

Date: March 17, 2021

To: John Green, Planner/Reviewer II, El Paso Planning & Community Development

From: Tamara Baxter, N.E.S. Inc.

RE: Response to Federal Aviation Administration, Denver Airports District Office (FAA)

The purpose of this memorandum is to address the letter issued by Federal Aviation Administration; Denver Airports District Office (FAA) dated February 25, 2021. Mike Bramlett with JR Engineering discussed the concerns raised by the FAA with Mr. Mike Matz, FAA Compliance Specialist.

Mr. Matz indicated that the FAA letter is advisory in nature with regard to the proposed land use. In general, the FAA considers residential uses near the airport as non-compatible. Nevertheless, Mr. Matz noted that land use decisions are “owned” at the local level by county or cities and not at the Federal (FAA) level. Mr. Matz understood that the property was rezoned in 2017 to allow for residential development and that the Preliminary Plan for the Solace of Colorado Springs project was approved by El Paso County November 2020, without FAA providing comment. In addition, he acknowledges that there is existing residential development (Rustic Hills Subdivision to the west and Cimarron Hills Filing 2 Subdivision to the east) within a quarter mile of the development.

A noise study, prepared by ASTI Environmental, was submitted with the Preliminary Plan application. This Study estimated the noise attenuation for the exterior wall, door and window assemblies. In conclusion, this Study noted that the interior acceptable noise of 45 decibels and less are acceptable based on the STC (Sound Transmission Class) rating for walls, windows and doors of the building types. This is less than the 65 decibels limit identified by the FAA, and the Land Use Development Code (LDC).

In addition, as part of the Final Plat application, a ‘Determination of No Hazard’ from the FAA was required to be obtained prior to the formal submittal. In accordance with the submitted FAA letters, dated December 20, 2020, the aeronautical study revealed that the structures did not exceed obstruction standard and would not be a hazard to air navigation. These four letters from the FAA noted that the required FAA Form 7460-2, Notice of Actual Construction or Alternation, are required to be filed “within 5 days after construction reaches its greatest height (7460-2, Part 2)”.

The Developer is aware that noise and overflight is expected from aircraft and that the FAA will not provide and support federal funding for noise mitigation. Disclosure will be provided to all residents of this development of the close proximity to the airport and the impact of aircraft overflight and noise impacts. The following general note was added to the approved Preliminary Plan and the Site Development Plan:

The property is located in the Airport Overlay zone. This serves as notice of potential aircraft overflight and noise impacts on this property due to its close proximity to an airport, which is being disclosed to all prospective purchasers considering the use of this property for residential

and other purposes. This property is subject to the overflight and associated noise of arriving and departing aircraft during the course of normal airport operations. All property within this subdivision is subject to an avigation easement as recorded in Book _ at Page _, of the records of the El Paso County Clerk and Recorder. [a new Avigation Easement will be recorded with the Plat].

The FAA noted that the City of Colorado Springs owns the Colorado Springs Airport and receives AIP funding. The Airport Advisory Commission (AAC) had provided comments regarding this project. County Planning staff has been working with the AAC to resolve any outstanding concerns.

The Developer acknowledges the comments received by the FAA on this project. Ultimately, the County makes the final land use decision and approved rezoning of the property to allow residential development. Based on the noise study provided with the Preliminary Plan, the building construction material, and full disclosure to future residents of this development within an airport overlay zone, this project meets zoning and development standards of the LDC, as well as meets the standards outlined in the Engineering Criteria Manual (ECM).