

## Nina Ruiz

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**From:** Nina Ruiz  
**Sent:** Friday, February 12, 2021 10:04 AM  
**To:** Nina Ruiz  
**Subject:** RE: SaddleHorn Ranch

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**From:** David Elliott  
**Sent:** Monday, February 8, 2021 12:42 PM  
**To:** Carrie Geitner Commissioner El Paso County <[carriegeitner@elpaso.com](mailto:carriegeitner@elpaso.com)>; [stanvanderwerf@elpasoco.com](mailto:stanvanderwerf@elpasoco.com) <[stanvanderwerf@elpasoco.com](mailto:stanvanderwerf@elpasoco.com)>; [HollyWilliams@elpsaoco.com](mailto:HollyWilliams@elpsaoco.com) <[HollyWilliams@elpsaoco.com](mailto:HollyWilliams@elpsaoco.com)>; [LonginosGonzalezJr@elpasoco.com](mailto:LonginosGonzalezJr@elpasoco.com) <[LonginosGonzalezJr@elpasoco.com](mailto:LonginosGonzalezJr@elpasoco.com)>; [CamiBrewer@elpasoco.com](mailto:CamiBrewer@elpasoco.com) <[CamiBrewer@elpasoco.com](mailto:CamiBrewer@elpasoco.com)>  
**Cc:** [cleach@carrierelittle.com](mailto:cleach@carrierelittle.com) <[cleach@carrierelittle.com](mailto:cleach@carrierelittle.com)>; Carl Benda <[carl.benda@yahoo.com](mailto:carl.benda@yahoo.com)>; Jeff Moore <[jtq.moore@gmail.com](mailto:jtq.moore@gmail.com)>; Jeff Hundley <[jeff@pumptechnologies.com](mailto:jeff@pumptechnologies.com)>; Jim Steward <[jim@kdsteward.com](mailto:jim@kdsteward.com)>; Hunter Hamilton <[hunternc@gmail.com](mailto:hunternc@gmail.com)>; Dan Jacquot <[indianflyer67@yahoo.com](mailto:indianflyer67@yahoo.com)>; Lee Wolford <[leefly@sprynet.com](mailto:leefly@sprynet.com)>; Lee Wolford <[leefly@sprynet.com](mailto:leefly@sprynet.com)>; Wyman Varnedoe <[wymanvarnedoe@comcast.net](mailto: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