

Meadow Lake Airport Association

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

Date: February 25, 2019

To: El Paso County Planning and Community Development Department

Subj: **DEVELOPMENT PROPOSALS WITHIN THE MEADOW LAKE AIRPORT INFLUENCE AREA** ... including, but not limited to:

Meadowlake Ranch Sketch Plan
Judge Orr PUD
824 Acres Curtis Rd, Residential Rezone

File: SKP184
File: PUD-17-005
File: P188

Ref: (a) CRS 43-10-113. Safe Operating Area Around Airports
(b) FAA Denver Airport District Office (ADO) letter dated October 9, 2018
(c) Meadow Lake Airport Master Plan and Airport Layout Plan (2018)(Draft)

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

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

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

Respectfully,



David E. Elliott

President, MLAA Board of Directors

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email: falcon20flier@msn.com

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

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



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

Denver Airports District Office
26805 E. 68th Avenue, Room 224
Denver, Colorado 80249
303-342-1250; FAX 303-342-1260

October 9, 2018

Craig Dossey
Executive Director
Planning and Community Development
El Paso County
2880 International Circle, Suite 110
Colorado Springs, CO 80910

RE: Meadowlake Ranch Development, EA # EA17227 - File # SKP184

Dear Mr. Dossey:

The Federal Aviation Administration, Denver Airports District Office (FAA) was notified by the Meadow Lake Airport Authority (MLAA) that El Paso County is considering approval of the above referenced residential development, Meadowlake Ranch. The FAA is opposed to residential uses of this proposed project. Due to the close proximity to Meadow Lake Airport's Runway 15/33, residential uses of this proposed development could potentially have negative impacts on persons and property on the ground and the safety and utility of the National Airspace System.

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

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

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

The southern boundaries of the proposed Meadowlake Ranch is less than 1,300 feet from the end of Runway 15/33 along the extended centerline of this runway. Runway 15/33 is the primary runway at Meadow Lake Airport, serving approx. 95 percent of the airport's annual aircraft operations. This means residents of Meadowlake Ranch will be subject to an average of 95 overflights daily. These aircraft will be at low altitudes as they approach and depart the airport. In accordance with standard operating procedures, aircraft approaching and departing Runway 15/33 could be operating at altitudes lower than 400 feet above the proposed project. This is particularly the case over higher terrain to the north of the airport.

As a consequence of aircraft overflights, residents would be subjected to considerable "single-event" noise impacts from aircraft overflights, which residents are particularly sensitive to during nighttime hours. In addition, there could be visual (perceptual) impacts from aircraft operating into and out of the airport. While these types of operations represent safe and typical flight procedures, it may be disconcerting to many people due to a perceived hazard of low flying aircraft.

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

Although the frequency of aircraft accidents is comparatively very low, the numbers of aircraft using the concentrated airspace of airport approach and departure areas, together with the complexities of takeoff and landing operations, does mean that accidents are proportionately higher in those areas than in other locations farther away from airports. MLAA reports that aircraft annually make emergency landings in the area of the proposed development. Most of these aircraft can be towed back to the airport because they have landed in an open field. The most recent incident was on August 23, 2018, when an aircraft lost power and crashed in the area of the proposed development, approx. a ¼ mile north of Runway 15/33. This aircraft sustained substantial damage. This is why the FAA strongly discourages the congregation of people under airport traffic patterns and approach and departure areas. The proposed Meadowlake Ranch development is within the approach and departure areas for Runway 15/33.

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

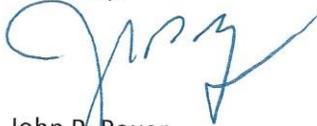
In accordance with Title 14 of the Code of Federal Regulations (14 CFR) Part 77, *Safe, Efficient Use, and Preservation of the Navigable Airspace*, and Colorado state law, the developer of Meadowlake Ranch must request an airspace analysis of the proposed developed to determine potential aeronautical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

FAA reviews construction proposals through the submittal of FAA Form 7460-1, *Notice of Proposed Construction or Alteration*. If any portion of the proposal is located within 20,000 feet of a public use runway (and breaks a 100:1 plane coming off the nearest point of the nearest runway); or, is more than 200 feet above ground level at any location, the FAA requires the project's proponent to file a Form 7460-1. If the proposal does not meet any of the criteria above, it may still be necessary to file a Form 7460-1 if the structure requires an FCC license or there is a potential for navigational equipment interference. The FAA uses information provided on this form to conduct an aeronautical review to determine if the proposal will pose an aeronautical hazard and to minimize the adverse effects to aviation. FAA Form 7460-1 can be filed electronically at www.oa.faa.gov.

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

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

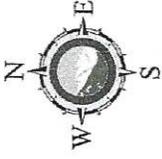
Sincerely,



John P. Bauer
Manager
FAA/Denver Airports District Office

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

El Paso County Assessor's Office



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