

Nina Ruiz

From: linda.bruce@faa.gov
Sent: Thursday, March 14, 2019 4:06 PM
To: Nina Ruiz
Cc: John.Bauer@faa.gov; todd.green@state.co.us; falcon20flier@msn.com; Delilah.Colin@faa.gov
Subject: RE: 824 Acres Rezone/ File #P-18-008

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Ms. Ruiz,

Thank you for requesting the FAA's comments on the proposed 824 Acres Rezone project (File #P-18-008).

The FAA is opposed to rezoning the subject parcel to allow residential use. Due to the close proximity to Meadow Lake Airport's Runway 8/26 and Runway 15/33, residential use of this land could potentially have negative impacts on persons and property on the ground and the safety and utility of the National Airspace System.

Meadow Lake Airport is a busy General Aviation airport, with approx. 383 based aircraft and 65,000 annual operations (a take-off or landing). It is utilized by a variety of aircraft, ranging from small, single-engine propeller airplanes up to jet aircraft that operate during the day and night. The airport is a Federally-funded, public use airport that is required by Federal law to remain open to all types of aircraft 24 hours a day, 7 days a week.

The Federal Government has made a significant investment of public funds in the Meadow Lake Airport. Under the current Federal airport aid program, the FAA has provided over \$7.5 million in development and planning grants to this airport. This investment requires the MLAA, as the airport sponsor, to comply with specific Federal obligations, known as Federal grant assurances. Among many other requirements, Federal grant assurances require MLAA to preserve and operate Meadow Lake Airport in accordance with FAA regulations and standards and to protect the airport from non-compatible land uses.

Incompatible land use at or near airports may result in the creation of hazards to air navigation and reductions in airport utility due to obstructions to flight paths or noise-related incompatible land use caused by residential construction development too close to the airport. FAA considers residential development adjacent an airport to be a non-compatible land use (see FAA Order 5190.6B, Airport Compliance Manual, Chapter 20, Compatible Land Use and Airspace Protection).

The western boundary of the subject 824 acres is approx. 5,280 feet from Runway 15/33 and approx. 2,000 feet from the end of Runway 8/26, along the extended centerline of this runway. This means residences built on the 824 acres would be subject to regular aircraft overflights at low altitudes as they approach and depart the airport. Due to the close proximity to Runway 8/26, individuals living on the subject acreage could experience an average of 70 weekly overflights of aircraft arriving and departing Runway 8/26, as well as overflights of aircraft entering or departing traffic patterns for the airport's other two runways. In accordance with standard operating procedures, aircraft approaching and departing the airport could be altitudes lower than 400 feet above the subject property.

As a consequence of aircraft overflights, residents would be subjected to considerable "single-event" noise impacts from aircraft overflights, which residents are particularly sensitive to during nighttime hours. In addition, there could be visual (perceptual) impacts from aircraft operating into and out of the airport. While these types of operations

represent safe and typical flight procedures, it may be disconcerting to many people due to a perceived hazard of low flying aircraft.

Further, there is no guarantee that noise levels at the proposed development will remain the same. The proposed development is so close to Meadow Lake Airport that any change to aircraft operations, and the type of aircraft that use the airport, could readily increase the amount of aircraft noise and overflight over the proposed development. Please be aware FAA would not support any Federal assistance to mitigate aircraft noise or incompatible land uses associated with this proposed development, including soundproofing, the acquisition of houses and relocation of residents. Per FAA policy, remedial noise mitigation measures for new non-compatible development constructed after October 1, 1998 are not eligible for Federal funding (see FAA Final Policy on Part 150 Approval of Noise Mitigation Measures: Effect on the Use of Federal Grants for Noise Mitigation Projects, dated April 3, 1998).

Although the frequency of aircraft accidents is comparatively very low, the numbers of aircraft using the concentrated airspace of airport approach and departure areas, together with the complexities of takeoff and landing operations, does mean that accidents are proportionately higher in those areas than in other locations farther away from airports. MLAA reports that aircraft annually make emergency landings on the subject 824 acres, as a large portion of this land is within the approach and departure areas for Runway 8/26. This is why the FAA strongly discourages the congregation of people under airport traffic patterns and approach and departure areas.

The FAA works with airport sponsors and their surrounding communities to keep approach and departures areas near an airport as clear as possible in order to protect people and property on the ground. In particular, land uses involving large congregations of people, including schools, churches and hospitals are strongly discouraged under approach and departures paths. The State of Colorado also has enacted similar requirements to protect persons and property near airports (see Colorado Revised Statute 24-65.1-202, Criteria for Administration of Areas of State Interest, and 43-10-133, Safe Operating Areas Around Airports).

In accordance with Title 14 of the Code of Federal Regulations (14 CFR) Part 77, *Safe, Efficient Use, and Preservation of the Navigable Airspace*, and Colorado state law, the developer of the subject 824 acres must request an airspace analysis of the proposed developed to determine potential aeronautical hazards in advance of construction to prevent or minimize the adverse impacts to the safe and efficient use of navigable airspace. In particular, multi-storied buildings must be analyzed to determine if they need to be lowered and/or lighted with obstruction lights.

FAA reviews construction proposals through the submittal of FAA Form 7460-1, *Notice of Proposed Construction or Alteration*. If any portion of the proposal is located within 20,000 feet of a public use runway (and breaks a 100:1 plane coming off the nearest point of the nearest runway); or, is more than 200 feet above ground level at any location, the FAA requires the project's proponent to file a Form 7460-1. This includes temporary cranes used during construction. If the proposal does not meet any of the criteria above, it may still be necessary to file a Form 7460-1 if the structure requires an FCC license or there is a potential for navigational equipment interference. Information provided on Form 7460 must include top elevations and latitude/longitude coordinates of proposed buildings and structures. Plot sketches without this information will not be evaluated.

FAA Form 7460-1 can be filed electronically at www.oiaa.faa.gov. The FAA uses information provided on this form to conduct an aeronautical review to determine if proposed development will pose an aeronautical hazard and to minimize the adverse effects to aviation. Please note a FAA determination of no hazard to air navigation does not release the Meadow Lake Airport Association or El Paso County from obligations under Federal grant assurances and state law to ensure compatible land use and public safety near the Meadow Lake Airport.

For the reasons discussed above, the FAA cannot support the rezoning of the subject 824 acres for residential use due to the close proximity to Meadow Lake Airport. We recommend El Paso County explore alternative uses of this land that better conform with Federal, state and industry recommendations for compatible land uses near airports.

If you have questions regarding the above comments, please contact me at (303) 342-1264.

Linda Bruce
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(303) 342-1264

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From: Bauer, John (FAA) <John.Bauer@faa.gov>
Sent: Wednesday, March 13, 2019 8:21 AM
To: Bruce, Linda (FAA) <linda.bruce@faa.gov>
Subject: FW: 824 Acres Rezone

Can you follow up on this please.

John P. Bauer
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Denver Airports District Office
P: 303.342.1259

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From:
Sent: Wednesday, March 13, 2019 8:14 AM
To: Bauer, John (FAA) <John.Bauer@faa.gov>
Subject: 824 Acres Rezone

Hello,

We have not received a response to the referral request for the above referenced project. This item is scheduled for Planning Commission next Tuesday so I wanted to ensure that you do not have any additional comments or concerns regarding this project. Thank you!

Nina Ruiz
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To review all El Paso County projects go to: <https://epcdevplanreview.com/>

To review the El Paso County Land Development Code go to:
https://library.municode.com/co/el_paso_county/codes/land_development_code

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