstudied Zone A floodplain that will need to be studied and floodplain elevations provided prior to final platting of that area.

4. Drainage and Erosion

The Saddlehorn Ranch development is located within the Haegler Ranch and Geick Ranch drainage basins, with only Haegler Ranch being a fee basin with an adopted Drainage Basin Planning Study (DBPS). The Geick Ranch basin does not have an approved drainage basin planning study (DBPS); however, a draft DBPS was prepared in 2010.

Most of the proposed development area drains to the south into two Haegler Ranch basin tributary streams, that in turn flow to a Black Squirrel Creek tributary and Black Squirrel Creek exiting the County, ultimately outfalling into the Arkansas River. The northeast corner of the site drains into a Geick Ranch

tributary stream that also eventually combines with the Black Squirrel Creek about seven miles south of Ellicott.

Nine proposed sub-regional full-spectrum detention (FSD) and water quality capture volume (WQCV) facilities are proposed within the development to meet stormwater quality and quantity requirements. Channel improvements consisting of a stabilized trapezoidal cross-section with drop structures are proposed for a segment of the main Haegler basin tributary within the site with the first final plat, concurrently reviewed with the Preliminary Plan. Additional analyses of the other channels in the development will be required with each future final plat to determine the necessary improvements in compliance with the DBPS, The City of Colorado Springs/El Paso County Drainage Criteria Manual (DCM) Volume 1 (1990), and the El Paso County Engineering Criteria Manual. All of the channel improvements and FSD ponds are to be maintained by the Saddlehorn Metropolitan District No. 1. The Master Development Drainage Plan and Preliminary Drainage Report for Saddlehorn Ranch concludes that "The proposed development will not adversely affect the offsite major drainageways or surrounding development."

The applicant has submitted grading and erosion control plans for approval to perform pre-development site grading, which includes rough grading of the proposed interior roads needed in support of the proposed water supply system for the development. These plans and a stormwater management plan shall be approved, and the appropriate County and State permits obtained prior to grading occurring on the site. Financial assurances are required for the predevelopment site grading at the time of the pre-construction meeting between the applicant and PCD Inspections staff, in accordance with the requirements of the Engineering Criteria Manual.

5. Transportation

The proposed Saddlehorn Ranch development is located immediately southeast of the intersection of Judge Orr Road and Curtis Road. Access to the development is proposed from each of these roads.

Traffic generated from the 218 dwelling units proposed in this development will be approximately 2,224 average daily trips and the proposed interior roads will be public local rural paved roads dedicated to the County for ownership and maintenance. The proposed roads and traffic depicted in the preliminary plan and TIS are in conformance with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) and the existing roads serving the proposed

development will be adequate with the improvements mentioned below. Judge Orr Road is shown as a 4-lane minor arterial on both the MTCP 2040 plan and 2060 Corridor Preservation Plan, and Curtis Road is shown as a 2-lane principal arterial on the 2040 plan and as a 4-lane principal arterial on the 2060 plan. Right-of-way dedication and preservation as appropriate for these two roads is depicted on the preliminary plan. A waiver and deviation requests have been approved for these roads as noted in the Waiver(s)/Deviation(s) section above in this staff report.

As outlined in the traffic impact study (TIS) submitted with this project, the developer will be required to participate in construction and funding of offsite road improvements necessary for safe access and adequate levels of service with the development's traffic, including widening and paving of Curtis Road to a standard cross-section, turn lanes where necessary, and intersection improvements at surrounding intersections. Table 10 of the TIS summarizes the anticipated necessary improvements, timing of construction, and potential responsible parties. Escrow provisions and/or construction of improvements as warranted shall be addressed with each final plat within the Saddlehorn Ranch development.

This development is subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended, at the time of final plat recording.

H. SERVICES

1. Water

Sufficiency: To be provided at or before hearing.

Quality:

Quantity:

Dependability:

Attorney's summary:

2. Sanitation

Wastewater is proposed to be provided by individual onsite wastewater treatment systems (OWTS). The applicant provided an onsite wastewater treatment system report identifying that each proposed lot has a minimum of two (2) potential locations for a septic system.

3. Emergency Services

The property is within the Falcon Fire Protection District. The District was sent a referral for the preliminary plan and responded indicating they have no comments.

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 located within the Saddlehorn Metropolitan District which has a maximum debt authorization of \$45 million, a debt service mill levy of 50 mills, an operations and maintenance mill levy of 10 mills, and 5 mills for covenant enforcement with a maximum combined mill levy of 65 mills. The statutory purposes of the Districts include: 1) street improvements and safety protection; 2) design, construction, and maintenance of drainage facilities; 3) design, land acquisition, construction, and maintenance of recreation facilities; 4) mosquito control; 5) covenant enforcement, and 6) design, construction, and maintenance of public water and sanitation systems.

6. Parks/Trails

Fees in lieu of park land dedication will be due at the time of recording the final plat(s). The El Paso County Parks Master Plan (2013) shows the proposed Judge Orr Road and Curtis Road Bicycle Routes running immediately adjacent to the north and west of the subject parcels. Dedicated right-of-way has been provided to allow for the bicycle route. Additionally, the Plan depicts the Judge Orr Road Candidate Open Space encompassing much of the parcel. Although the applicant is proposing to dedicate 134 acres of open space, El Paso County Community Services, Parks Division, does not wish to own and maintain these areas. Instead, the Saddlehorn Metropolitan District will own and maintain the open space. The Parks Division of the El Paso County Community Services Department has made a recommendation that the proposal is in conformance with the Plan.

7. Schools

The site is within the boundaries of the Falcon School District No. 49. Fees in lieu of school land dedication shall be paid to El Paso County for the benefit of Falcon School District No. 49 at time of recording the final plat(s).

I. APPLICABLE RESOLUTIONS

Approval Page 25
Disapproval Page 26

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

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

CONDITIONS

- 1. Applicable traffic, drainage and bridge fees shall be paid with each final plat.
- 2. Applicable school and park fees shall be paid with each final plat.
- 3. 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, Colorado Parks and 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.
- 4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 18-471), as amended, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
- 5. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
- 6. Developer shall participate in a fair and equitable manner in offsite transportation improvements, including but not limited to the items listed in Table 10 of the

Saddlehorn Ranch Traffic Impact Analysis, to be verified and approved with an updated traffic impact analysis or memorandum provided with each final plat in the Saddlehorn Ranch development.

- 7. 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 future final plat applications. This work may be subject to any reimbursement as outlined in the El Paso County Road Impact Fee Program.
- 8. A site development plan shall be submitted, reviewed, and approved for the proposed water treatment plant prior to initiation of construction of the water treatment plant. The water treatment plant shall be limited to serving less than 250 dwelling units until and unless a 1041 permit is submitted, reviewed, and approved.

NOTATIONS

- 1. Subsequent final plat filings may be approved administratively by the Planning and Community Development Director.
- 2. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.
- 3. Preliminary plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 30 adjoining property owners on February 12, 2021, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Preliminary Plan Drawing
State Engineer's Letter
County Attorney's Letter (to be provided at or before hearing)

El Paso County Public Health Recommendation Letter Meadow Lake Airport Association Comments 2018 Letter to Meadow Lake Airport Association

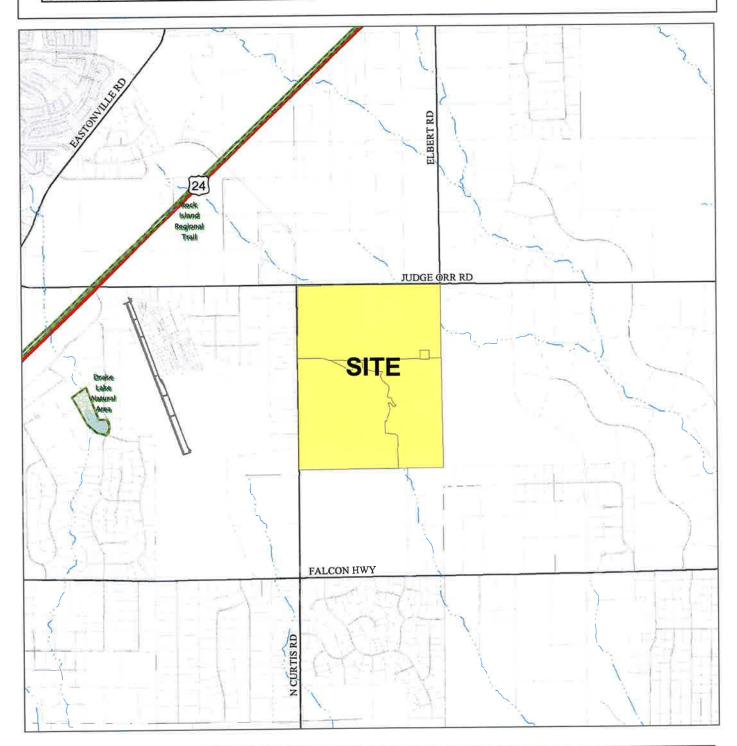
El Paso County Parcel Information

· · · · · · · · · · · · · · · · · · ·			
	PARCEL	NAME	
		GORILLA CAPITAL CO	
4:	300000602	GORILLA CAPITAL CO	
4:	300000602	GORILLA CAPITAL CO	
		GORILLA CAPITAL CO	
4	300000600	GORILLA CAPITAL CO	

File Name: SP-19-006

Zone Map No. -

Date: February 11, 2021



Please report any parcel discrepancies to: El Paso County Assessor 1675 W. Garden of the Gods Rd. Colorado Springs, CO 80907 23 (719) 520-6600



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Bill Guman, RLA, ASLA | Principal

Colorado Springs Cily Councilman 1993-2001 Colorado Springs Planning Commissioner 1992-1993 Regional Building Commissioner 1997-2001

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EL PASO COUNTY

LETTER OF INTENT FOR: SADDLEHORN RANCH 824 ACRE CURTIS ROAD SUBDIVISION

Preliminary Plan

Amended January 21, 2021

☐ 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 Saddlehorn Ranch (aka 824 Acre Curtis Road Subdivision) property for this Preliminary Plan application 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 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 816 acres, of which approximately 608+/- acres will be developed with up to 218 single family residences on lots each not less than 2.5 acre size.

Approximately 134 acres (16.4%) of the 816 acre site is bisected in three distinct areas by jurisdictional and non-jurisdictional wetlands, which are identified on the Preliminary Plan as separate tracts. These areas will be preserved as open space with limited recreational use having a primary emphasis on walking and equestrian trails. None of the proposed 218 residential lots encroaches into any floodplain. All 134 acres of open space will remain as no-build tracts.

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 paved Rural Local roads with roadside ditches.

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. The windmill and water tank are both located on the Preliminary Plan and Final Plat.

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 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 approval of a Preliminary Plan for the development of 218 rural residential single family residential lots on approximately 816 acres (e.g. .267 DU/Acre density). Early grading operations are requested for Filing 1 and part of Filing 2. The Type C Application Form (1-2B) is submitted.

DEVIATIONS AND WAIVERS

- 1.) Re. Cul-de-sac length: Deviation request from the standards of or in Section ECM Section 2.3.8 Roadway Terminations for cul-de-sac horizontal design of the Engineering Criteria Manual (ECM) is requested. ECM criteria for maximum cul-de-sac length of 1,600 feet for rural condition. The reason for the requested deviation for maximum cul-de-sac length is due to the phasing of the Saddlehorn development. In future filings of Saddlehorn Ranch, El Raiceno Trail and Carranza Trail will be completed and will eliminate the temporary cul-de-sacs with a loop. The loop is not being built in Filing 1 because it would require 6,361 feet of additional roadway without any platted lots and therefore isn't practical. Temporary cul-de-sacs have been added to the proposed end of the street to allow for fire access. There will be no lots served by these temporary cul-de-sacs.
- 2.) Re. Judge Orr Road: Deviation request from the standards of or in section ECM Section 2.2.4 Roadway Functional Classifications of the Engineering Criteria Manual (ECM) is requested. The 824 acre Curtis Road Development Traffic Impact Analysis Indicates Judge Orr Road is classified as a "4 Lane Minor Arterial" in the El Paso County 2040 Major Transportation Corridors Plan. The ECM currently has no standard cross section for a 4 lane minor arterial. It is assumed that a 4 lane minor arterial (rural) cross section would add a 12 ft. travel lane in each direction to Figure 2-5 Typical Rural Minor Arterial Cross Section (two lane). See Exhibit A. The purpose of this deviation is to document the cross-section and ROW dedication necessary to be shown on the preliminary plan. To explain the proposed alternative, and compare to the ECM standards, see Exhibit A for available ECM cross sections and see Exhibit B for the existing Judge Orr Road cross section. The applicant will provide a 90 foot half right of way on all plats adjacent to Judge Orr Road consistent with the anticipated ROW needs identified in the MTCP. The applicant is also subject to the El Paso County Road Impact Fee per resolution No. 19-471 and is therefore paying its fair and equitable share of necessary improvements identified in the MTCP. Re. Limits of Consideration, the category of "a change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public" has been selected. Regarding justification, the MTCP minor 4-lane arterial cross-section is not provided in the Engineering Criteria Manual. Under Criteria for Approval, the first criterion considers whether the deviation will achieve the intended result with a comparable or superior design and quality of improvement. In response, this request is not based on financial considerations. There is not enough ROW to accommodate a 4-lane minor arterial street section. Per Table 10 of the Traffic Impact Study, Judge Orr is MTCP Project No. C15 and applicant will pay into the Fee program traffic impact fees to participate in funding the project. See Exhibit C. The second criterion considers whether the deviation will adversely affect safety or operations. The response is the deviation will not adversely affect safety or operations as Judge Orr Road is an existing, operable roadway. As final plats take access to Judge

Orr Road each intersection will be designed to accommodate the requirements listed in Table 10 Roadway Improvements of the Traffic Impact Study. The third criterion asks that the deviation will not adversely affect maintenance and its associated cost. The response is that the maintenance of the roadways will not be impacted as the existing roadway will be left in its existing condition at this time. The fourth criterion asks that the deviation will not adversely affect aesthetic appearance. In this instance, the deviation has no bearing on the aesthetic appearance. The fifth criterion asks that the deviation meets the design intent and purpose of the ECM standards. The response contends the deviation meets the design intent and purpose of the ECM standards. Once ROW can be obtained, the road can be built out to the full 4-lane minor arterial street section. The sixth criterion asks that the deviation meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, as applicable. The response is the deviation meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, facilities as required by the criteria.

3.) Re. Cul-de-sac length: Deviation request from the standards of or in Section ECM Section 2.3.8 Roadway Terminations for cul-de-sac horizontal design of the Engineering Criteria Manual (ECM) is requested. ECM criteria for maximum cul-de-sac length of 1,600 feet for rural condition. The proposed design also requires a waiver of the El Paso County Land Development Code 8.4.4D for the maximum number of lots on a cul-de-sac until the time that the connect through to future subdivisions to the east and south. The reason for the requested deviation for maximum cul-de-sac length is due to planning for future development of the parcels to the east and south of the Saddlehorn development. The land plan assumes that in the future, when the parcel to east and south are developed; Barrosito Trail will become an interconnected street to the south and La Noria Way will become an interconnected street to the east. To create a loop would require the extension of a roadway west at Copperas Court that intersects with Benito Wells Trails and would require additional asphalt and a box culvert crossing the existing drainageway increasing stormwater runoff, maintenance and operations costs for El Paso County and the Saddlehorn Metro District. Until the land develops to the east and south, Barrosito Trail functions as a dead end cul-de-sac with a length of 4,392 feet from its intersection with Del Cambre Trail to its terminus at the southern property line of Saddlehorn Ranch. Temporary gravel cul-de-sacs have been added to the proposed end of Barrosito Trail and La Noria Way to allow for fire access and a public turnaround. These temporary cul-de-sacs will be gravel surfaced and meet ECM geometric criteria for rural cul-de-sacs shown on SD-2_76. There is adequate area provided for placement of snow in the area between the edge of gravel and the edge of the Temporary Turnaround Easement. There will be no lots served by these temporary cul-de-sacs. See Exhibit E for a map graphically depicting the deviation request. A considered alternative land plan would be to extend a roadway west at Copperas Court that intersects with Benito Wells Trail. The alternative roadway would be 1,211 feet in length, serve no lots, and require a box culvert crossing an existing drainageway. This

alternative is not preferred for the reasons mentioned above. Per the Saddlehorn Ranch traffic impact analysis dated March 11, 2020, all roads within Saddlehorn shall be classified as Rural Local. Other nearby municipalities allow for flexibility in cul-de-sac lengths in certain situations. Re. Limits of Consideration, the category of "topography, right-of-way, or other geographical conditions or impediments impose an undue hardship and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility" has been selected. Justification: The ECM standard is inapplicable to the particular situation due to the fact that in this instance, the excessive length can be considered a temporary condition and Barrosito Trail will adhere to the ECM criteria once the parcel to the south develops as anticipated. To adhere to the standard would impose an undue hardship and little or no benefit to the public. To meet the standard, an additional 1,211 feet of roadway would be required along with a box culvert drainageway crossing serving no lots which is not practical. Addressing the criteria for approval, the first category is that the deviation will achieve the intended result with a comparable or superior design and quality of improvement. The response is this deviation will produce a better quality large-lot residential design and be beneficial to the eventual development of the surrounding parcels. All roadways are proposed with a 60 ft. ROW width with a minimum 10 ft. drainage and utility easement each side of the ROW and will be designed to meet ECM Rural Local standards. The second category in criteria for approval is that the deviation will not adversely affect safety or operations. In response, the deviation will not adversely affect safety or operations. The fire department has reviewed the proposed layout and found it acceptable. A copy of the email from the Fire Department, Exhibit G, is attached. The proposed design utilizing roadside swales and a temporary turnaround accommodates snow plowing operations and snow storage. The third category in criteria for approval is that the deviation will not adversely affect maintenance and its associated cost. In response, maintenance of the roadways will not be impacted. Regardless of how long, the cul-de-sac is still designed with the required turnaround and therefore does not affect the maintenance ability. The less desirable alternative of adding additional roadway length would increase El Paso County maintenance costs. The fourth category in criteria for approval is that the deviation will not adversely affect aesthetic appearance. In response, the deviation has no bearing on the aesthetic appearance. Without the deviation, the additional road connection would disturb a natural drainageway which is detrimental to overall aesthetic appearances. The fifth category in criteria for approval is that the deviation meets the design intent and purpose of the ECM standards. In response, the deviation meets the design intent and purpose of the ECM standards. The temporary public turnarounds on Barrosito Trail and La Noria Way will be designed and built per ECM standards. There is a proposed emergency access for Fire Protection located off Curtis Road, approximately 313' north of the southwest property corner. The length of this temporary gravel road is 532' and it meets the County minimum standards for width, turning radius and loading. The Falcon Fire Protection District reviewed the preliminary plan in 2019 as part of the preliminary

plan review process and no objections or comments were noted. The Fire Department has reviewed the proposed layout of the deviation and has found it acceptable. A copy of the email from the Fire Department, Exhibit G, is attached. The sixth category in criteria for approval is that the deviation meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, as applicable. In response, the deviation meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, this project is proposing Water Quality facilities as required by the criteria. The use of additional roadway surfaces to complete a loop would result in increased land disturbance and stormwater runoff requiring water quality treatment and detention.

- 4.) Re. Centerline radius: Deviation request from the ECM criteria for minimum rural centerline radius. Applicant wishes to use the urban local centerline radius of 200 feet in four locations within the property as opposed to the rural local centerline radius of 300 feet. The applicant believes the reduced radius is appropriate for the roadway geometry at these four requested locations. In the four locations where the deviation is requested, the natural features of the site (floodplain constraints and nearby Curtis Road) lend themselves to the use of a "reduced radius" to create an efficient layout. Each area serves less than ten lots. Use of the required 300 foot centerline radius would create the need for excessively long flag lots or excessively large lots for the underlying RR-2.5 zoning. If the deviation is granted, the applicant would reduce the posted speed from 30 mph (rural local) to 25 mph (urban local). The daily traffic volume on these streets is minimal; each location only serves 10 or less nearby lots. This request is not based on financial consideration, but rather the lack of a "low volume reduction" in geometrical standards similar to ECM urban criteria. This deviation achieves a superior lot layout that improves the subdivision. The applicant believes excessively long flag lots are less desirable than the reduced centerline radius. Falcon Fire Protection District (Trent Harwig) had accepted the originally proposed knuckle layout (no longer proposed). The roadway may be signed to announce a speed limit of 25 mph, consistent with urban local speeds. Maintenance of the roadway will be unaffected by the reduced centerline radius. The use of the reduced roadway radius does not adversely affect aesthetic appearance as compared to the use of excessively long flag lots.
- 5.) Re. Curtis Road: Deviation request from the standards of or in section ECM Section 2.2.4 Figure 2-4 Figure Rural Minor Arterial of the Engineering Criteria Manual (ECM) is requested. ECM criteria for a rural minor arterial cross sections requires a 12' travel lane and an 8' paved shoulder. The 2040 MTCP identifies Curtis Road as a two-lane rural Principal Arterial. Since there is no standard 2-lane principal arterial cross-section, this deviation will document the proposed 2040 cross-section (rural minor arterial) and reasoning for the proposed ROW dedication width. The reason for the requested deviation is that in order to build the full cross-section, ROW would need to be obtained from adjacent property owners to accommodate the full 8' paved shoulder on the west side of the road. To place the burden of ROW acquisition from the adjacent property owners on the Saddlehorn development would not be fair or equitable. While the minor

arterial half-cross section could be built on the east (Saddlehorn) side of the road, it is not the appropriate time to build out the full-section until traffic warrants the arterial cross-section and both sides of the road can be constructed. As an explanation to the proposed alternative and comparing it to the ECM standards, the proposed alternative for the west side is for the 8' paved shoulder to be reduced to a 2' paved and 2' gravel shoulder. This is the maximum that can fit inside the existing western ROW. Exhibit H provides the proposed cross section. The applicant will provide a 72 foot half right of way along with an additional 18 foot ROW preservation on all plats adjacent to Curtis Road consistent with the anticipated ROW needs identified in the MTCP and the Preserved Corridor Network Plan. The applicant is also subject to the El Paso County Road Impact Fee per resolution No. 19-471 and is therefore paying its fair and equitable share of necessary improvements identified in the MTCP. For Curtis Road adjacent to Filing 1 east half-section, the applicant proposes to provide a 12 ft. travel lane, 2' asphalt shoulder and 2' gravel shoulder for Filing 1 development. The proposed alternative is consistent with the ECM Table 2.5 design criteria for a rural local roadway and intersections are projected to operate at a level of service C or better with the buildout of Filing 1. For Curtis Road adjacent to future filings, the applicant proposes to provide a 12' travel lane, 8' asphalt shoulder and 2' gravel shoulder on the east side. The proposed alternative is consistent with the ECM Table 2.4 design criteria for a minor arterial roadway. Per the rezoning approval, a condition was placed on Curtis Road requiring improvements to arterial road standards with potential reimbursement from the fee program. The condition wording is "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. The work may be subject to any reimbursement as outlined in the El Paso County Road Impact Fee Program". The applicant is providing adequate ROW to meet this condition for Filing 1 and is proposing a reduced cross section to local road criteria for Filing 1. Future filings adjacent to Curtis Road will dedicate adequate ROW and will build a rural minor arterial half cross section criteria once the County has obtained the additional ROW from western parcels. Exhibit H provides the proposed cross sections. A limit of consideration which is presented is that ROW must be obtained on the west side of the road for the full 8' paved shoulder to be constructed on Curtis Road. The maximum shoulder width that can be constructed inside the existing ROW is a 2' paved shoulder. This falls under the category of ROW limitation or impediments which may be addressed by an equivalent alternative. Regarding this, the justification is that ROW must be obtained on the west side of the road for the full 8' paved shoulder to be constructed on Curtis Road. The maximum shoulder width that can be constructed inside the existing ROW is a 2' paved shoulder. The deviation will achieve the intended result with a comparable or superior design and quality of improvement. This deviation will improve the roadway by adding a shoulder and maintain a consistent cross section until such time as the additional western ROW is acquired as part of the overall improvement of Curtis Road to minor arterial standards. This request is not based on financial considerations but the practicality of obtaining ROW from private properties. The deviation will not adversely affect safety or operations. This deviation will improve the safety when compared to the existing condition that has no asphalt shoulder and 11' travel lanes. Operations will not be impacted by the proposed cross section. As final plats take access to Curtis Road the each intersection will be designed to accommodate the requirements listed in Table 10 Roadway Improvements of the Traffic Impact Study. Filing 1 intersection improvements will provide a 12' through lane, 12' decel/turn lane, 2' paved shoulder and a 2' gravel shoulder. The deviation will not adversely affect maintenance and its associated cost. Maintenance of the roadways will not be impacted. The deviation will not adversely affect aesthetic appearance. The deviation meets the design intent and purpose of the ECM standards. Once ROW can be obtained, the road can be built out to the full two lane rural principal arterial section as indicated in the 2040 MTCP. The 2040 Total ADT of 10,000 ADT is within the proposed cross section criteria. See Exhibit I for existing, Filing 1, buildout and 2040 ADT estimates from the TIS. The deviation meets the control measure requirements of Part 1.E.3 and Part 1.E.4 of the County's MS4 permit, this project is proposing Water Quality facilities as required by the criteria.

TOTAL NUMBER OF ACRES IN THE PRELIMINARY PLAN AREA: 608.98 acres single family residential, 134.33 acres jurisdictional and non-jurisdictional wetland (floodplain/open space, no-build), 13.19 acres of detention and 59.98 acres roads/ROW for a total of 816.48 acres.

TOTAL NUMBER OF ACRES WITHIN THIS APPLICATION: 816.00+/- acres

JUSTIFICATION FOR REQUEST

This request is consistent with the purposes of the EPCLDC including the <u>Falcon/Peyton Small</u> <u>Area Master Plan</u>. The proposed Preliminary 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 from the roadways up to all new lots. Water will be provided via a central water system to be developed by the Owner/Applicant and will be operated and maintained by the Saddlehorn Ranch Metropolitan District (organization of a Metropolitan District will be completed at the time of Final Plat recording). Individual septic

systems will be provided via an On Site Wastewater Treatment system (OSWT) prepared by the Owner in accordance with El Paso County Department of Health policy guidelines.

Improvements to Curtis Road and Judge Orr Road to be completed during the full build-out of Saddlehorn Ranch are as listed in the attached <u>"Table 10 – Roadway Improvements for Saddlehorn Ranch."</u> This data appears in the Traffic Improvement Study report that has been submitted with the Preliminary Plan application.

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.

The Colorado Geological Survey's review comment of the submitted geotechnical report (as posted on EDARP) indicates:

<<Provided Entech's recommendations are adhered to, and lot-specific investigations and analyses are conducted for use in design of individual foundations, floor systems, subsurface drainage, and pavements, CGS has no objection to approval of the 218-lot residential subdivision as proposed.>>

As such, prior to construction of proposed residences, lot-specific subsurface soil investigations will be performed to determine whether or not shallow groundwater, hydro-compacted soils, and/or potentially expansive soils are present on the lot, and to determine an appropriate foundation design, basement or crawl-space suitability, and/or lot-specific recommendations are necessary to mitigate these conditions. Language requiring lot-specific subsurface soil investigation will appear as a Note on the Preliminary Plan.

LAND DEVELOPMENT CODE, COMPREHENSIVE PLAN AND COUNTY MASTER PLAN CONSISTENCY

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 Preliminary Plan and development of the *Saddlehorn Ranch* development. The policies specifically related to the Preliminary Plan request 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 Preliminary Plan proposed for 218 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 6.1.6 - Direct development toward areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently.

Saddlehorn Ranch is proposed as a development of single family rural residences 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 this development.

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 Preliminary Plan with RR-2.5 zoning 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 816 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 the floodplains and 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.

The Preliminary Plan 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/Applicant furthermore propose to introduce a new public trail system within Saddlehorn Ranch to include equestrian use to further promote a rural character that is compatible with existing adjacent neighborhoods.

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 new 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 Preliminary 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 Preliminary 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.

The Preliminary Plan design, which includes 2.5 acre home sites and larger expanses of open space (16.4% within the floodplains), ensures that development of this site will remain compatible and contiguous with existing rural residential areas. At .267 DU/Ac, Saddlehorn Ranch is compatible with numerous other subdivisions adjacent to and within a 2 mile radius of the property.

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.

Livestock and grazing will be permitted on lots of 5 acres and less but will be limited to recreational animals (horses) and small livestock including chickens or goats. Covenants for Saddlehorn Ranch have been drafted and include the following language:

"No animals, birds, livestock, reptiles or insects of any kind may be raised, bred, kept or boarded in or on a Lot, except for bona fide household pets as permitted by applicable local laws or ordinances and in compliance with any Rules and Regulations not in conflict with such laws or ordinances. Additionally, owners may keep a reasonable number of horses, goats, chickens and other animals as may be permitted by the Rules and Regulations or allowed by the Board of Directors on a Lot, and may, with the prior written approval of the ARC, construct such barns, corrals, and/or fenced areas as necessary to contain the same. Each animal must be controlled by its owner and is not allowed off the owner's Lot except when properly controlled and accompanied by its owner or his or representative, who is responsible for collecting and properly disposing of any animal waste. An Owner's and/or Occupant's right to keep animals is coupled with the responsibility to pay for any damage caused by such animal, as well as any costs incurred as a result of such animals."

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, Saddlehorn Ranch 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 Preliminary Plan 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 nearly 134 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 Preliminary 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 facilitate the development of 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 Preliminary Plan anticipates a finite quantity of 218 homes that can be built on 2.5 acre lots within the 816 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 Preliminary 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 816 acre

site) to facilitate the construction of a central water supply and serve all new homes within the Preliminary Plan area.

3.5 Transportation

El Paso County Road Impact Fee Program

This project will be subject to participation in the El Paso County Road Impact Fee Program.

This project will request annexation into the 10 mil PID. The up-front fees will be per the current 2019 fee schedule for Single Family Detached housing.

Upfront Road Impact fees are due at plat recordation.

- 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 the Preliminary 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 Preliminary Plan 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 Preliminary Plan area would be a local residential category.

With regard to Meadow Lake Airport, as originally indicated on Page 2 of this LOI the Preliminary Plan area had once before been approved by the county as a PUD development with up to 5,370 urban-density dwelling units on 6,300 acres. This Preliminary Plan application proposes significantly fewer units (e.g. 218) on 2.5 acre lots within the 816 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 816 acre site) to facilitate the construction of a central water supply that will service all new homes within the Preliminary Plan area. This will allow for sustainable, planned growth as the Preliminary Plan area does 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 Preliminary Plan indicates 134 acres of jurisdictional and non-jurisdictional wetlands and floodplains that will remain as no-build open space area. The Owner/Applicant proposes that equestrian trails will be developed for area residents within some of these open spaces.

All parks, trails, and open space tracts will be maintained by the Saddlehorn Ranch Metropolitan District, which will be formed and organized prior to the approval of the Final Plat.

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 Preliminary Plan indicates there are 134 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.

WATER DEPENDABILITY

The following information was provided by request of El Paso County:

Water Sufficiency:

A finding of water sufficiency shall be delayed until the final plat. To that end:

- A Technical, Managerial, and Financial Capacity assessment will be submitted to CDPHE in August 2020.
- The Basis of Design Report (BDR) for the system will be submitted to CDPHE in August 2020.

 Per the Water Resources and Wastewater Report submitted in 2019, Saddlehorn Ranch has the following Supply and Demands:

Water Supply and Demand Summary

LOTS	Total Supply (AF/Year)	Total Demand (AF/Year)
218	198.16	146.06

Water Quality

- Two wells, an Arapahoe and a Laramie-Fox Hills, have been drilled, screened, cased, and tested for this subdivision. Both well completion reports were done in 2008.
- Saddlehorn Ranch Metropolitan District (SRMD) has sampled both wells for three quarters in 2019.
- None of the primary constituents that were tested were above their respective Maximum Contaminant Level (MCL). Only Total Dissolved Solids, a secondary standard, was above its MCL.
- Chlorination and filtration to remove Iron and Manganese are planned for this system.
 This will likely be accomplished via a pressure-sand filtration. Although filtration is not mandatory, it will be done for water taste and aesthetics.

System Certification

- Upon completion of construction of the water system, the design engineer will certify that it has been built in general conformance with the appropriate plans specifications (CDPHE, AWWA, IBC, etc.)
- Prior to completion of the system, and during the BDR phase, a designated Operator in Responsible Charge (ORC) will be selected and identified.

END

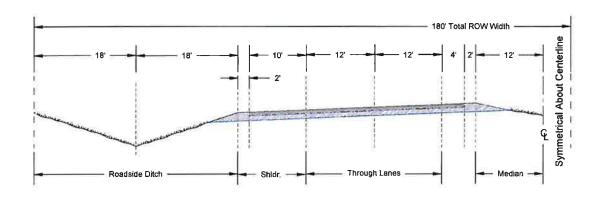
Exhibit A

Chapter 2 Transportation Facilities

Adopted: 12/23/2004 Revised: 12/13/2016 REVISION 6

Section 2.2.4-2.2.4

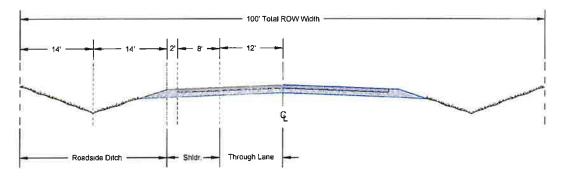
Figure 2-4. Typical Rural Principal Arterial Partial Cross-Section (4 Lane)



3. **Minor Arterial**

Minor arterials serve high-speed and high-volume traffic over medium distances, or are anticipated to serve this kind of traffic within a twentyyear period. Access is restricted through prescribed distances between intersections, use of medians, and no full movement parcel access (See Figure 2-5). Minor arterial status is assigned to rural roadways where the probability of significant travel demand in the future is high. Rights-ofway, easements, setbacks, and access limitations shall be pursued through the land development process on properties adjacent to minor arterials.

Figure 2-5. Typical Rural Minor Arterial Partial Cross Section



4. **Major Collector**

Major collectors serve as links between local access and arterial facilities over medium-to-long distances. Major collectors are managed to

Adopted: 12/23/2004 Revised: 12/13/2016

REVISION 6

Section 2.3.2-2.3.2

Exhibit A - cont

Table 2-3. Roadway Design Criteria Continued

Criteria	Concern	Guideline
Minimize Space Devoted to Road Use	It is desirable to minimize local road mileage, thereby reducing construction and maintenance costs, as well as permitting the most efficient use of land. Roads should also have an appearance commensurate with their function.	Roads should be designed to complement local character.
Relate Road to Topography	Local roads are more attractive and economical if constructed to closely adhere to topography (minimize cut and fill).	The important role that roads play in the overall storm drainage system can be enhanced by closely following existing topography.
Layout Road to Achieve Optimum Subdivision of Land	The arrangement of roads should allow for economical and practical patterns, shapes, and sizes of adjacent lots. Roads as a function of land use must not unduly hinder the development of land.	Distances between roads, number of roads, and related elements all have a bearing on efficient subdivision of an area. Access to adjoining properties should also be encouraged.

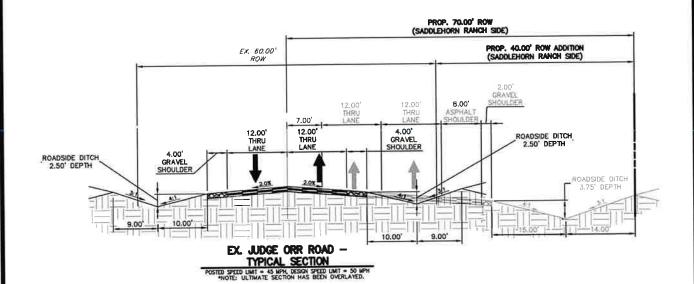
2.3.2 Design Standards by Functional Classification

Section 2.2.4 of these standards identifies the Roadway Functional Classifications recognized and used by the County. Table 2-4 through Table 2-7 summarize many of the minimum roadway design standards by category and functional classification. Detailed road Standard Drawings are provided in Appendix F.

Table 2-4 Roadway Design Standards for Rural Expressways and Arterials

	Expres	ssways	Arterials			
Criteria	6 Lane	4 Lane	6 Lane Principal	4 Lane Principal	Minor	
Design Speed / Posted Speed (MPH)	70 / 65	70 / 65	70 / 65	70 / 65	60 / 55	
Clear Zone	34'	34'	34'	34'	30'	
Minimum Centerline Curve Radius	2,050 ^{,1}	2,050 ^{,1}	2,050'1	2,050'1	1,505 ^{,1}	
Number of Through Lanes	6	4	6	4	2	
Lane Width	12'	12'	12'	12'	12'	
Right-of-Way	210'	180'	210'	180'	100'	
Paved Width	56 ²	38' ²	56 ²	38' ²	40'	
Median Width	24'	24'	24'	24'	n/a	
Outside Shoulder Width (paved/gravel)	12'(10'/2')	12'(10'/2')	12'(10'/2')	12'(10'/2')	10'(8'/2')	
Inside Shoulder Width (paved/gravel)	12'(10'/2')	6'(4'/2')	12'(10'/2')	6'(4'/2')	n/a	
Design ADT		48,000		40,000	10,000	
Design Vehicle	WB-67	WB-67	WB-67	WB-67	WB-67	
Access Permitted	No	No	No	No	No	
Access Spacing	n/a	n/a	n/a	n/a	n/a	
Intersection Spacing	1 mile	1 mile	½ mile	½ mile	1/4 mile	
Parking Permitted	No	No	No	No	No	
Minimum Flowline Grade	1%	1%	1%	1%	1%	

Exhibit B



SADDLEHORN RANCH DEVIATION REQUEST EX. JUDGE ORR ROAD 2514200 5/4/20 SHEET 1 OF 1



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Exhibit C

_	Table 10	: Roadway Improvements for Saddlehon	n Ranch
		Offsite Intersections Timing	Responsibility
em#	Improvement	US Highway 24/Judge Orr Intersection	responsibility.
1.1	Realignment of Judge Orr Road at US Highway 24	Future (the PEL study identified this as high priority project with a time frame of	CDOT
	per CDOT Hwy 24 PEL Study	less than 5 years) As required by other development(s) or	CDOT or by others
1.2	US 24 approaching Judge Orr Road	with realignment of US 24/ Judge Orr As required by other development(s) or	CDOT or by others
1.3	acceleration lane on US 24 at Judge Orr Road Eastbound left-turn lane on Judge Orr Road	with realignment of US 24/ Judge Orr	
1.4	approaching US 24	With realignment of US 24/ Judge Orr	CDOT
1.5	Westtbound dual left-turn lanes on Judge Orr Road approaching US 24	With realignment of US 24/ Judge Orr	СДОТ
1.6	Northeast-bound right-turn deceleration lane on US 24 approaching Judge Orr Road	With realignment of US 24/ Judge Orr	CDOT
1.7	Eastbound right-turn deceleration lane on Judge Orr Road approaching US 24	As required by other development(s) or with realignment of US 24/ Judge Orr	CDOT or by others
	L. I. d.	US Highway 24/Stapleton Intersection Once warrants are met	CDOT is collecting escrow from area developments
2.1	Signalize the Intersection	Curtis Road/Falcon Highway	impacting this intersection with each subdivision filing
3,1	Lengthen eastbound left-turn lane to ECM standards on Falcon Highway approaching Curtis Road	Currently warranted by ECM	Escrow for pro-rata share of improvement or constructi at the time of Phase 2 development (fee program cred per fee program provisions)
3.2	Long Term: In the case of a future signalized intersection - Construct southbound right-turn deceleration lane on Curtis Road approaching Falcon Highway	Upon Signalization	Escrow for pro-rata share of Improvement or constructi if warranted at the time of development (fee program credit per fee program provisions)
3,2	Long Term: Reconstruct intersection as a modern roundabout (or signalize the intersection)	Once LOS of AWSC drops below acceptable levels (roundabout); or once signal warrants are met (for conversion to a signal or roundabout)	El Paso County — This intersection will be fee-program eligible for a signal/roundabout and applicant will pay to program traffic impact fees,
		nt County Arterial Roadway ROW Requir	ements
4.1	Judge Orr Right-of-Way Dedication - 4 Lane Minor Arterial, Rural 130' to 150 estimated right- of-way dedication' (Note: 4-lane Rural Principal is 180')	Shown in 2040 MTCP	Applicant
4,2	Judge Orr - 4 Lane Minor Arterial - Beyond above dedication, no additional right-of-way preservation needed	Shown in 2060 Corridor Pres Plan	Applicant
4.3	Curtis Road - 2 Lane Rural Principal Arterial 130' to 150' estimated right-of-way dedication (Note: 4-lane Rural Principal is 180')	Shown in 2040 MTCP	Applicant
4.4	Curtis Road - 4 Lane Rural Principal Arterial 180' right-of-way preservation	Shown in 2060 Corridor Pres Plan	Applicant
	11.5	Roadway Segment Improvements	MTCP Project No. U5; Details TBD; applicant will pay fo
5.1	Falcon Highway - Upgrade to Two-Lane Rural Minor Arterial	Shown in 2040 MTCP	program traffic impact fees
5.2	Judge Orr Road - Widen to Four Lane Rural Minor Arterial	Shown in 2040 MTCP	MTCP Project No. C15; Details TBD; - applicant will pay program traffic impact fees.
5.3	Curtis Road - Upgrade to Two-Lane Rural Principal Arterial	Shown in 2040 MTCP	MTCP Project No. U1; Applicant per rezone condition approval, potentially subject to fee program credit.
	The state of the s	Internal Subdivision Roadways As development occurs and as needed	
6,1	Construct internal streets to County Rural Local Standards	for access	Applicant
		ijacent Intersection and Access Intersect	Responsibility
em i	Improvement	Timing Judge Orr/Curtis Road Intersection	Mashalining
7.1	Westbound right-turn deceleration lane	Once peak hour westbound right turn volume exceeds 50 vehicles per hour.	Escrow for improvement or construction if warranted the time of development (fee program credit per fe
7.2	Eastbound right-turn deceleration lane	Currently warranted by ECM	Escrow for improvement or construction at the time Phase 2 development (fee program credit per fee prog provisions)
7.3	Potentially sign for all way stop-sign control (AWSC)	Once warrants for AWSC are met	El Paso County
7.4	Long Term: Reconstruct intersection as a modern roundabout (or signalize the intersection)	signal warrants are met (for conversion to a signal or roundabout)	El Paso County; This intersection will be fee-program eligible for a signal/roundabout and applicant will pay program traffic impact fees.
	Long Term: In the case of a future signalized intersection - lengthening of northbound and	As needed based on future speed limit and turning volume/stacking length	Escrow for improvement or construction If warranted the time of development (fee program credit per fe program provisions)
7.5	southbound left-turn deceleration lanes.	Judge Orr/Barrosito Trall	
7.5 8.1		Judge Orr/Barrosito Trall	. •
	southbound left-turn deceleration lanes.	Judge Orr/Barrosito Trail Judge Orr/Del Cambre Trail	· · ·
8.1	No Auxiliary Turn Lanes Required No Auxiliary Turn Lanes Required No Auxiliary Turn Lanes Required Short Term	Judge Orr/Barrosito Trail Judge Orr/Del Cambre Trail	·
8.1 9.1	No Auxiliary Turn Lanes Required No Auxiliary Turn Lanes Required No Auxiliary Turn Lanes Required Short Term No Auxiliary Turn Lanes Required Long Term	Judge Orr/Barrosito Trail Judge Orr/Del Cambre Trail Curtis Road/Oscuro Trail With Phase 2/3 site development	. W
9.1	No Auxiliary Turn Lanes Required No Auxiliary Turn Lanes Required No Auxiliary Turn Lanes Required Short Term No Auxiliary Turn Lanes Required Long Term Construct northbound right-turn deceleration lane on Curtis Rd approaching the site access Short Term No Auxiliary Turn Lanes Required	Judge Orr/Barrosito Trail Judge Orr/Del Cambre Trail Curtis Road/Oscuro Trail	(A)
9.1	Southbound left-turn deceleration lanes. No Auxiliary Turn Lanes Required No Auxiliary Turn Lanes Required Short Term No Auxiliary Turn Lanes Required Long Term Construct northbound right-turn deceleration lane on Curtis Rd approaching the site access Short Term No Auxiliary Turn Lanes Required Long Term No Auxiliary Turn Lanes Required	Judge Orr/Barrosito Trail Judge Orr/Del Cambre Trail Curtis Road/Oscuro Trail With Phase 2/3 site development Curtis Road/North Site Access	Applicant



PROPERTY DESCRIPTION:

Exhibit D

PARCEL A:

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S 89 DEGREES 21 MINUTES 33 SECONDS E, ALONG THE NORTH LINE OF SAID SECTION 3. 5275.27 FEET TO THE NORTHEAST CORNER THEREOF; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG THE EAST LINE OF SAID SECTION 3, 1841.19 FEET; THENCE N 89 DEGREES 49 MINUTES 04 SECONDS W, 5280.38 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E. ALONG SAID WEST LINE, 1883.39 FEET TO THE POINT OF BEGINNING.

EXCEPT THOSE PORTIONS CONVEYED TO EL PASO COUNTY BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO, IN SPECIAL WARRANTY DEEDS RECORDED JANUARY 29, 2015 AT RECEPTION NO. 215008985 AND **RECEPTION NO. 215008986.**

PARCEL B:

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG THE WEST LINE OF SAID SECTION 3. 1974.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, N 00 DEGREES 05 MINUTES 14 SECONDS E, 1649.14 FEET; THENCE S 89 DEGREES 49 MINUTES 04 SECONDS E, 5280.38 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3: THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG SAID EAST LINE, 1649.15 FEET; THENCE N 89 DEGREES 49 MINUTES 04 SECONDS W, 5285.17 FEET TO THE POINT OF BEGINNING.

PARCEL C:

A PARCEL OF LAND LOCATED IN SECTION 3 AND SECTION 10, TOWNSHIP 13 SOUTH. RANGE 64 WEST, OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG THE WEST LINE OF SAID SECTION 3, 327.11 FEET, THENCE S 89 DEGREES 49 MINUTES 04 SECONDS E, 5289.95 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG SAID EAST LINE, 327.11 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 3; THENCE S 00 DEGREES 57 MINUTES 38 SECONDS W, ALONG THE EAST LINE OF SAID SECTION 10, 1320.52 FEET TO THE SOUTHEAST CORNER OF THE

NORTH HALF OF THE NORTH HALF OF SAID SECTION 10; THENCE N 89 DEGREES 48 MINUTES 49 SECONDS W, ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF SAID SECTION 10, 5285.51 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 00 DEGREES 43 MINUTES 38" SECONDS E, ALONG THE WEST LINE OF SAID SECTION 10, 1320.06 FEET TO THE POINT OF BEGINNING.

Per the Commitment for Title Insurance, issued by Westcor Land Title Insurance Company, Commitment No. 56676ECS, dated August 2, 2018.

PARCEL 21:

A PORTION OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 3; THENCE ALONG THE EAST LINE OF SAID SECTION 3, \$00°42'25"E (BEARINGS ARE RELATIVE TO THE NORTH LINE OF SECTION 3, BEING MONUMENTED AT THE WESTERLY END BY A FOUND NO.6 REBAR WITH A 3-1/4" ALUMINUM CAP IN A VAULT, STAMPED "PLS 17496", AND AT THE EASTERLY END BY A FOUND NO. 6 REBAR WITH 3-1/2" ALUMINUM CAP IN A VAULT, STAMPED "LS 17496", AND MEASURED TO BEAR \$89°59'26"E, A DISTANCE OF 5275.03 FEET), A DISTANCE OF 3490.37 FEET, TO THE SOUTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO. 213021177,IN THE OFFICIAL RECORDS OF EL PASO COUNTY; SAID CORNER ALSO BEING THE POINT OF BEGINNING; THENCE \$00°42'25"E, CONTINUING ALONG THE WEST LINE OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM

DEED RECORDED AT RECEPTION NO.213113100, IN SAID OFFICIAL RECORDS, A DISTANCE OF 1647.65 FEET, TO THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO. 213043391, IN SAID OFFICIAL RECORDS; THENCE S89°33'10'W, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 5289.71 FEET, TO A POINT LYING ON THE WEST LINE OF SAID SECTION 3; THENCE ALONG SAID WEST LINE, N00°32'28'W, A DISTANCE OF 1645.40 FEET, TO THE SOUTHWEST CORNER OF SAID PARCEL, RECORDED AT RECEPTION NO. 213021177, IN SAID OFFICIAL RECORDS; THENCE N89°31'43"E, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 5284.95 FEET, TO THE POINT OF BEGINNING.

Per the Commitment for Title Insurance, issued by Land Title Guarantee Company, Order No. SC55073032, dated October 1, 2018.

Being more particularly described by metes and bounds as follows:

COMMENCING at the Northeast Corner of Section 3, Township 13 South, Range 64 West of the 6th Principal Meridian; thence along the east line of said Section 3, S00°42′27″E (Basis of bearings is the North line of Section 3, Township 13 South, Range 64 West of the 6th Principal Meridian, monumented at the West end by a No. 6 Rebar with a 3-1/4″ aluminum cap, properly marked, in a monument box, "PLS 17496″ and at the East end by a No. 6 rebar with a 3-1/2″ aluminum cap, properly marked, in a monument box, "PLS 17496″, having a measured bearing and distance of S89°59′23″E, 5275.26′. Bearings are relative to Colorado State Plane Central Zone (0502)), a distance of 30.00 feet, to the **POINT OF BEGINNING**; thence continuing along

said east line, S00°42'27"E, a distance of 5,435.28 feet, to the Southeast Corner of said Section 3, said point also being the Northeast Corner of Section 10, Township 13 South, Range 64 West of the 6th Principal Meridian; thence along the east line of the North 1/2 of the North 1/2 of said Section 10, S00°19'54"W, a distance of 1,320.51 feet, to the North 1/16th Corner of said Section 10; thence leaving said east line and along the south line of the North 1/2 of the North 1/2 of said Section 10, S89°34'02"W, a distance of 2,642.78 feet, to the North-Center-Center 1/16th Corner of said Section 10; thence continuing along said south line, S89°34'07"W, a distance of 2,612.73 feet, to a point that is 30.00 feet distant from the North 1/16th Corner of said Section 10, said point also being a point on the east right-of-way line of Curtis Road; thence along said east right-of-way line and 30.00 feet parallel to the west line of said North 1/2 of the North 1/2 of said Section 10, N00°05'54"E, a distance of 1,319.14 feet, to a point that is 30.00 distant to the Northwest Corner of said Section 10, also being the Southwest corner of said Section 3; thence continuing along said east right-of-way line, along the following four (4) courses:

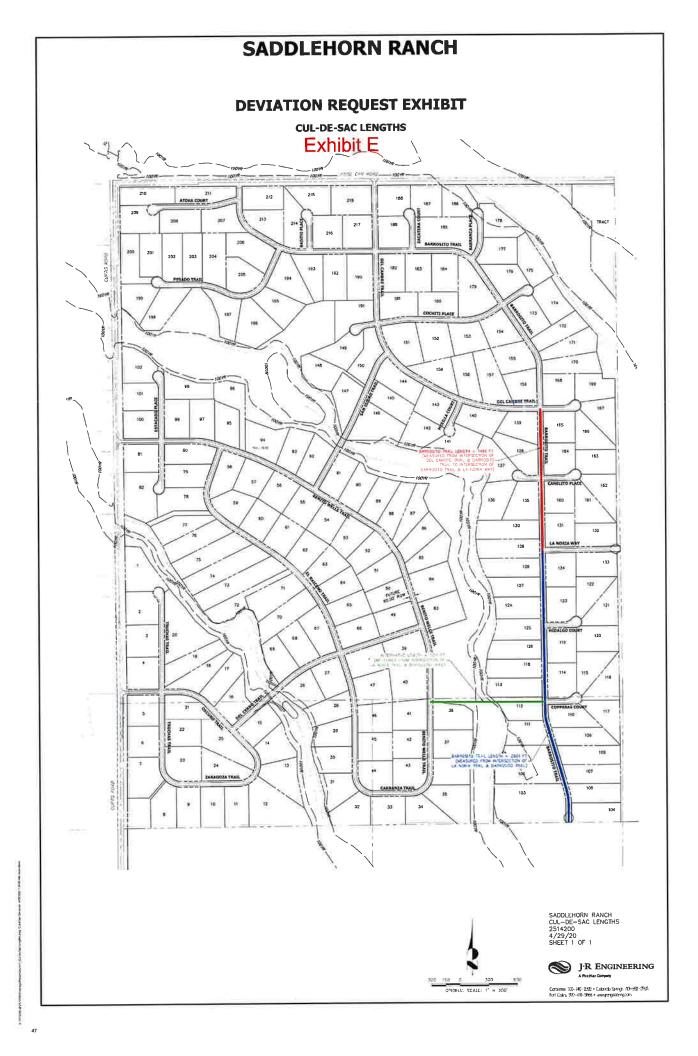
- 1. N00°32'28"W, a distance of 4,608.42 feet;
- 2. N89°27'32"E, a distance of 19.98 feet;
- 3. N00°32'28"W, a distance of 820.00 feet;
- 4. N44°46'13"E, a distance of 40.00 feet,

to a point on the south right-of-way line of Judge Orr Road, thence along said south right-of-way line, along the following three (3) courses:

- 1. S89°59'23"E, a distance of 822.24 feet;
- 2. N00°00'37"E, a distance of 20.00 feet;
- 3. S89°59'23"E, a distance of 4,374.49 feet,

to the POINT OF BEGINNING.

Containing 35,565,654 S.F. or 816.475 acres, more or less.





PROPERTY DESCRIPTION:

PARCEL A:

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S 89 DEGREES 21 MINUTES 33 SECONDS E, ALONG THE NORTH LINE OF SAID SECTION 3, 5275.27 FEET TO THE NORTHEAST CORNER THEREOF; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG THE EAST LINE OF SAID SECTION 3, 1841.19 FEET; THENCE N 89 DEGREES 49 MINUTES 04 SECONDS W, 5280.38 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG SAID WEST LINE, 1883.39 FEET TO THE POINT OF BEGINNING.

EXCEPT THOSE PORTIONS CONVEYED TO EL PASO COUNTY BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO, IN SPECIAL WARRANTY DEEDS RECORDED JANUARY 29, 2015 AT RECEPTION NO. 215008985 AND RECEPTION NO. 215008986.

PARCEL B:

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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PARCEL C:

A PARCEL OF LAND LOCATED IN SECTION 3 AND SECTION 10, TOWNSHIP 13 SOUTH, RANGE 64 WEST, OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG THE WEST LINE OF SAID SECTION 3, 327.11 FEET; THENCE S 89 DEGREES 49 MINUTES 04 SECONDS E, 5289.95 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG SAID EAST LINE, 327.11 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 3; THENCE S 00 DEGREES 57 MINUTES 38 SECONDS W, ALONG THE EAST LINE OF SAID SECTION 10, 1320.52 FEET TO THE SOUTHEAST CORNER OF THE

NORTH HALF OF THE NORTH HALF OF SAID SECTION 10; THENCE N 89 DEGREES 48 MINUTES 49 SECONDS W, ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF SAID SECTION 10, 5285.51 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 00 DEGREES 43 MINUTES 38" SECONDS E, ALONG THE WEST LINE OF SAID SECTION 10, 1320.06 FEET TO THE POINT OF BEGINNING.

Per the Commitment for Title Insurance, issued by Westcor Land Title Insurance Company, Commitment No. 56676ECS, dated August 2, 2018.

PARCEL 21:

A PORTION OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 3; THENCE ALONG THE EAST LINE OF SAID SECTION 3, S00°42'25"E (BEARINGS ARE RELATIVE TO THE NORTH LINE OF SECTION 3, BEING MONUMENTED AT THE WESTERLY END BY A FOUND NO.6 REBAR WITH A 3-1/4" ALUMINUM CAP IN A VAULT, STAMPED "PLS 17496", AND AT THE EASTERLY END BY A FOUND NO. 6 REBAR WITH 3-1/2" ALUMINUM CAP IN A VAULT, STAMPED "LS 17496", AND MEASURED TO BEAR S89°59'26"E, A DISTANCE OF 5275.03 FEET), A DISTANCE OF 3490.37 FEET, TO THE SOUTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO. 213021177, IN THE OFFICIAL RECORDS OF EL PASO COUNTY; SAID CORNER ALSO BEING THE POINT OF BEGINNING; THENCE S00°42'25"E, CONTINUING ALONG THE WEST LINE OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM

DEED RECORDED AT RECEPTION NO.213113100, IN SAID OFFICIAL RECORDS, A DISTANCE OF 1647.65 FEET, TO THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO. 213043391, IN SAID OFFICIAL RECORDS; THENCE S89°33'10'W, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 5289.71 FEET, TO A POINT LYING ON THE WEST LINE OF SAID SECTION 3;THENCE ALONG SAID WEST LINE, N00°32'28'W,A DISTANCE OF 1645.40 FEET, TO THE SOUTHWEST CORNER OF SAID PARCEL, RECORDED AT RECEPTION NO. 213021177, IN SAID OFFICIAL RECORDS; THENCE N89°31'43"E, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 5284.95 FEET, TO THE POINT OF BEGINNING.

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said east line, S00°42'27"E, a distance of 5,435.28 feet, to the Southeast Corner of said Section 3, said point also being the Northeast Corner of Section 10, Township 13 South, Range 64 West of the 6th Principal Meridian; thence along the east line of the North 1/2 of the North 1/2 of said Section 10, S00°19'54"W, a distance of 1,320.51 feet, to the North 1/16th Corner of said Section 10; thence leaving said east line and along the south line of the North 1/2 of the North 1/2 of said Section 10, S89°34'02"W, a distance of 2,642.78 feet, to the North-Center-Center 1/16th Corner of said Section 10; thence continuing along said south line, S89°34'07"W, a distance of 2,612.73 feet, to a point that is 30.00 feet distant from the North 1/16th Corner of said Section 10, said point also being a point on the east right-of-way line of Curtis Road; thence along said east right-of-way line and 30.00 feet parallel to the west line of said North 1/2 of the North 1/2 of said Section 10, N00°05'54"E, a distance of 1,319.14 feet, to a point that is 30.00 distant to the Northwest Corner of said Section 10, also being the Southwest corner of said Section 3; thence continuing along said east right-of-way line, along the following four (4) courses:

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- 3. \$89°59'23"E, a distance of 4,374.49 feet,

to the POINT OF BEGINNING.

Containing 35,565,654 S.F. or 816.475 acres, more or less.

Exhibit G FALCON FIRE PROTECTION DISTRICT

7030 Old Meridian Road

Falcon Colorado 80831

Business Number: 719-495-4050 Business Fax: 719-495-3112 www.falconfirepd.org



August 18, 2020

Jeff Rice, <u>JeffRice@elpasoco.com</u> El Paso County Planning

RE: Temporary cul-de-sacs and emergency access Saddlehorn Ranch Subdivision,

Falcon Fire Department has reviewed the proposed "temporary" cul-de-sacs exceeding the maximum length of 1,6000 feet and "temporary" emergency access from Curtis Road for the proposed Saddlehorn Ranch Subdivision.

The El Raiceno Trail, Carranza Trail and Barrosito Trail temporary cul-de-sacs are exceeding the maximum length of 1,600 feet for rural condition.

The temporary cul-de-sac for El Raiceno Trail is shown on the preliminary plan at lots 50 and 102. The Carranza Trail temporary cul-de-sac is shown at lots 68 and 69. The temporary cul-de-sac for Barrosito Trail is shown in the southeast corner at lots 103 and 104.

Future filings will complete these roadway sand eliminate these discrepancies.

These conditions are temporary and Falcon Fire has no objections to these requests as long as the emergency access and temporary cul-de-sacs meet minimum county standards for width, turning radius and loading.

Trent Harwig

Fire Chief

Falcon Fire Protection District.

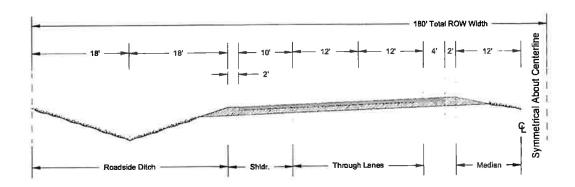
719-495-4050

tharwig@falconfirepd.org

Chapter 2 Transportation Facilities Adopted: 12/23/2004

Revised: 12/13/2016 REVISION 6 Section 2.2.4-2.2.4

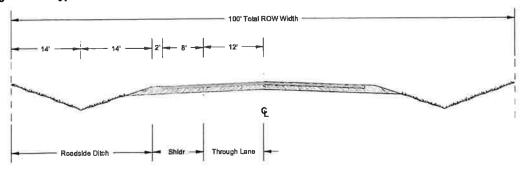
Figure 2-4. Typical Rural Principal Arterial Partial Cross-Section (4 Lane)



3. Minor Arterial

Minor arterials serve high-speed and high-volume traffic over medium distances, or are anticipated to serve this kind of traffic within a twenty-year period. Access is restricted through prescribed distances between intersections, use of medians, and no full movement parcel access (See Figure 2-5). Minor arterial status is assigned to rural roadways where the probability of significant travel demand in the future is high. Rights-of-way, easements, setbacks, and access limitations shall be pursued through the land development process on properties adjacent to minor arterials.

Figure 2-5. Typical Rural Minor Arterial Partial Cross Section



4. Major Collector

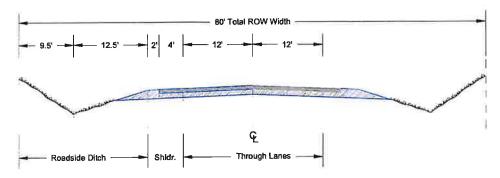
Major collectors serve as links between local access and arterial facilities over medium-to-long distances. Major collectors are managed to

El Paso County Engineering Criteria Manual

Adopted: 12/23/2004 Revised: 12/13/2016

REVISION 6 Section 2.2.4-2.2.4

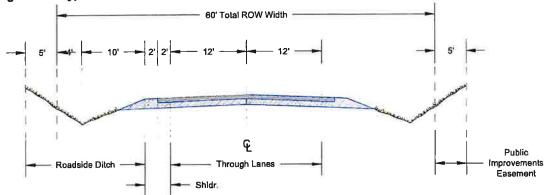
Figure 2-7. Typical Rural Minor Collector Cross Section



6. Local

Local roadways provide direct lot access and deliver lot-generated trips to collector roadways. Although access needs are high, accesses shall not be allowed to compromise the safety, health or welfare of roadway users (See Figure 2-8).

Figure 2-8. Typical Rural Local Cross Section



Adopted: 12/23/2004 Revised: 12/13/2016

REVISION 6

Section 2.3.2-2.3.2

Exhibit H - Cont

Table 2-3. Roadway Design Criteria Continued

Criteria	Concern	Guideline
Minimize Space Devoted to Road Use	It is desirable to minimize local road mileage, thereby reducing construction and maintenance costs, as well as permitting the most efficient use of land. Roads should also have an appearance commensurate with their function.	Roads should be designed to complement local character.
Relate Road to Topography	Local roads are more attractive and economical if constructed to closely adhere to topography (minimize cut and fill).	The important role that roads play in the overall storm drainage system can be enhanced by closely following existing topography.
Layout Road to Achieve Optimum Subdivision of Land	The arrangement of roads should allow for economical and practical patterns, shapes, and sizes of adjacent lots. Roads as a function of land use must not unduly hinder the development of land.	Distances between roads, number of roads, and related elements all have a bearing on efficient subdivision of an area. Access to adjoining properties should also be encouraged.

2.3.2 Design Standards by Functional Classification

Section 2.2.4 of these standards identifies the Roadway Functional Classifications recognized and used by the County. Table 2-4 through Table 2-7 summarize many of the minimum roadway design standards by category and functional classification. Detailed road Standard Drawings are provided in Appendix F.

Table 2-4. Roadway Design Standards for Rural Expressways and Arterials

	Expressways		Arterials		
Criteria	6 Lane	4 Lane	6 Lane	4 Lane	Minor
			Principal	Principal	
Design Speed / Posted Speed (MPH)	70 / 65	70 / 65	70 / 65	70 / 65	60 / 55
Clear Zone	34'	34'	34'	34	30'
Minimum Centerline Curve Radius	2,050 ¹	2,050 ⁻¹	2,050'1	2,050'1	1,505 ^{,1}
Number of Through Lanes	6	4	6	4	2
Lane Width	12'	12'	12'	12'	12'
Right-of-Way	210'	180'	210'	180'	100'
Paved Width	56' ²	38' ²	56' ²	38' ²	40'
Median Width	24'	24'	24'	24'	n/a
Outside Shoulder Width (paved/gravel)	12'(10'/2')	12'(10'/2')	12'(10'/2')	12'(10'/2')	10'(8'/2')
Inside Shoulder Width (paved/gravel)	12'(10'/2')	6'(4'/2')	12'(10'/2')	6'(4'/2')	n/a
Design ADT		48,000		40,000	10,000
Design Vehicle	WB-67	WB-67	WB-67	WB-67	WB-67
Access Permitted	No	No	No	No	No
Access Spacing	n/a	n/a	n/a	n/a	n/a
Intersection Spacing	1 mile	1 mile	½ mile	½ mile	1/4 mile
Parking Permitted	No	No	No	No	No
Minimum Flowline Grade	1%	1%	1%	1%	1%

El Paso County Engineering Criteria Manual 2-26

Adopted: 12/23/2004 Revised: 12/13/2016

REVISION 6

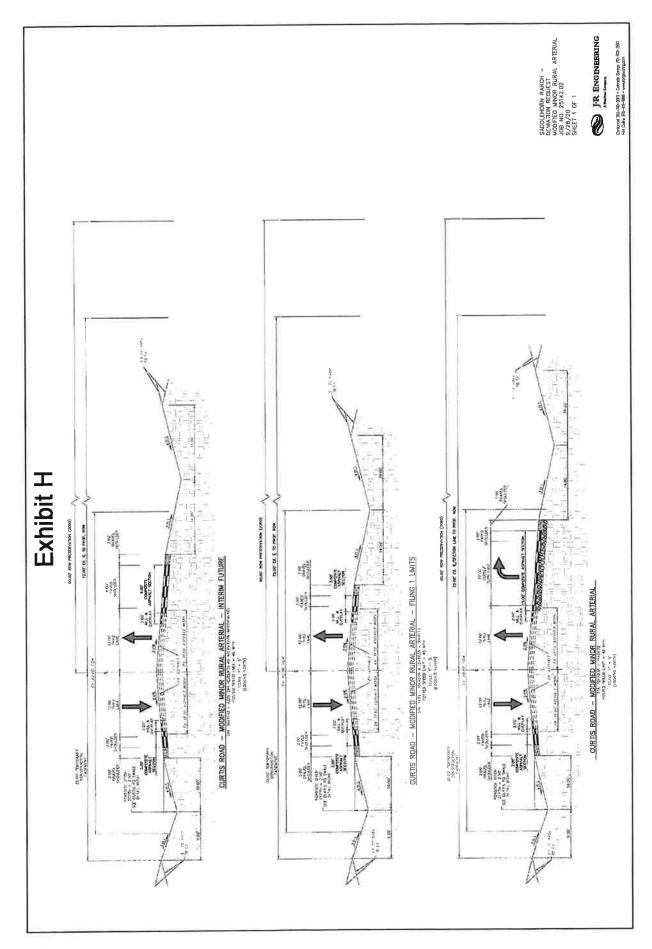
Section 2.3.2-2.3.2

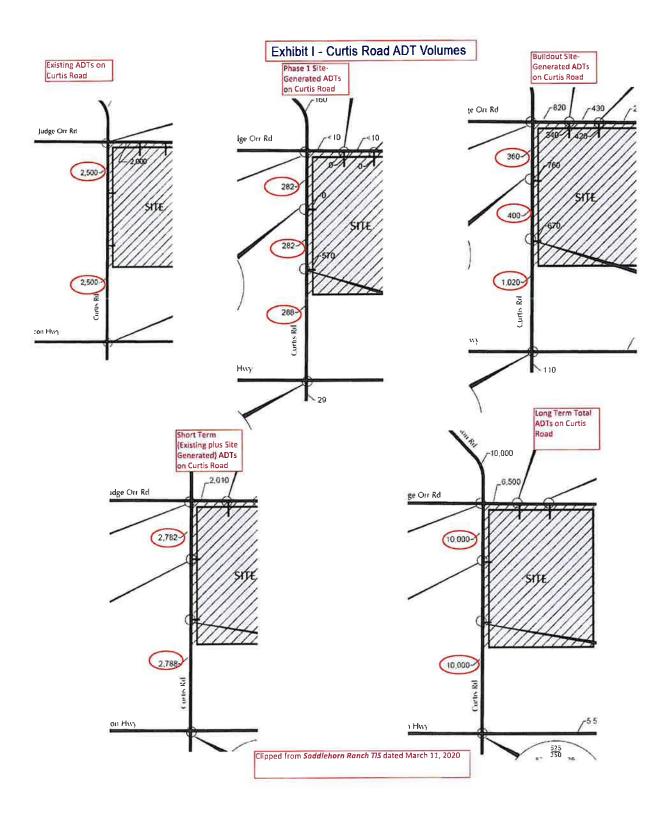
Centerline Grade (MinMax.)	1-5%	1-5%	1-5%	1-5%	1-6%
Intersection Grades (MinMax.)	1-2%	1-2%	1-3%	1-3%	1-4%
Assumes 4% superelevation, 6% for a Payement width in each direction for	0 MPH design	speeds			

Table 2-5 Roadway Design Standards for Rural Collectors and Locals

	Colle	ectors	Local		
Criteria	Major	Minor	Local	Gravel	
Design Speed / Posted Speed (MPH)	50 / 45	40 / 35	30 / 30	50/45	
Clear Zone	20'	14'	7'	12'	
Minimum Centerline Curve Radius	930' ²	565'	300'	As Approved	
Number of Through Lanes	2	2	2	2	
Lane Width	12'	12'	12'	12'	
Right of Way	90'	80'	70'3	70' ³	
Paved Width	32'	32'	28'	n/a	
Median Width	n/a	n/a	n/a	n/a	
Outside Shoulder Width (paved/gravel)	8'(4'/4')	6'(4'/2')	4'(2'/2')	4'(0'/4')	
Inside Shoulder Width (paved/gravel)	n/a	n/a	n/a	n/a	
Design ADT	3,000	1,500	750	200	
Design Vehicle	WB-67	WB-67	WB-50	WB-50	
Access Permitted	No	Yes	Yes	Yes	
Access Spacing	n/a	Frontage	Frontage	Frontage	
Intersection Spacing	1/4 mile	660'	330'	330'	
Parking Permitted	No	Yes	Yes	No	
Minimum Flowline Grade	1%	1%	1%	1%	
Centerline Grade (MinMax.)	1-8% ¹	1-8%1	1-8%1	1-8%	
Intersection Grades (MinMax.)	1-4%	1-4%	1-4%	1-4%	

^{10%} maximum grade permitted at the discretion of the ECM Administrator
2 Assumes 4% superelevation, 6% for 70 MPH design speeds
3 60-foot right-of-way plus two 5-foot Public Improvements Easements granted to El Paso County







PROPERTY DESCRIPTION:

PARCEL A:

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S 89 DEGREES 21 MINUTES 33 SECONDS E, ALONG THE NORTH LINE OF SAID SECTION 3. 5275.27 FEET TO THE NORTHEAST CORNER THEREOF; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG THE EAST LINE OF SAID SECTION 3, 1841.19 FEET; THENCE N 89 DEGREES 49 MINUTES 04 SECONDS W, 5280.38 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG SAID WEST LINE, 1883.39 FEET TO THE POINT OF BEGINNING.

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PARCEL B:

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PARCEL C:

A PARCEL OF LAND LOCATED IN SECTION 3 AND SECTION 10, TOWNSHIP 13 SOUTH, RANGE 64 WEST, OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Per the Commitment for Title Insurance, issued by Land Title Guarantee Company, Order No. SC55073032, dated October 1, 2018.

Being more particularly described by metes and bounds as follows:

COMMENCING at the Northeast Corner of Section 3, Township 13 South, Range 64 West of the 6th Principal Meridian; thence along the east line of said Section 3, S00°42'27"E (Basis of bearings is the North line of Section 3, Township 13 South, Range 64 West of the 6th Principal Meridian, monumented at the West end by a No. 6 Rebar with a 3-1/4" aluminum cap, properly marked, in a monument box, "PLS 17496" and at the East end by a No. 6 rebar with a 3-1/2" aluminum cap, properly marked, in a monument box, "PLS 17496", having a measured bearing and distance of S89°59'23"E, 5275.26'. Bearings are relative to Colorado State Plane Central Zone (0502)), a distance of 30.00 feet, to the POINT OF BEGINNING; thence continuing along

said east line, S00°42'27"E, a distance of 5,435.28 feet, to the Southeast Corner of said Section 3, said point also being the Northeast Corner of Section 10, Township 13 South, Range 64 West of the 6th Principal Meridian; thence along the east line of the North 1/2 of the North 1/2 of said Section 10, S00°19'54"W, a distance of 1,320.51 feet, to the North 1/16th Corner of said Section 10; thence leaving said east line and along the south line of the North 1/2 of the North 1/2 of said Section 10, S89°34'02"W, a distance of 2,642.78 feet, to the North-Center-Center 1/16th Corner of said Section 10; thence continuing along said south line, S89°34'07"W, a distance of 2,612.73 feet, to a point that is 30.00 feet distant from the North 1/16th Corner of said Section 10, said point also being a point on the east right-of-way line of Curtis Road; thence along said east right-of-way line and 30.00 feet parallel to the west line of said North 1/2 of the North 1/2 of said Section 10, N00°05'54"E, a distance of 1,319.14 feet, to a point that is 30.00 distant to the Northwest Corner of said Section 10, also being the Southwest corner of said Section 3; thence continuing along said east right-of-way line, along the following four (4) courses:

- 1. N00°32'28"W, a distance of 4,608.42 feet;
- 2. N89°27'32"E, a distance of 19.98 feet;
- 3. N00°32'28"W, a distance of 820.00 feet;
- 4. N44°46'13"E, a distance of 40.00 feet,

to a point on the south right-of-way line of Judge Orr Road, thence along said south right-of-way line, along the following three (3) courses:

- 1. S89°59'23"E, a distance of 822.24 feet;
- 2. N00°00'37"E, a distance of 20.00 feet;
- 3. S89°59'23"E, a distance of 4,374.49 feet,

to the POINT OF BEGINNING.

Containing 35,565,654 S.F. or 816.475 acres, more or less.

Saddlehorn Ranch Subdivision **Preliminary Plan**

A PORTION DE THE SOUTH HALF OF SECTION 3. TOWNSHIP 13 SOUTH RANGE #4 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO. STATE OF COLORADO.

Legal Description:

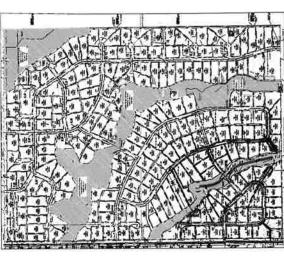
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Saddlehorn Ranch / 824 Acre Curtis Road Subdivision



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Engineers and Consultants

LISC THANGS DRY ATTON CONBULTANTS, PIC. SAS E Pleas Fers. Fers. Ste. 233 Cobrado Springs, Colora

OWNET:
ROI PROPERTY GROUP, LLC.
ATTN Rob Fuller
Napa. CA PASSB
Phone 707/2055-6801

Planner

20-07-21 TO 10-07-21 TO 10-07-

5540 Tech Center Drive, Ste., 100 Colomch Springs, Colombo 80919 Phone, 719-227-0072 Colorado Springs, Colorad Phone 719-593-2593

GLANK LAND RUTUKTNO

118 Walnatch Avenue
Cebrant Seroge, Colored 80003

Proce 718-623-6523

Surveyor

ECOBYSTEM SERVICES Longmont, Colorado 805 Phone 970-812-3297

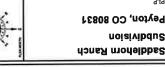
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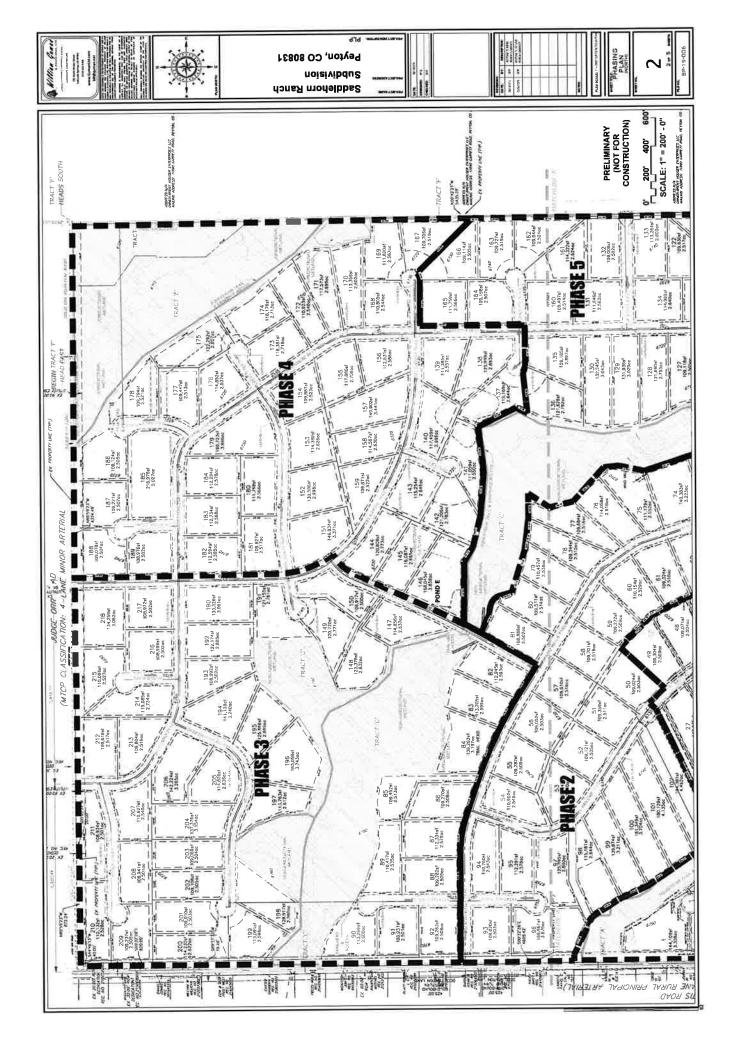


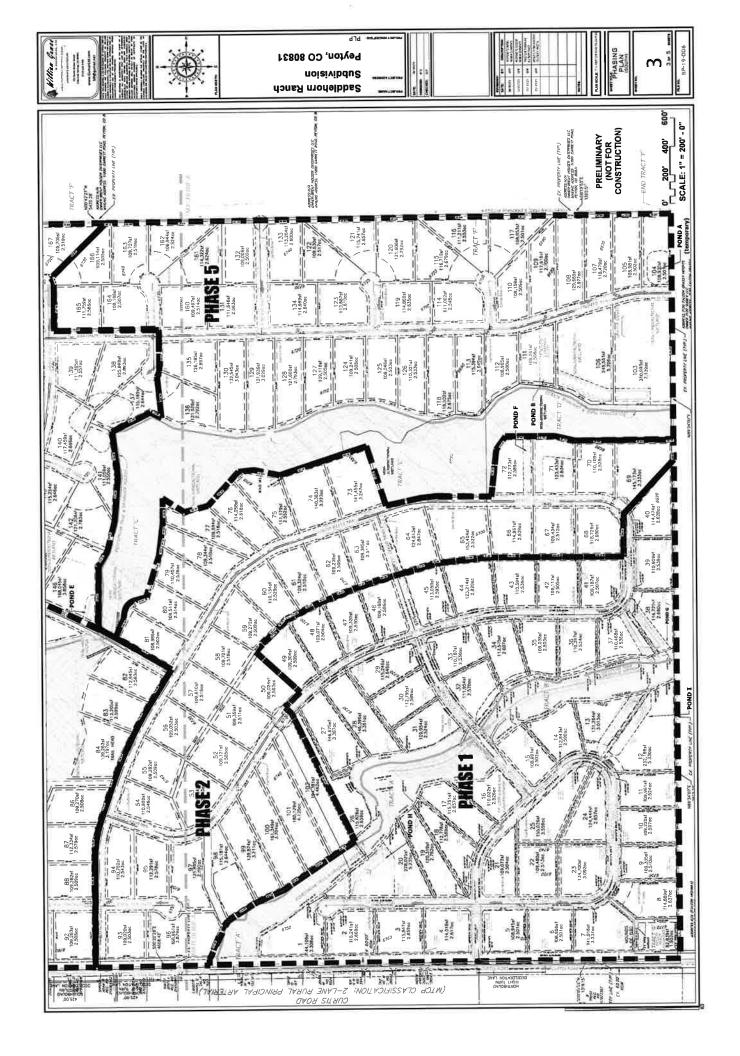


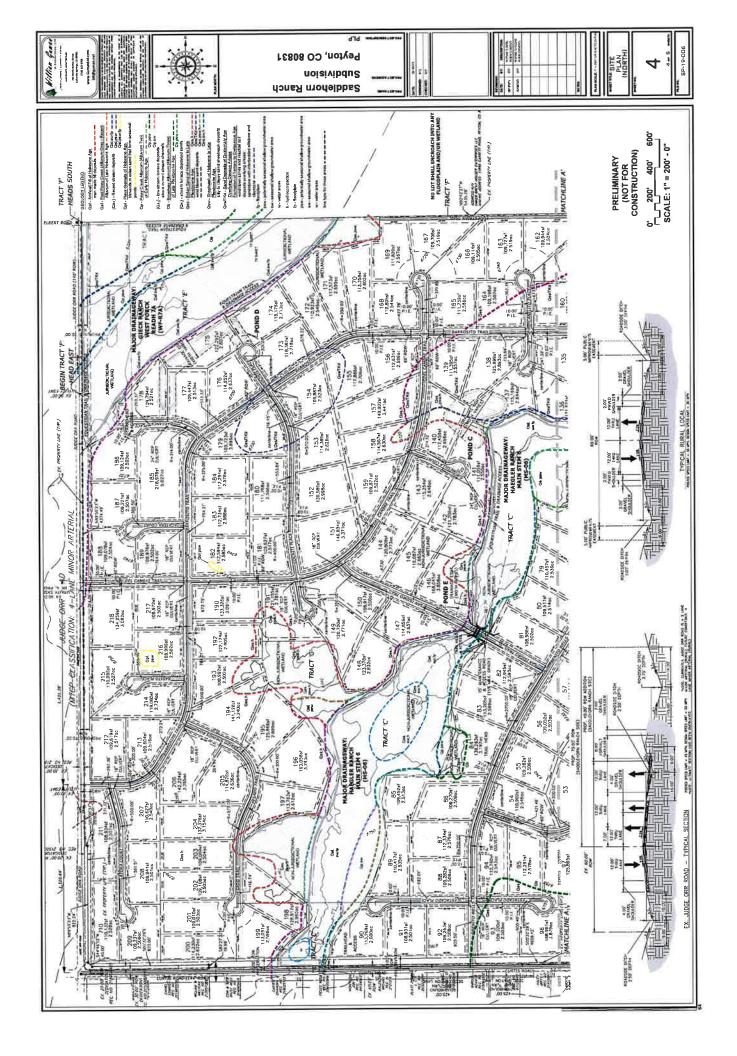


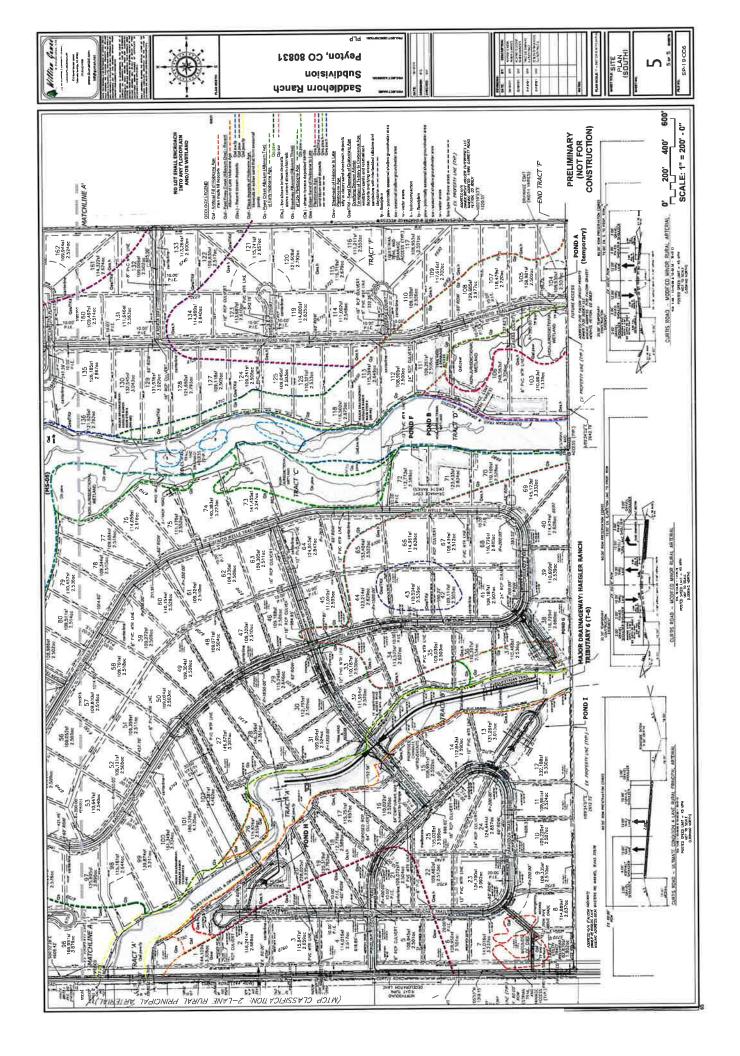
SHEET INDEX
Cover Sheet Street 1
Pracing Plan (Aborth) Sheet 2
She Ban (South) Sheet 2
She Ban (South) Sheet 3
She Plan (South) Sheet 4
Star Plan (South) Sheet 4

See plan sheets 2 and 3 for Phasing Plans See plan sheets 4 and 5 for full scale Preliminary Plans











November 19, 2020

Nina Ruiz El Paso County Development Services Department DSDcomments@elpasoco.com

RE: Saddlehorn Ranch Subdivision (a.k.a. 824 Acre Curtis Road Subdivision)
El Paso County Case No. SP196 and Final Plat Case No. SF1912
Section 3 and the N½ of the N½ of Section 10, T13S, R64W, 6th P.M. Water Division 2, Water District 10
Upper Black Squirrel Creek Designated Basin

Dear Ms. Ruiz:

We have reviewed your November 4, 2020 submittal concerning the above referenced proposal for the development of 816.5 acres into 218 single family lots, including roads, drainage facilities, and utilities. We previously provided comments to this proposed development by our letters dated May 30, 2019, June 6, 2019, and October 9, 2019, when the proposal was to subdivide the 816.5 acres into 224 single-family lots, and our letter dated March 18, 2020. This letter replaces our previous comment letters.

Water Supply Demand

According to the submitted JDS-Hydro Water Resources & Wastewater Report revised September 2020 ("Water Resource Report") the total estimated water requirement is 146.06 acre-feet/year based on a demand per lot of 0.67 acre-feet/year. In addition, the Water Supply Information Summary Sheet ("Sheet") included in the referral material indicates that the total estimated water requirement is 130,394 gallons/day or 146.06 acre-feet/year also based on a demand per lot of 0.67 acre-feet/year. The irrigation demand of the residential lots is included in the total demand per lot.

Based on the August 28, 2020 Will-Serve letter Saddlehorn Ranch Metropolitan District (District) is willing to provide treated water for domestic purposes for 216 residential lots. It is unclear how the remaining 2 lots will be served.

Source of Water Supply

The proposed water supply for this subdivision appears to be the District. According to the submitted information it appears that the water source to be used by the District is the Arapahoe and Laramie-Fox Hills aquifers that is the subject of Determination of Water Rights Nos. 458-BD and 457-BD, respectively, to be provided by a central system. It is unclear if this water has been transferred to the District.

The subdivision lies within the allowed places of use of Determination of Water Right nos. 458-BD and 457-BD, and the proposed uses are uses allowed by those Determinations.



Nina Ruiz November 19, 2020 Page 2 of 3

Determination of water Rights No. 457-BD allows for an average annual diversion of 2,347 acre-feet for a maximum of 100 years and the Determination of Water Right No. 458-BD allows for an annual average diversion of 2,719 acre-feet for a maximum 100 years. According to a Water Rights Deed signed on August 30, 2018 that is contained within Exhibit E of the Water Resources Report the developer owns only 243.83 acre-feet/year of Determination of Water Right no. 458-BD and 210.47 acre-feet/year of Determination of Water Right no. 457-BD.

The proposed sources of water for this development are bedrock aquifers in the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources will be a physically and economically viable source of water. According to 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this allocation approach, the annual amounts of water determined in Determination of Water Right Nos. 458-BD and 457-BD are equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

In the El Paso County Land Development Code, effective November 1986, Chapter 5, Section 49.5. (D), (2) states:

"- Finding of Sufficient Quantity - The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (300) years."

The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an allocation approach based on three hundred years, the allowed average annual amount of withdrawal of 243.83 acre-feet/year from the Arapahoe aquifer (458-BD) that the developer owns and 210.47 acre-feet/year from the Laramie-Fox Hills aquifer (457-BD) that the developer owns would be reduced to one-third of those amounts, or 81.28 acre-feet/year from the Arapahoe aquifer and 70.16 acre-feet/year from the Laramie-Fox Hills aquifer. As a result, the water may be withdrawn in those annual amounts for a maximum of 300 years.

The proposed annual water supply of 151.44 acre-feet/year (81.28 acre-feet/year from the Arapahoe aquifer plus 70.16 acre-feet/year from the Laramie-Fox Hills aquifer) is more than the estimated annual demand of 146.06 acre-feet/year.

State Engineer's Office Opinion

Based upon the above and pursuant to Sections 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to water rights, as long as the District is committed to serving all 218 lots and the water associated with Determination nos. 457-BD and 458-BD, described above, is transferred to the District prior to subdivision approval.

Our opinion that the water supply is adequate is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

Nina Ruiz November 19, 2020 Page 3 of 3

Our opinion that the water supply can be provided without causing injury is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory allocation approach, for the proposed uses on the subdivided land is greater than the annual amount of water required to supply the demands of the proposed subdivision. Our opinion is qualified by the following:

The amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. The source of water is from a non-renewable aquifer, the allocations of which are based on a 100 year aquifer life. The county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years (or 300 years) used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

Additional Comments

Information provided with the submittal indicates that two existing wells, permit nos. 66937-F and 66938-F, are owned by the developer and will be used to supply the subdivision. Well permit no. 66937-F allows for an annual withdrawal of 1,600 acre-feet/year from the Arapahoe aquifer pursuant to Determination of Water Right no. 458-BD, and well permit no. 66938-F allows for an annual withdrawal of 800 acre-feet/year from the Laramie-Fox Hills aquifer pursuant to Determination of Water Right no. 457-BD. As mentioned in our previous letter dated March 18, 2020, since the developer does not own the amount of the right for which the permits are issued the developer must obtain new well permits in accordance with Section 37-90-107(7) C.R.S., for the amounts owned and request that permit nos. 66937-F and 66938-F be cancelled.

Further, the submittal indicates that a storm water detention structure will be constructed as a part of this project. The applicant should be aware that, unless the structure can meet the requirements of a "storm water detention and infiltration facility" as defined in Designated Basin Rule 5.11, the structure may be subject to administration by this office. The applicant should review Rule 5.11 to determine whether the structure meets the requirements of the Rule and ensure any notification requirement is met.

If you, or the applicant, have any questions, please contact loana Comaniciu at 303-866-3581 ext. 8246.

Sincerely,

Joanna Williams, P.E. Water Resource Engineer

Ec: Division 2 Referral no. 26492

Well permit nos. 66937-F & 66938-F Saddlehorn Ranch_Nov2020.docx



Prevent • Promote • Protect

Environmental Health Division
1675 W. Garden of the Gods Road
Suite 2044
Colorado Springs, CO 80907
(719) 578-3199 phone
(719) 578-3188 fax:
www.elpasocountyhealth.org

Saddlehorn (824 Acres), SP-19-6

Please accept the following comments from El Paso County Public Health regarding the project referenced above:

- The proposed Saddlehorn Metropolitan District (SMD) includes plans for 218, 2.5-acre+ residential lots and 5 tracts of approximately 85 total acres. SMD also has plans for horse and biking trails, mosquito control, and storm water management.
- A central water system is planned for the development and is currently under review by outside approval agencies. The public water system must comply with the design criteria, and the rules and regulations established by the Colorado Department of Public Health and Environment, Water Quality Control Division. The water quality testing has been completed and the results submitted for review are acceptable; however, the testing laboratory was not identified in the submittal. Please provide the sample submittal forms and copies of the testing laboratory result sheets to El Paso County Public Health. The Saddlehorn Metropolitan District has submitted a Conditional Will Serve Letter for water as approval is pending.
- The use of onsite wastewater treatment systems (OWTS) is planned for the entire development. The Entech Engineering Soils, Geology, Geologic Hazards and Wastewater Study dated 29Apr2019, supports the use of OWTS in this area. The Entech Onsite Wastewater Treatment System Report Addendum dated 16July2019, is also consist with the original report findings. The required number of soil tests (45) were completed. Roughly half of the soil tests completed would require a Professional Engineer to design the OWTS due to shallow bedrock, clay soil layers with limiting absorption capabilities and in some cases shallow bedrock. All these limiting conditions are routinely encountered in El Paso County and can be safely addressed with proper system designs. In addition, there may be a more suitable location for an OWTS elsewhere on each lot.
- The water quality basins proposed must have mosquito control responsibilities included as a part of the construction design and maintenance plan to help control mosquito breeding habitat and minimize the potential for West Nile Virus. Mosquito Control is included in the SMD Service Plan.

Page 2 | Saddlehorn (824 Acres), SP-19-6

- Earthmoving activities greater than 25 acres require a Construction Activity Permit from the Colorado Department of Public Health and Environment, Air Pollution Control Division. Go to: https://www.colorado.gov/pacific/cdphe/general-air-permits
- El Paso County Public Health encourages planned walkability of residential communities with sidewalks, walking paths, and bike trails to surrounding neighborhood parks, schools and commercial areas.
 Walkability features promote exercise and help to reduce obesity and lower the risk of heart disease. El Paso County Public Health appreciates the trails proposed for this development.

Mike McCarthy
El Paso County Public Health
719-575-8602
mikemccarthy@elpasoco.com
29Dec2020

Nina Ruiz

From:

Nina Ruiz

Sent:

Friday, February 12, 2021 10:04 AM

To:

Nina Ruiz

Subject:

RE: SaddleHorn Ranch

From: David Elliott

Sent: Monday, February 8, 2021 12:42 PM

To: Carrie Geitner Commissioner El Paso County < carriegeitner@elpaso.com >; stanvanderwerf@elpasoco.com

<CamiBrewer@elpasoco.com>

Cc: cleach@carrierelittle.com cleach@carrierelittle.com; Carl Benda carl.benda@yahoo.com; Jeff Moore itq.moore@gmail.com; Jeff Hundley ieff@pumptechnologies.com; Jim Steward iim@kdsteward.com; Hunter Hamilton hunternco@gmail.com; Dan Jacquot indianflyer67@yahoo.com; Lee Wolford leefly@sprynet.com; Lee Wolford leefly@sprynet.com; Wyman Varnedoe wymanvarnedoe@comcast.net>

Subject: SaddleHorn Ranch

Good Afternoon Commissioners,

We noted with alarm that the agenda for Tuesday's BoCC session includes applications for Saddlehorn Ranch variances and commencement of excavation for water facilities. We were not aware of any progress on that proposed subdivision that lies directly under Meadow Lake Airport's primary traffic pattern.

Attached to this email are the comments that we previously provided on the application for the Saddlehorn Ranch Preliminary and Final subdivision plats. Our comments included examples from national sources of suggested Disclosure Notification and Avigation Easements. We have not seen any meaningful response to our comments and we are concerned that the issues that we have raised have not received proper consideration. On previous applications for other developments around the airport, we have noted that MLAA's comments did not appear in files submitted to the Planning Commission or BoCC. Similarly, our letter does not appear in the EDARP file of comments. The concerns raised in our letter on Saddlehorn Ranch was rejected by P&CD because staff took the position that "EPC cannot require an avigation easement as a condition." MLAA strongly disagrees as the El Paso County Land Development Code supports our position. Moreover, requiring avigation easements as a condition of a zoning change and development is consistent with the County's requirements under C.R.S. 43-10-113.

With progress moving forward on the development of this 200-250 lot residential subdivision, we are concerned with P&CD's failure to properly consider the development's compatibility with the airport. The development is directly in line with the airport's crosswind runway and could receive 200-300 aircraft overflying the development on any given day. Properly alerting potential residents and ensuring development takes place in a manner to maximize compatibility is necessary to mitigate future use compatibility disputes which will be inevitable if the County continues to ignore these issues.

The Land Development Code supports our position. El Paso County Land Development Code (LDC) state, in relevant part:

8.4.2 Environmental Considerations

- (A) Misc Requirements
- (3) "Residential lots should be located to minimize adverse influences from airports and airport operations."
- (B) **Hazards**. ... "The following hazards are subject to these requirements:
- Hazards associated with airports and major utility facilities"
- (B)(2) **Noise** (a) "Divisions of land shall be designed to minimize the impacts of noise pollution to residents" ...

8.5.1(C)(3) Dedication of Easements

- (b) Owner Required to Dedicate Easements. "The owner shall dedicate or deed easements required by this Code, or the ECM, or to serve the division of land with utilities and other required services, or those easements that may be requested by public agencies including but not limited to:
- Avigation easements

El Paso County needs to comply with C.R.S. 43-10-113. This statute is based on Meadow Lake's Part 77 surfaces. The Land Development Code, Appendix A: "Reference Documents and Regulations", lists (B)(5) Meadow Lake Airport Part 77 Study (2006). Yet, the P&CD staff continue to ignore it, and five attempts for a "1041 application" to update it with our 2018 Master Plan Update have met with continued moving of the goal posts.

We strongly request that the BoCC require P&CD and the developers of Saddlehorn Ranch to adhere to state and national standards and the provisions of El Paso County LDC. There must be a requirement, as a condition of approval for this subdivision plat, and others within the Airport Influence Area, that the Owners/developers agree to an acceptable Avigation Easement and Disclosure Notification. Ignoring our request amounts to a blatant disregard for the safety and protection of both the airport and the residents and be inconsistent with the County's own development code and statutory obligations to protect land areas defined in 14 CFR Part 77.

We are available to meet with you and discuss this at any convenient opportunity.

Respectfully,

Dave Elliott
President, MLAA Board of Directors
cell/text: 719-339-0928



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 <u>1041 Regulations</u>, 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 1041Permit 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 1041Permit 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 1041Permit 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 <u>Code</u> 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 <u>Code</u> 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 <u>El Paso County Land Development Code</u>, all administrative determinations, such as this one, may be appealed to the Board of County Commissioners within 30 days of the date of the decision.

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

Sincerely,

Craig Dossey
Executive Director

El Paso County Planning and Community Development Department

Cc: Gabe Sevigny, Planner II

Attachments:

Exhibit COR.1- August 5, 2018

Exhibit A
Exhibit B

Meadow Lake Airport Association, Inc.

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 Jviation, 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 Sevigny 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 avigation 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

- 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, 1981which included 680 acres controlled by Meadow Lake; the sketch plan is attached under Exhibit A.1. The sketch plan was needed for the overall development of the airport to aide in establishing the specific zoning for the area within the meadow lake boundaries. As more property was purchased by the airport the land had a zoning classification that did not allow for the uses listed above. A sketch plan was needed to help with the over-all area and aide in establishing future needs of the airport. For reference, the development plan includes the primary runway and the emergency landing strip, however no glider runway was depicted. Information in our files indicates that this action by the Planning Commission constituted an amendment to the County Master Plan.
- 3. On November 23, 1981 the El Paso County Board of County Commissioners approved a map amendment (rezone) (R481005Z) for the OA-G overlay zoning district, now GA-O (General Aviation Overlay) under the <u>Code</u>. 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 Play 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

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]

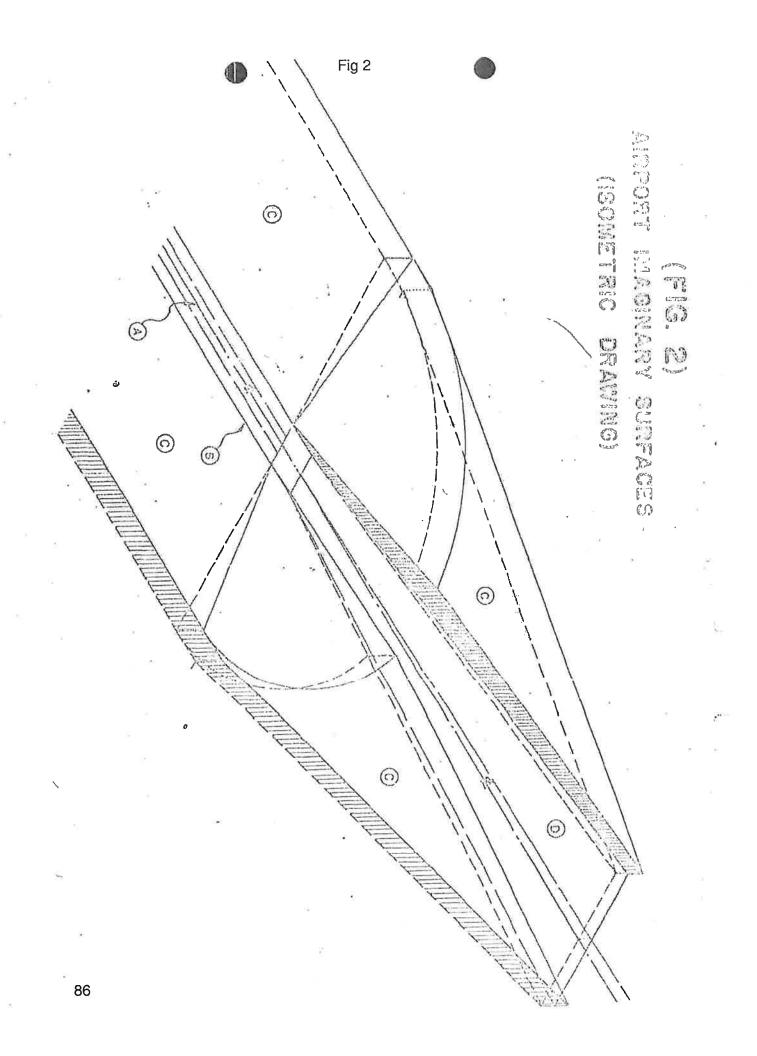
In addition; "This study focuses on the Federal network of general aviation airports, heliports, and seaplanes bases and divides them into four new categories based on existing activity levels and related criteria: national, regional, local, and basic":

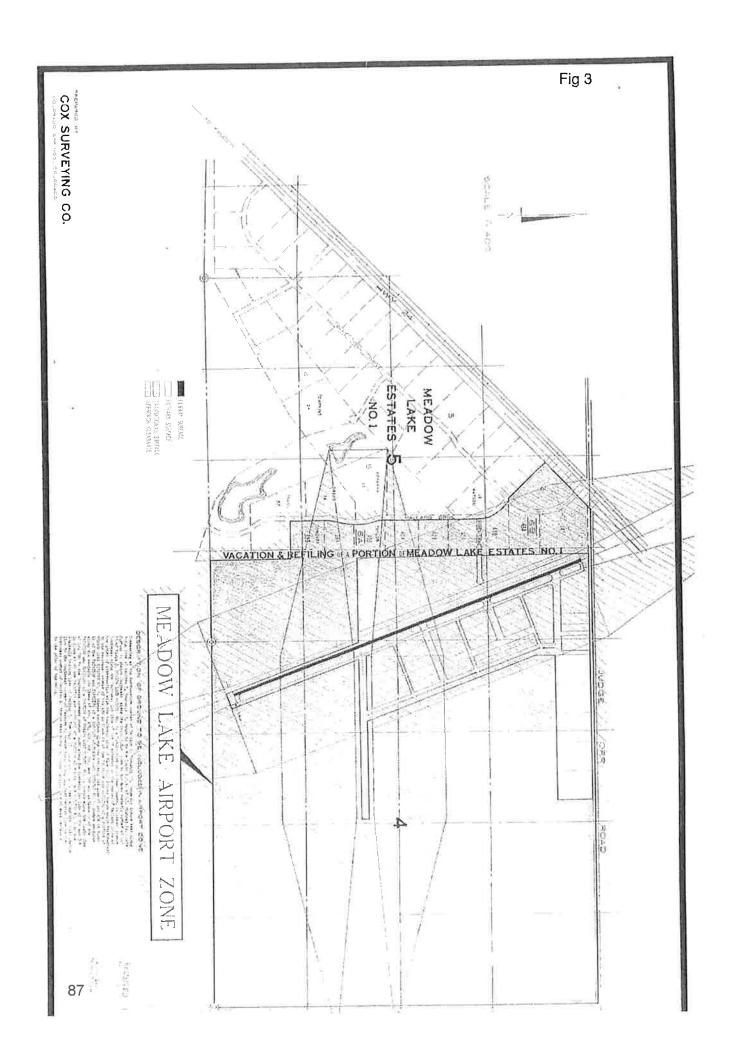
National (84)	Supports the national and state system by providing communities with access to national and international markets in multiple states and throughout the United States.
Regional (467)	Supports regional economics by connecting communities to statewide and interstate markets.
Local (1,236)	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)]

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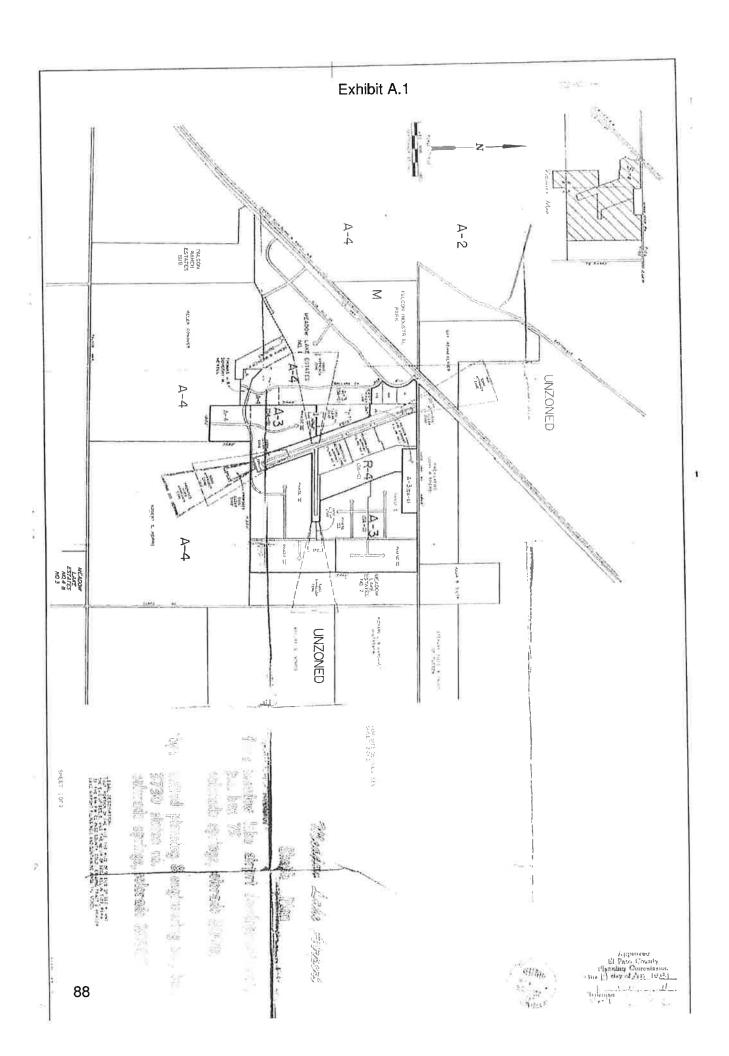
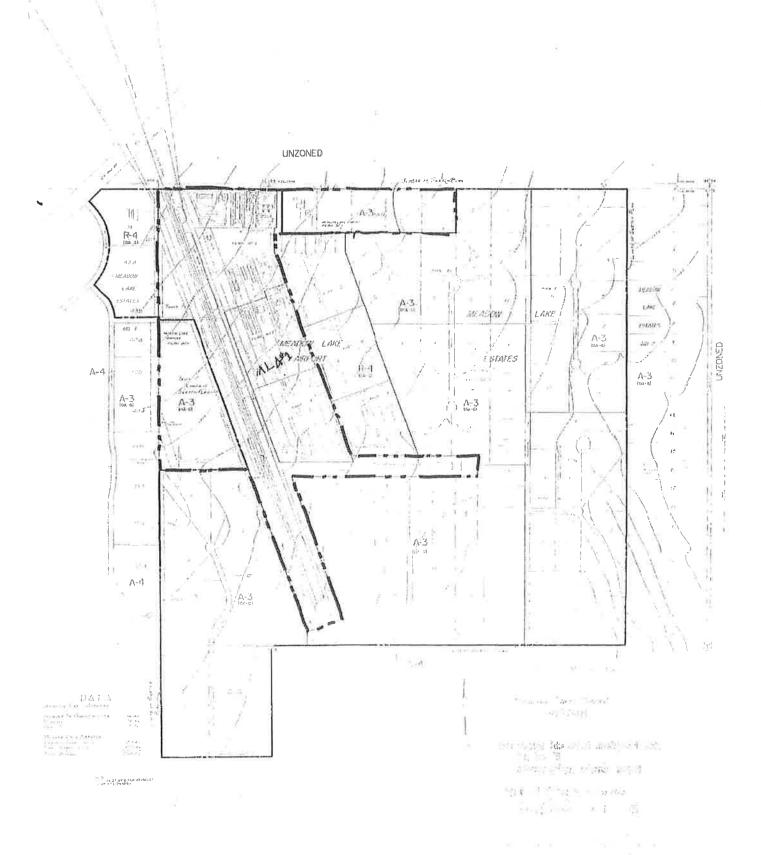
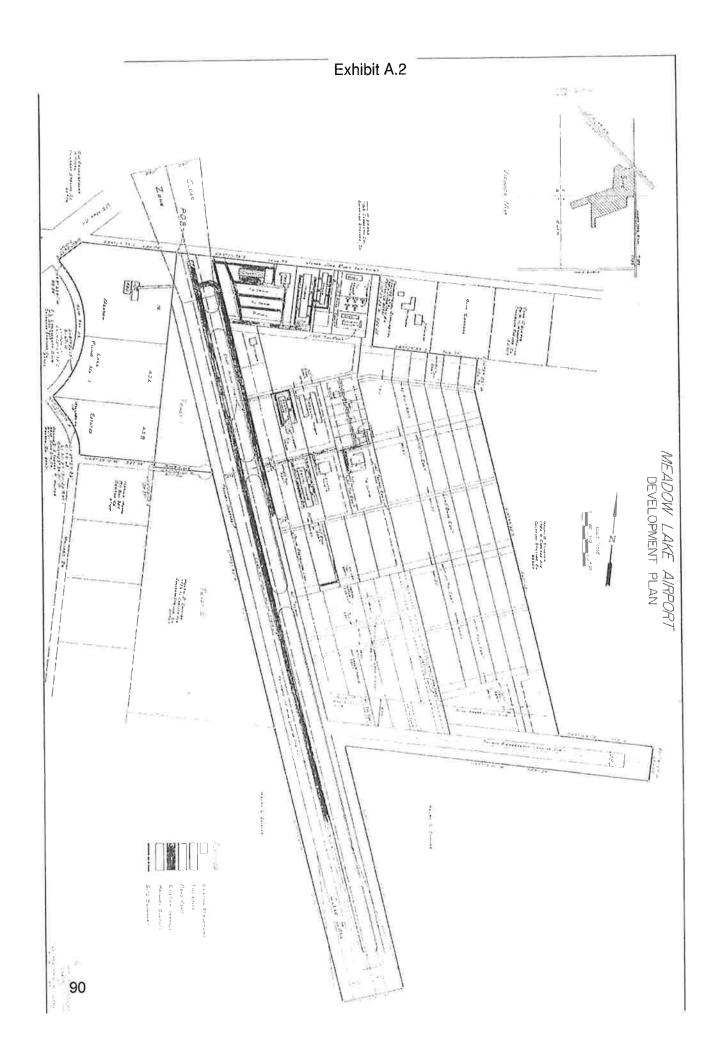


Exhibit A.1





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

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

-145-



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

- 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.
- 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.
- 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.

Resolution No. <u>07-106</u> Page 2

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.
- 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.

Resolution No. <u>07-106</u> Page 3

- 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:

 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. <u>07-106</u> Page 4

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

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

BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO

By:

Chair

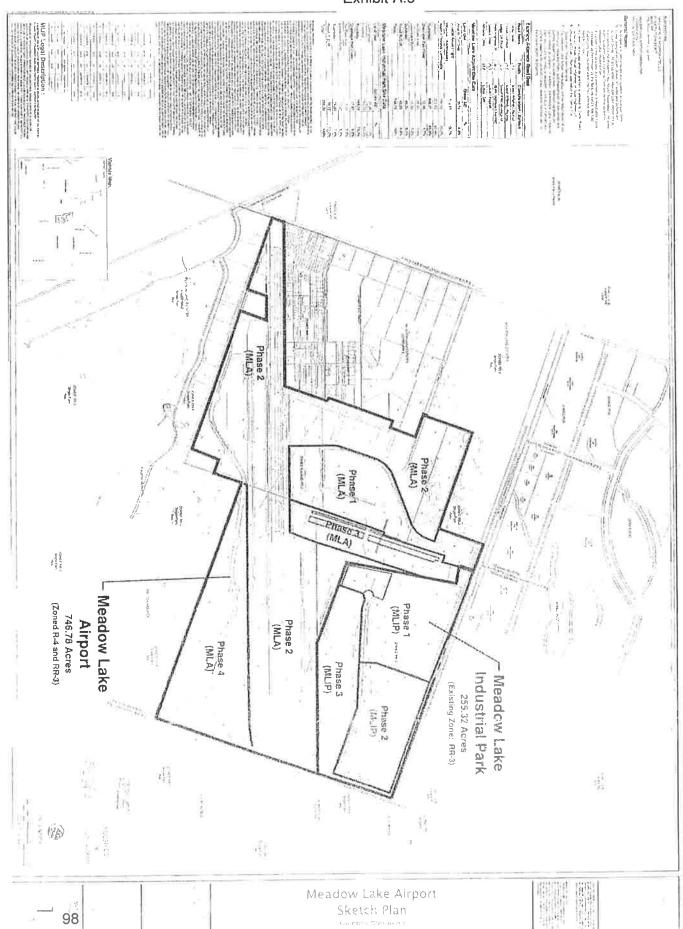
Resolution No. 07-106 EXHIBIT A, PAGE 1

MEADOW LAKE AIRPORT:

Parcel Information, Assessor's Office, El Paso County, COProperty 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 TRIN 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 THN 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. THISLY 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'I 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 \$ 89<44'13" E 850.20 FT, 5 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 5W4 SEC 04-19-64 DESC AS FOLS: COM AT SW COR OF SD SEC 04, S 89<44'13" E 531.59 FT FOR POB, TH N 19-31'29" W 182.03 FT TO WLY EXT OF SLY LN OF 450.00 FT WIDE AIRCRAFT RUNWAY AS PLATTED IN MEADOW LAKE AIRPORT FIL NO 1; N 70<28'31" E 500.00 FT ALG SD WLY EXT TO SE COR THEREOF, S 19<31'29" E 361.92 FT TO S LN OF SEC 04, TH N 89<44'13" W 531.38 FT ALG SD S LN TO POB, TOG WITH THE NLY 50 FT OF LOT 8, SLY 50 T OF LOT 6, TOG WITH PT OF LOT 8 DESC AS FOLS: BEG AT NW COR OF SD LOT, TH S 89<29'35" E 53.24 FT, S 19<35'42" E 50.0 FT, S 25<30'36" W 70.71 FT TO WLY LN OF SD LOT, TH N 19<35'42" W ALG SD WLY LN 118.30 FT TO POB BLK 2 MEADOW LAKE AIRPORT FIL NO 1, TOG WITH AIRCRAFT RUNWAY MEADOW LAKE AIRPORT FIL NO 1, TOG WITH THAT PT OF TRACT 2 MEADOW LAKE AIRPORT FIL NO 1, TOG WITH THAT PT LY IN SE4 SEC 5-13-64 DESC AS FOLS: COM AT SW COR OF LOT 1 MEADOW LAKE AIRPORT FIL NO 9, TH S 00<03'47" W 1300.36 FT TO SW COR OF SD TRACT 2



Meadow Lake Airport Sketch Plan

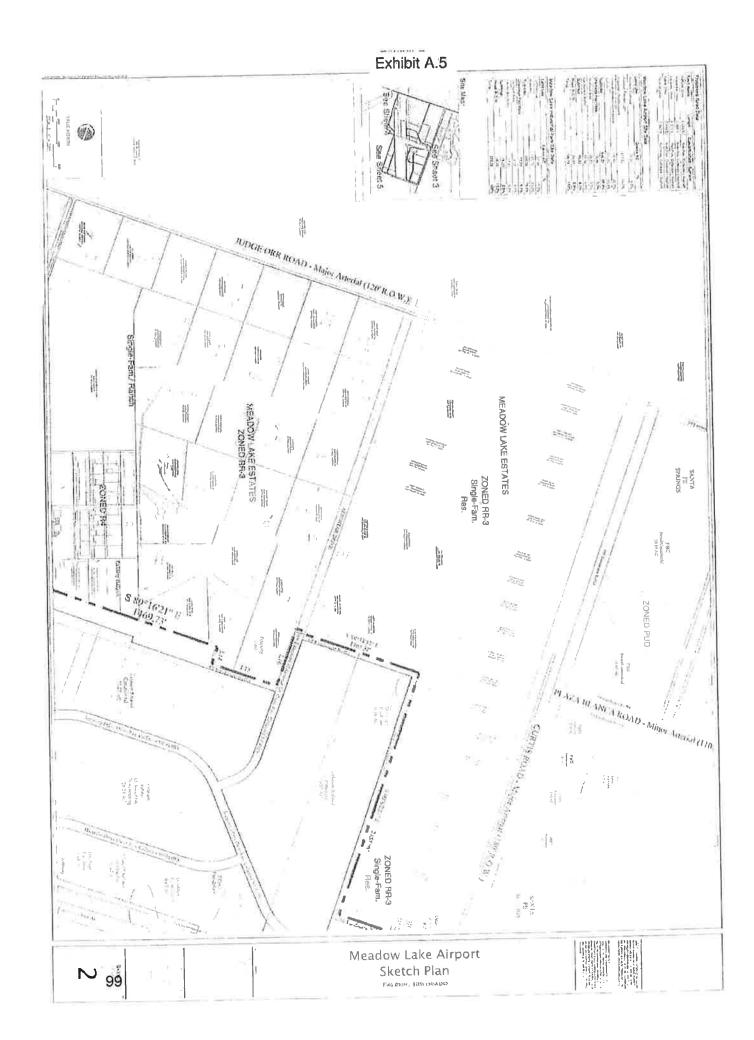


Exhibit A.5

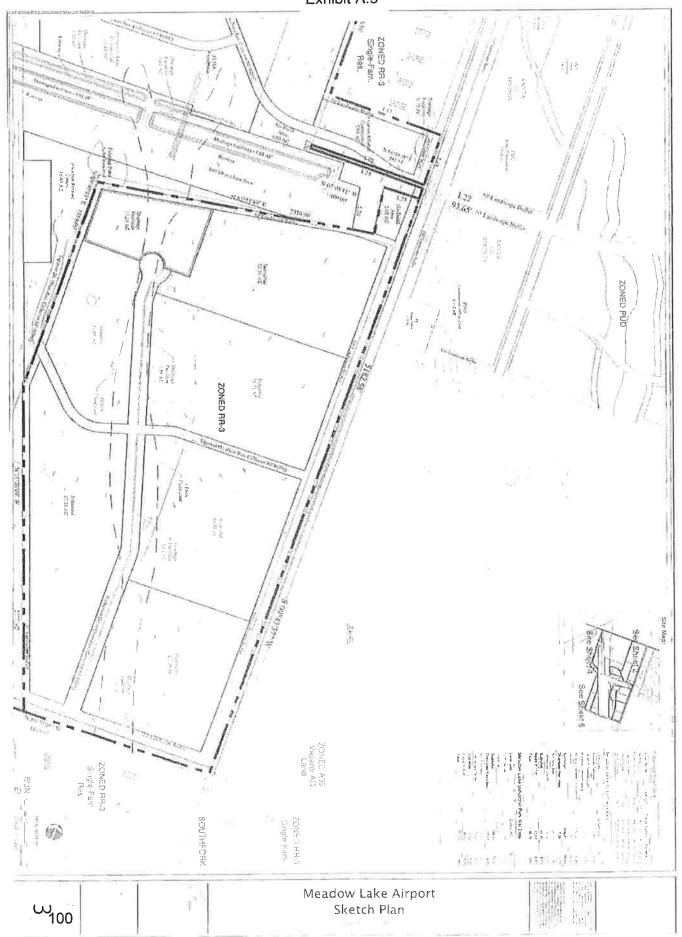


Exhibit A.5

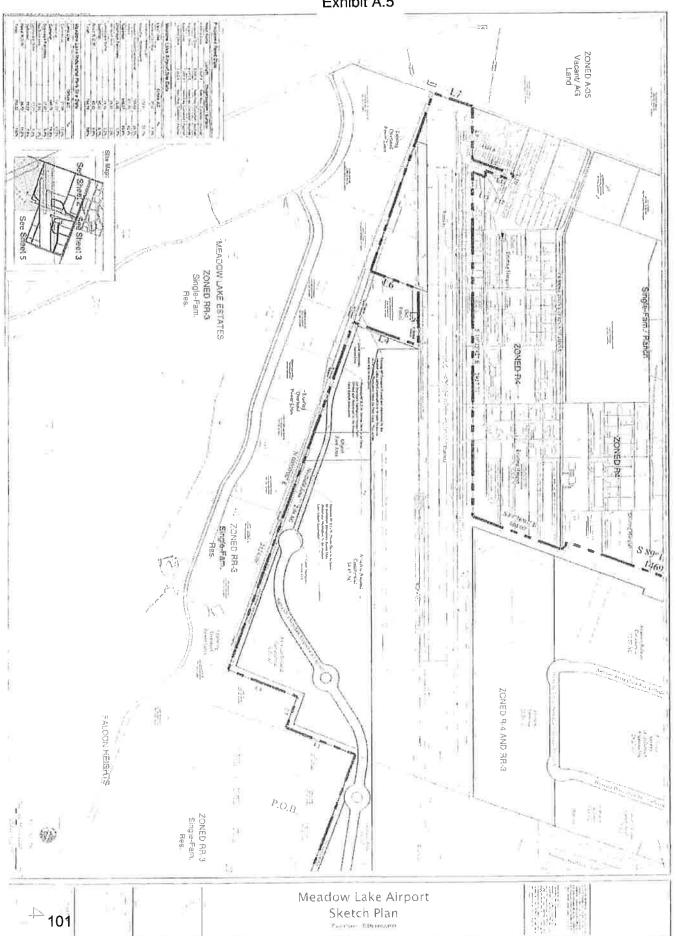
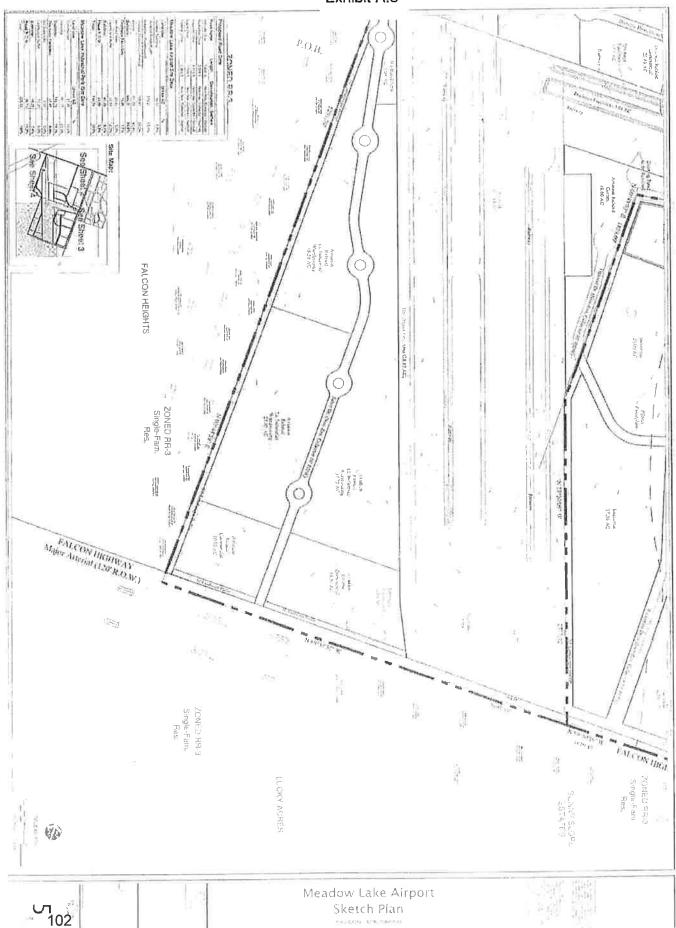
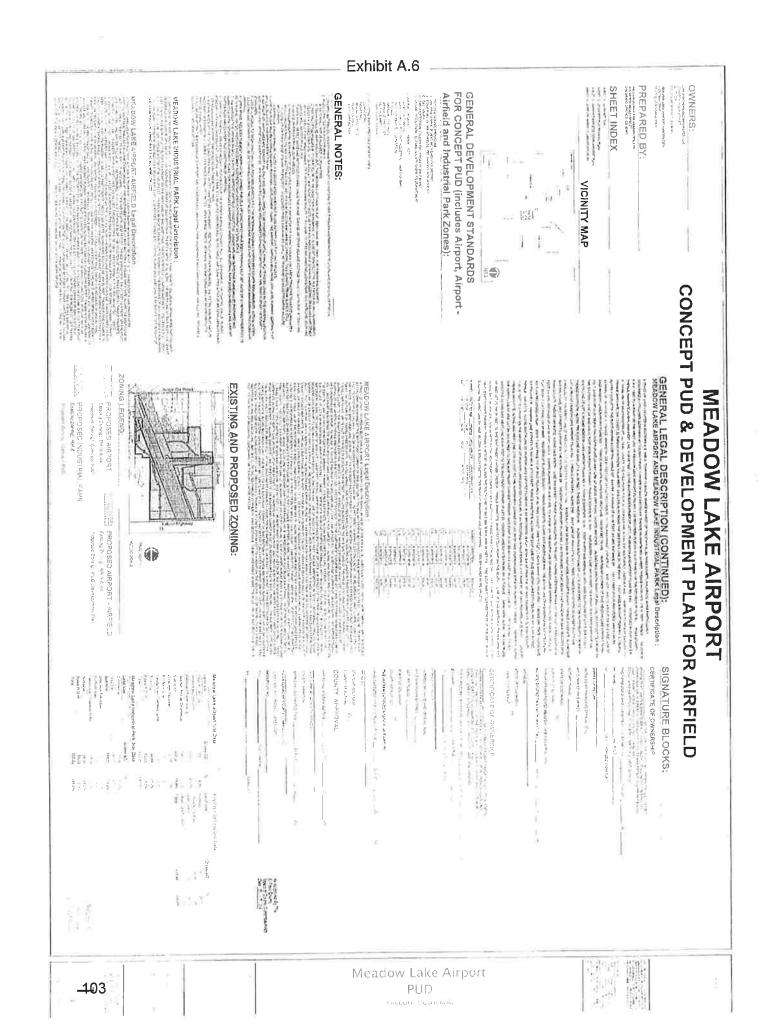


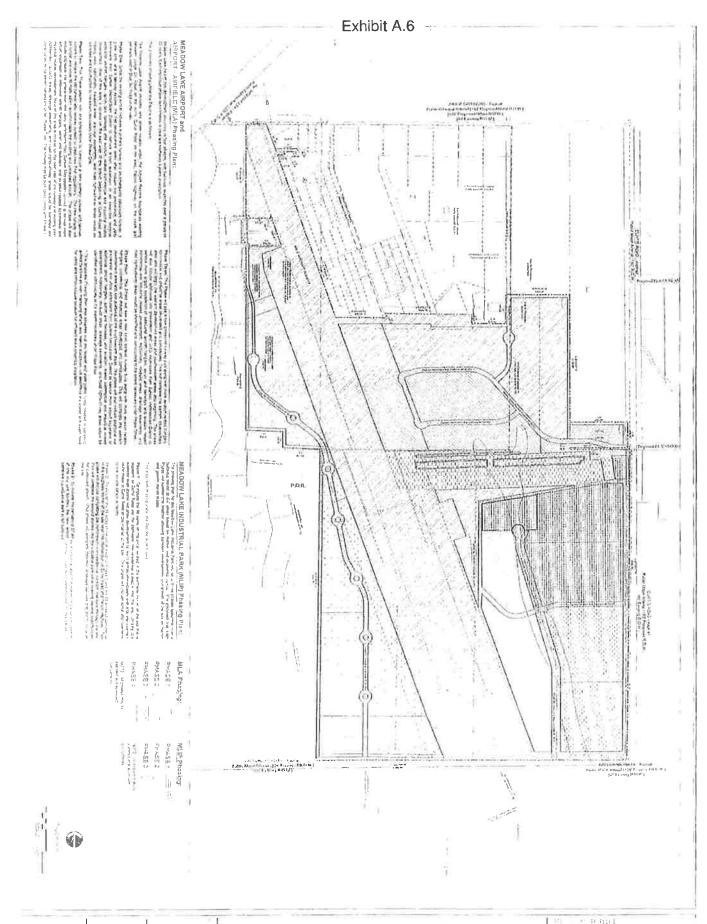
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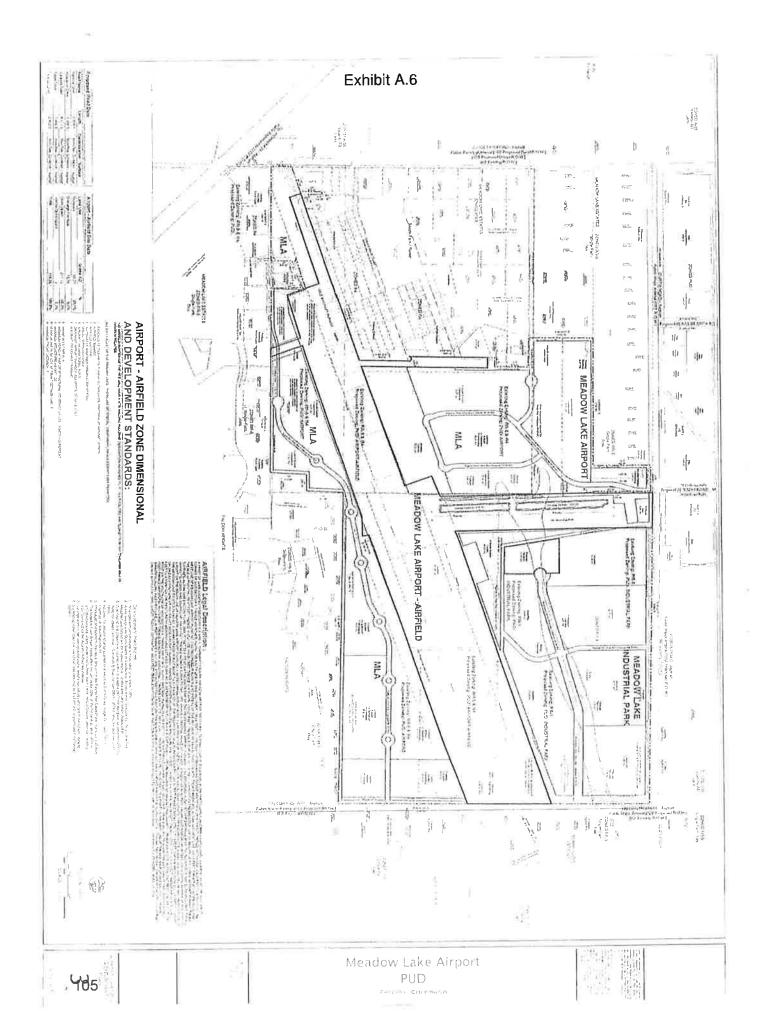
Meadow Lake Airport Sketch Plan

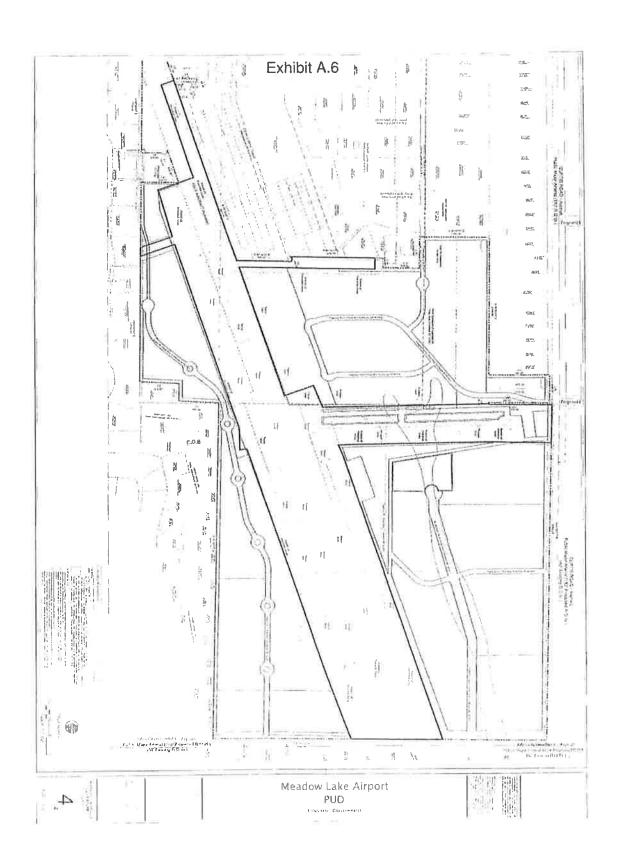


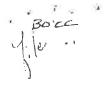


N 104

Meadow Lake Airport PUD









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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 <u>Land</u> Development <u>Code</u>.

- 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 <u>Land Development Code</u> 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:

- 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.
- 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.

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- 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 <u>Land Development Code</u>. 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.
- Development of this ZCP and PUD Development Plan shall be subject to all conditions of approval of the associated Sketch Plan.
- 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 <u>Land Development Code</u>, 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.
- The adequacy of screening/separation of differing land uses shall be a serious consideration in the evaluation of any PUD Development Plan.

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

NOTATION:

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

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

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

ATTEST.

County Clerk & Recorder

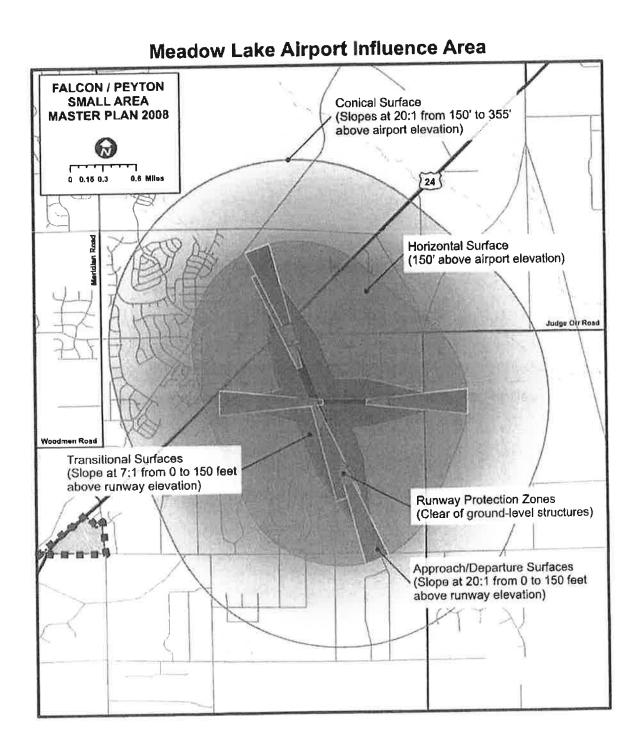
BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO

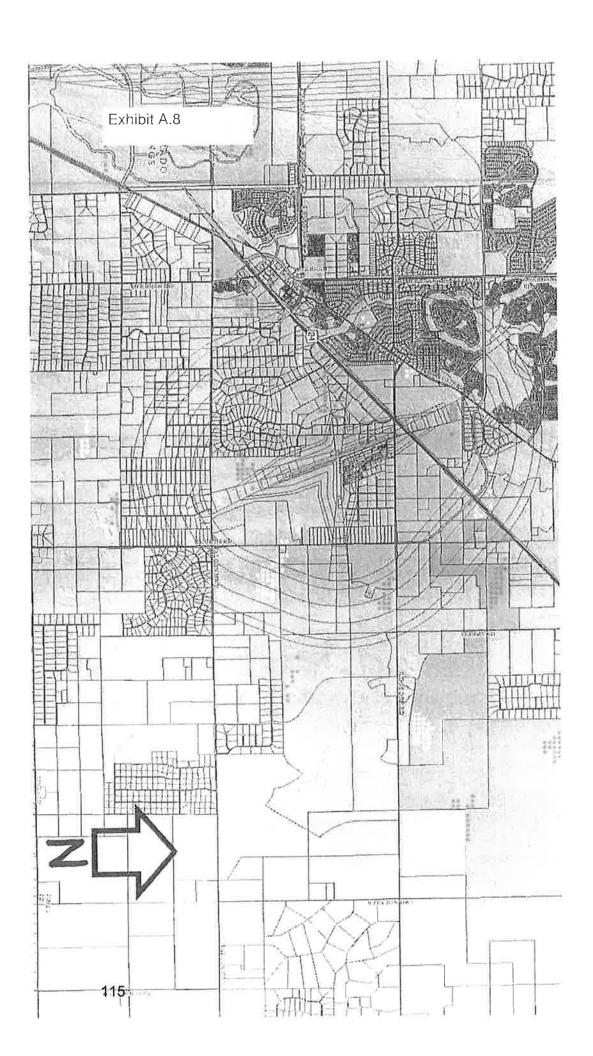
Resolution No. 08-353 EXHIBIT A, PAGE 1

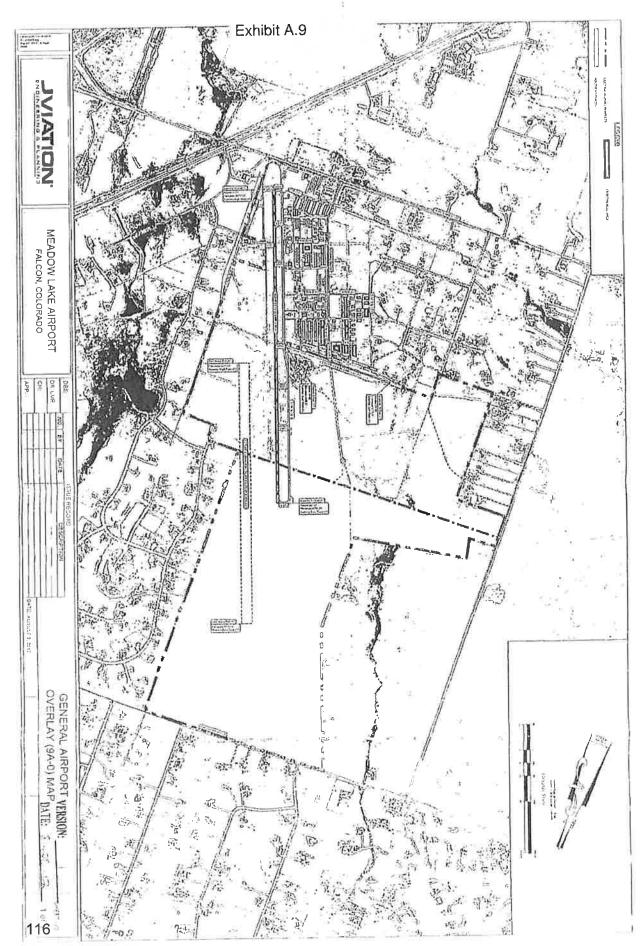
A tract of land located in Sections 4, 5 and 9, Township 13 South, Range 64 West of the 6th P.M., El Paso County, Colorado, more particularly described as follows: Beginning at the Southeast corner of said Section 5; Thence N87°26"06'W, 621.50 feet, thence N00°00'00"E, 275.70 feet; thence N87°26'06"W, 629.97 feet to a point on the West line of Meadow Lake Airport Filing No. 1 as recorded in Book O-2 at Page 62 of the records of said El Paso County; thence N00°00'00"E, along said West line, 3124.96 feet to the Southwest corner of Lot 1, in Meadow Lake Airport Filing No. 9 as recorded in Plat Book E-4 at Page 169 of said records of El Paso County; the following four (4) courses are along the Southerly, Easterly and Northerly lines of said Lot 1: 1) thence S89°59'44"E, 594.72 feet; 2) thence N19°35'42"W, 538.49 feet; said line also being the Westerly line of the 450.00 foot wide aircraft runway; 3) thence along a curve to the right having a central angle of 16°24'58", a radius of 50.00 feet, an arc distance of 142.01 feet (141.95 recorded) and a chord bearing of S61°50'02"W; 4) thence N90°00'00"W, 326.97 feet (327.14 feet recorded); to the Northwest corner of said Lot 1 and to a point on said West line of said Meadow Lake Airport Filing No. 1; thence N00°00'00"E along said West line, 1594.09 feet to the Northeast corner of said Meadow Lake Airport Filing No. 1; said point also being the South right-of-way line of Judge Orr Road; thence S89°32'16"E, along said South right-of-way line, 341.93 feet to a point on the Easterly line of said 450.00 foot wide aircraft runway; thence S19°35'42"E, along said Easterly line, 447.83 feet, to a point 50.00 feet North of the South line of Lot 6, in said Meadow Lake Airport Filing No. 1; thence S89°30'35"E, 50.00 feet North and parallel with said South line of Lot 6, 374.02 feet; thence S0°29'25"W, along the East line of said Lot 6, 50.00 feet; thence N89°30'35"W, along said South line of Lot 6, 238,38 feet to the Northeast corner of Lot 8, in said Meadow Lake Airport Filing No. 1; thence S19°23'24"E, along the East line of said Lot 8, 53.17 feet; thence N89°30'35'W, 50.00 feet South and parallel to the North line of said Lot 8, 117.15 feet to a point on the Easterly line of said 450.00 foot wide aircraft runway; thence S19°35'42"E, along said Easterly line, 2917.71 feet to a point on the South line of Meadow Lake Airport Filing No. 3 as recorded in Plat Book P-3 at Page 46 of said records of El Paso County; thence S89°16'07"E, along said South line, 804.00 feet; thence along a curve to the left, having a central angle of 20914'52", a radius of 40.00 feet, an arc distance of 146.08 feet, and a chord bearing of N15°21'18"E, to a point on the South line of Meadow Lake Airport Filing No. 5 as recorded in Plat Book Y-3 at Page 134 of said records of El Paso County; thence S89°16'21"E, along said South line and the South line of Meadow Lake Estates Filing No. 6 as recorded in Plat Book T-3 at Page 131 of said records of El Paso County; 1469.73 feet; thence S00°39'18'W, 150.00 feet; thence S89°17'34"E, along said South line of Meadow Lake Estates Filing No. 6. 575,03 feet; thence N00°27'29"E, along the East line of said Meadow Lake Estates Filing No. 6, 490.49 feet; thence S89°33'37"E, along South line of

Resolution No. 08-353 EXHIBIT A, PAGE 2

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







HOCK

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:

- Proper posting, publication, and public notice were provided as required by 1. law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
- 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.
- The proposed zoning is in compliance with the recommendations set forth in 3. the Master Plan for the unincorporated area of the county.
- The proposed land use will be compatible with existing and permitted land 4. uses in the area.

WAYNE W. WILLIAMS 12/07/2012 08:46:13 AM Doc \$0.00 Page

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Resolution No. <u>12-</u> 390 Page 2

- 5. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.
- 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

- 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 <u>Land Development Code</u>, as amended.
- Any uses established within the proposed GA-O must obtain legal access that complies with the provisions of the <u>Land Development Code</u> and <u>Engineering Criteria Manual</u>.
- 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.

Resolution No. <u>12-</u> 390 Page 3

- 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

 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 Resolution No. <u>12-</u> 390 Page 4

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

- 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

By: amytalkon

Could Clark Rec

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