

Meadow Lake Airport Association, Inc.

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

August 8, 2019

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

Subj: **APPLICATION FOR 1041 PERMIT**

- Ref: (a) ***“Meadow Lake Airport Master Plan Study (2018)” & “Airport Layout Plan”***
(b) ***“Administrative Determination – Meadow Lake Airport”***, El Paso County letter dated October 3, 2018
(c) ***“Guidelines and Regulations for Areas and Activities of State Interest”***, El Paso County Land Development Code, Appendix B, Chapters 1, 2, & 7
(d) FAA Denver Airport District Office letter dated May 31, 2019 (enclosed)
(e) FAA Denver Airport District Office letter dated July 16, 2018 (enclosed)
(f) ***“Application for 1041 Permit”***, Meadow Lake Airport, dated April 15, 2018
(g) C.R.S 43-10-113 ***“Safe operating areas around airports – establishment”***

1. **Purpose.** The purpose of this revised application for a 1041 permit is:

Part 1:

- to obtain official El Paso County recognition of the Meadow Lake Airport (KFLY) as a *“Matter of State Interest”*, in accordance with C.R.S. 43-10-113; and
- to obtain El Paso County acceptance and approval of the Meadow Lake Airport Master Plan Update (“MPU”), including the updated and FAA approved Airport Layout Plan (“ALP”).

Part 2: Upon completion of the above, MLAA will assist El Paso County with appropriate compatible land use planning for the Meadow Lake Airport Influence Area per C.R.S. 43-10-113 [Reference (g)], which requires that;

- *“(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.”*

2. **Discussion.**

a. An ***“Application For A Permit To Conduct A Designated Activity of State Interest”*** is enclosed as Appendix A to this submission. Appendix B and C are supporting documentation per Sections 2.303 and 7.201 & 7.202 of the El Paso County Land Development Code (reference c).

Applicable state and federal references:

- C.R.S. 43-10-113. *Safe operating areas around airports - establishment. “The general assembly hereby declares commercial service, 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.” [see Encl 4b]

- 49 U.S. Code 47102. Definitions. (23) *“reliever airport” means an airport the Secretary has designated to relieve congestion at a commercial service airport and to provide more general aviation access to the overall community.”* . . . [see Encl 5b]
- FAA Denver Airport District Office (ADO) letter dated July 16, 1999. *“This letter is your notification that the Federal Aviation Administration (FAA) has approved the designation of the Meadow Lake Airport as a reliever airport.”* . . [see Encl 6a]

It is our position that by definition and by practice, Meadow Lake Airport, as a public-use General Aviation Reliever Airport supported by the FAA Airport Improvement Program and Colorado Discretionary Aviation Grants, meets the requirements and purpose of “a matter of state interest”.

b. The final **“Meadow Lake Airport Master Plan Study (2018)”** and **“Airport Layout Plan”** updates (Reference a) accompany this submission. FAA approval of these documents is attached. [see Encl 6b & 6d]

A description of airport master plans and the NPIAS (National Plan of Integrated Airport Systems) is discussed in the attached Enclosures. While review and approval of a “Master Plan” is recognition of a plan for future growth, it should be noted that airport future plans change as requirements change. This is the fourth Master Plan for Meadow Lake Airport since it was designated by the FAA as a reliever airport in 1989. The specifics of the “future” runway described in each Plan have changed based on FAA and local requirements at the time of each update.

The **2011 Colorado Aviation System Plan - Executive Summary** [Reference (l), Page 6] states: *“The master planning benchmark applies to publicly-owned and NPIAS airports. During this update, the Division of Aeronautics and FAA worked together to adjust the objective for current master plans. The revised objective is for all commercial airports to have a master plan that is current within seven years and for publicly-owned and NPIAS general aviation airports to have master plans that are current within 10 years.”* With the 1041 Permit approval, MLAA will ensure coordination of all future updates with El Paso County and the appropriate provisions of the Land Development Code. In addition, as the need to expand the airport becomes apparent, actual construction plans will address specific County questions and concerns at that time. Until then, we can only provide best estimates and concepts that may apply to meet the needs of the airport and the community in the future.

c Reference (b) and (c) request evidence to support the application with respect to neighboring property rights. The following state and federal regulations apply:

- C.R.S. 41-1-107. Ownership of space. *“The ownership of space above the lands and waters of this state is declared to be vested in the several owners of the surface beneath, subject to the rights of flight of aircraft.”* [see Encl 4a]
- 49 U.S. Code 40102. Definitions. *“Navigable airspace” means airspace above the minimum altitudes of flight prescribed by regulations under this subpart and*

subpart III of the part, including airspace needed to ensure safety in the takeoff and landing of aircraft.” [see Encl 5a]

- ➔ 14 CFR 91.119 – Minimum safe altitudes: General. “*Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes: (a) **Anywhere**. An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface; (b) **Over congested areas**. Over any congested area of a city, town, or settlement, or over any open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal within a horizontal radius of 2,000 feet of the aircraft; (c) **Over other than congested areas**. An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In those cases, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.*” [see Encl 5c]

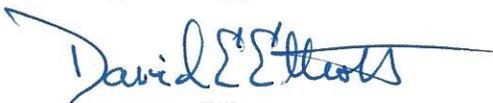
d Part of the challenge in drafting this application is that the stated purpose and checklists of Appendix B, “*Guidelines and Regulations for Areas and Activities of State Interest*”, and specifically Chapter 7, “*Site Selection and Expansion of Airports*”, imply that a construction project is imminent and do not appropriately fit the purpose of this application. Meadow Lake is not requesting “site selection” for an airport that has existed for 53 years, nor are we requesting “expansion” of the airport at this time. The purpose of this application is to establish the applicability of the FAR Part 77 airspace requirements for compatible land use in the Meadow Lake Airport Influence Area for current airport operations and for future growth, if and when that becomes a necessity. To that end, this application will address:

- a description and remarks of current operations and status of the airport for the review of the Master Plan Update (prefaced by “[P]”),
- a description and remarks concerning potential for future growth of the airport (prefaced by “[F]”), which will be addressed in detail at that future occasion when construction of potential expansion becomes relevant.

Note:

1. Where appropriate, direct excerpts from the draft Master Plan have been used. These excerpts (and those from other published Meadow Lake documents) are shown in quotations and blue ink. Reference to “figures” and “tables” made in these excerpts are to tables and figures that may be found in the Master Plan and are not routinely repeated in this application document.
2. Excerpts from state and federal regulations and documents will be shown in red.
3. Excerpts from County documents will be shown in green.

Respectfully,



David E. Elliott
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Additional References:

- (h) *“Environmental Assessment - Meadow Lake Airport – Establishment of Turf Runway”*, Final Report - May 2013
- (i) *“Compliance Plan – Meadow Lake Airport”*, Final Draft January 9, 2012
- (j) *“Falcon/Peyton Small Area Master Plan”* (August 2008)
- (k) *“El Paso County Policy Plan”* (1998)

The following References are available online at:

www.codot.gov/programs/aeronautics

- (l) *“2011 Colorado State Aviation Plan”*
- (m) *“2013 Economic Impact Study for Colorado Airports”*
- (n) *“Discretionary Aviation Grant Program”*
- (o) *“Pavement Evaluation and Pavement Management Program”*

The following References are available online at:

www.faa.gov

- (p) *“General Aviation Airports: A National Asset”* (May 2012)
- (q) FAA Advisory Circular 150/5070-6, *“Airport Master Plans”*
- (r) FAA Advisory Circular 150/5100-14, *“Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects”*
- (s) FAA Advisory Circular AC 150/5300-13, *“Airport Design”*
- (t) FAA Order 5050.4, *“Airport Environmental Handbook”*
- (u) FAA Order 5100.38, *“Airport Improvement Program Handbook”*
- (v) FAA Order 5100.39, *“Airports Capital Improvement Plan”*
- (w) FAA Order 5190.6, *“FAA Airport Compliance Manual”*

The following References are available online at:

www.trb.org

- (x) ACRP Report 27 – *“Enhancing Airport Land Use Compatibility”*
Vol 1: *“Land Use Fundamentals and Implementation Resources”* (2010)
Vol 2: *“Land Use Surveys and Case Study Summaries”* (2010)
- (y) ACRP 168 – *“Runway Protection Zones Risk Assessment Tool Users’ Guide”* (2017)
- (z) ACRP 04-22 – *“Effective Land Use Hazard Zoning Around General Aviation Airports”* (Guidebook to be published Summer 2019)

ATTACHMENTS**Appendix A:** *“Application for a Permit to Conduct Designated Activity of State Interest”***Enclosures:**1. Parcel Maps:

- a. El Paso County Assessor’s GIS map depicting general location of Meadow Lake Airport from Falcon
- b. El Paso County Assessor’s GIS map depicting Meadow Lake Airport

- c. Google Earth overhead view depicting Meadow Lake Airport and associated properties
2. Legal Description: Assessor's Office Property Data for 43000-00-563
3. Bylaws of the Meadow Lake Airport Association
 - a. "Exhibit A – Schedule of Properties and Owners"
4. Colorado Revised Statutes:
 - a. C.R.S. 41-1-107 *Ownership of space*
 - b. C.R.S. 43-10-113 *Safe operating areas around airports – establishment*
5. Federal Regulations:
 - a. 49 U.S.C. sec 40102 ... (32) "Navigable Airspace"
 - b. 49 U.S.C. sec 47102 ... (22) "Public-Use Airport"
(23) "Reliever Airport"
 - c. 14 CFR 91.119 – *Minimum safe altitudes: General*
6. Correspondence:
 - a. FAA Denver Airport District Office letter dated July 14, 1989
 - b. FAA Denver Airport District Office letter dated July 16, 2018
 - c. FAA Denver Airport District Office letter dated October 9, 2018
 - d. Colorado Aeronautical Board letter dated April 19, 2019 (w/attach)
 - e. Colorado Airport Operators Association letter dated May 5, 2019
 - f. FAA Denver Airport District Office letter dated May 31, 2019
7. "National Plan of Integrated Airport Systems (NPIAS) 2019-2023", Report to Congress: Appendix A - List of NPIAS Airports
 - a. Explanation of Terms and Abbreviations (pg A-1 & A2)
 - b. State Summary (pg A-3)
 - c. Colorado (pg A-24 & A-25)
8. Meadow Lake Airport Governmental Relationships
9. Receipt for Fees Paid #1000629 dated 04/24/2018

Appendix B: Section 2.303 Submission Requirements for All Permit Applications

Appendix C: Section 7.201 Application Submission Requirements

Section 7.202 Review Criteria

Enclosures:

10. **Meadow Lake Airport Association – Official Documents**
 - a. Articles of Incorporation of Meadow Lake Airport Association, 24 Feb 1972
(1) Certificate of Incorporation of the Meadow Lake Airport Association
 - b. Amended and Restated Articles of Incorporation of the Meadow Lake Airport Association, dated 30 October 2007
 - c. Bylaws of the Meadow Lake Airport Association (with Chg 8, dated 14 May 2013)

11. Key Personnel and Oversight

- a. **MLAA**
 - (1) Board of Directors
 - David Elliott, President
 - Carl Benda, Vice President
 - Jeff Moore, Secretary/Treasurer
 - Mike Barr
 - Jeff Hundley
 - Dan Jacquot
 - Tom Shook
 - (2) Airport Development Committee
 - Lee Wolford, Chair
 - Lee Leshner
 - Wyman Varndee
- b. Applicant drafter & planners
 - (1) David Elliott
 - (2) Aviation, Inc . . MLLA (KFLY) Planning and Engineering Consultants
- c. Coordination and Oversight:
 - (1) Colorado Division of Aeronautics
 - (2) FAA Denver Airports District Office (ADO)

12. Financial Exhibits of the MLLA

- a. Financial Statements (2018)
 - (1) IRS Form 990 (2018)
- b. Summary of FAA AIP and CDAG grants to Meadow Lake Airport
- c. Meadow Lake Airport Capital Improvement Plan (CIP)
- d. Application for Colorado Discretionary Aeronautics Grant (2019)
- e. Colorado GA Sustainability Program data overview
- f. The Economic Impact of Meadow Lake Airport

13. Property Exhibits

- a. Certification of Mineral Rights
- b. Vicinity Maps
- c. List of Adjacent Properties
- d. Area Zoning Map
 - (1) Special Districts: Emergency Services
 - (2) Special Districts: School Districts and Facilities
- e. Easements and Plats – Meadow Lake Airport
 - (1) Avigation Easement, 18 March 1969
 - (2) Clear Zone Avigation Easement, 7 September 1990
 - (3) Avigation Easement, 11 October 1990

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- (4) Clear Zone Avigation Easement, 21 December 1990
- (5) Avigation and Hazard Easement, 4 June 1996
- (6) Meadow Lake Estates Filing No 6, Subdivision Plat dated December 10, 1982 (excerpt)
- (7) Draft Meadow Lake "Airspace Avigation Easement"
- f. Meadow Lake Airport Property Charts
 - (1) Meadow Lake Airport Property Boundary
 - (2) Existing Airport Facilities (including Runway Protection Zones)
 - (3) Meadow Lake Airport Layout Plan – Existing
 - (4) Meadow Lake Airport Layout Plan – Future
- g. Meadow Lake Airspace Charts
 - (1) Meadow Lake Airport Influence Area
 - (2) Meadow Lake Airport AIRSPACE PLAN (Part 77)
 - (3) Meadow Lake Airport Traffic Patterns – Main Runway 15-33
 - (4) Meadow Lake Airport Traffic Patterns – Main Runway 15G-33G
 - (5) Meadow Lake Airport Traffic Patterns – Main Runway 8-26
- h. Colorado Stormwater Permits
 - (1) Inactivation – Stormwater Discharge Permit COR-010077
 - (2) CDPS General Permit COR 406129 dated 7/8/2019
- i. Colorado Ground Water Commission Determinations (21 Nov 2006)
 - (1) Meadow Lake Airport Association, No. 1046-BD - Denver Aquifer
 - (2) Meadow Lake Airport Association, No. 1045-BD - Arapahoe Aquifer
 - (3) Meadow Lake Airport Association, No. 1044-BD - Laramie-Fox Hills
- j. MLAA List of Equipment
- 14. **Miscellaneous Exhibits – Federal**
 - a. Nation Plan of Integrated Airport Systems (NPIAS) - 2019-2023
 - b. General Aviation Airports: A National Asset (May 2012)
 - c. Airport Improvement Program - Airport Sponsor Assurances (3/2014)
 - d. Airport Information
 - (1) FAA 5010 Airport Master Record: Meadow Lake Airport (KFLY)
 - (2) FAA National Based Aircraft Inventory Program (cover page)
 - e. Current FAA Advisory Circulars Required for Use in AIP Funded and PFC Approved Projects
- 15. **Miscellaneous Exhibits - Colorado**
 - a. 2011 Colorado Aviation System Plan: Executive Summary
 - (1) Chap 2. Inventory | Technical Report, May 2012 (pgs 2-1 thru 2-9)
 - b. Colorado Discretionary Aviation Grant Assurances
 - c. General Aviation Airport Sustainability Program
 - d. Pavement Evaluation and Management
 - e. 2013 Economic Impact Study for Colorado Airports