

APPENDIX C

CHAPTER 7

SITE SELECTION AND EXPANSION OF AIRPORTS

Section 7.201. Application Submission Requirements

The following information is provided in accordance with the El Paso County Land Development Code, Appendix B [reference (f)], Section 7.201:

(Numbering of the paragraphs correspond to appropriate paragraphs of Section 7.201)

(1) A plan (which may be satisfied by the airport layout or master plan) and related documents and studies, locating the proposed airport or expansion with respect to the following boundaries and physical features:

... see Meadow Lake Master Plan and ALP [Reference (a), with Enclosures]

(2) A map showing anticipated generalized arrival, departure and local air traffic patterns proposed to occur within unincorporated areas of El Paso County due to the new or expanded airport.

Existing traffic patterns are depicted on the charts at Enclosure 13g

The purpose of this application is to obtain County approval of the Meadow Lake Airport Master Plan and Airport Layout Plan. No changes to current arrival, departure or existing traffic patterns are anticipated at this time.

Potential or proposed changes to the aircraft traffic will be submitted with application for expansion of the runway system at such time as that development is proposed and an appropriate traffic pattern is contemplated.

(3) Description of potential public safety and property issues related to the airport.

The purpose of this application is to obtain County approval of the Meadow Lake Airport Master Plan and Airport Layout Plan. Additional submissions will recommend potential Land Development Code amendments (as required) and promote development of a Compatible Land Use Plan for Meadow Lake Airport per the Part 77 airspace depictions contained therein. The intent of developing a Compatible Land Use Plan is to minimize potential public safety and undesirable quality of life impacts from development of the airport and surrounding properties.

An appropriate analysis will be submitted with application for expansion of the runway system at such time as that development is contemplated.

(4) Description of how the airport or airport expansion will affect existing communities, the environment and existing community or public services. Attach or refer to any FAA required environmental assessment.

The purpose of this application is to obtain County approval of the Meadow Lake Airport Master Plan and Airport Layout Plan. Additional submissions will

recommend potential Land Development Code amendments (as required) and promote development of a Compatible Land Use Plan for Meadow Lake Airport per the Part 77 airspace depictions contained therein. An objective of developing a Compatible Land Use Plan is to minimize potential public safety and undesirable quality of life impacts from development of the airport and surrounding properties.

An appropriate analysis and assessments will be submitted with application for expansion of the runway system at such time as that development is contemplated.

- (5) Description of how the airport or airport expansion will affect economic and transportation needs of the state, County and the area. A Finding of No Significant Impact (FONSI) from the Federal Aviation Administration District Office (FAA/ADO) may satisfy this requirement.

The purpose of this application is to obtain County approval of the Master Plan and Airport Layout Plan. Additional submissions will recommend potential Land Development Code amendments (as required) and promote development of a Compatible Land Use Plan for Meadow Lake Airport per the Part 77 airspace depictions contained therein. An objective of developing a Compatible Land Use Plan is to promote positive economic and transportation impacts from development of the airport and surrounding properties.

The appropriate FAA 7460-1 and FAA/County approved ALP will be submitted with application for expansion of the runway system at such time as that development is contemplated.

- (6) Description and copies of applicable FAA permits and approvals.

FAA approval of the Master Plan Update is attached at Enclosure 6.

The appropriate FAA 7460-1 and FAA/CDoT/County approvals will be submitted with application for expansion of the runway system at such time as that development is contemplated.

- (7) Description of how the airport site or airport expansion related to existing airports. An FAA and/or County-approved Airport Layout Plan, Airport Master Plan, or FAA Form 7480-1 may satisfy this requirement.

... see attached Master Plan and ALP [Reference (a), with Enclosures]

Appropriate documentation will be submitted with application for expansion of the runway system at such time as that development is contemplated.

- (8) Description of measures to be taken and property rights to be acquired, which may include legally sufficient executed deeds, avigation easements and/or disclosures, to demonstrate that the proposed airport or airport expansion has legal authority to operate as proposed.

We believe these "rights" are inherent per current federal and state statutes:

- CRS 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.C. 40102(a)(32) defines “navigable airspace means airspace above the minimum altitudes of flight prescribed by regulations issued under the Federal Aviation Act, including the airspace needed during the takeoff and landing or 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]

The appropriate documents will be submitted with application for expansion of the runway system at such time as that development is contemplated.

Section 7.202. Review Criteria

The following information is provided in accordance with the El Paso County Land Development Code, Appendix B [reference (f)], Section 7.202:

(Numbering of the paragraphs correspond to appropriate paragraphs of Section 7.202)

After approval of the above "Application for 1041 Permit", the MLAA will coordinate with El Paso County for implementation of appropriate compatible land use planning for the Meadow Lake Airport Influence Area. The intent of this effort, and the purpose of CRS 43-10-113, is to ensure compatibility of development of the surrounding community with existing airport operations and approved airport plans. The 1041 review criteria below is appropriate with the alternate emphasis on development plans encroaching on the airport to be compatible with the existing airport. The intent of the requirements of both the federal and state governments, through their regulations and grant assurances, is to protect and balance the interest and investment of those governmental entities with the community served by this airport.

(1) Site selection and expansion of airports shall be administered to encourage land use patterns that will separate noise originating from approved aircraft operations from residential and other noise-sensitive areas in the unincorporated area of El Paso County;

The purpose of this application is to establish recognition and standing of Meadow Lake Airport as a "Matter of State Interest", and to recognize resources such as the ACRP studies [references (aa) thru (ee)], as guides to all planners for developing mutual compatible land use within the Airport Influence Area.

(2) Site selection and expansion of airports shall be administered to avoid danger to public safety and health or to property due to potential aircraft crashes in the unincorporated area of El Paso County;

Adoption of the Meadow Lake Airport Master Plan Update and use of published compatible land use planning guides will allow planners of the airport and surrounding properties to properly accomplish acceptable land use planning within the Meadow Lake Airport Influence Area.

(3) Airport location or expansion decisions shall consider the type of development which will occur within the Airport Influence Area, as herein defined, in the unincorporated portion of El Paso County;

Adoption of the Meadow Lake Airport Master Plan Update and use of published compatible land use planning guides will allow planners of the airport and surrounding properties to properly accomplish acceptable land use planning within the Meadow Lake Airport Influence Area.

(4) Airports shall be located or expanded in a manner that will minimize disruption to existing communities and will minimize the impact on existing community or public services;

Adoption of the Meadow Lake Airport Master Plan Update and use of published compatible land use planning guides will allow planners of the airport and surrounding properties to properly accomplish acceptable land use planning within the Meadow Lake Airport Influence Area

- (5) *There is sufficient existing and projected need to warrant and support the airport or airport operations;*

As detailed throughout this application and accompanying enclosures and references, Meadow Lake is considered by state and federal authorities as a significant regional General Aviation facility with beneficial impacts to the local community and its economy.

- (6) *The nature and location of the airport site or expansion complies with all applicable provisions of the State Aviation Systems Plan, and other applicable municipal, regional, state and national plans;*

Described through-out this application.

... see "Colorado Aviation System Plan" (Ref l)

- (7) *The nature and location of the airport site or expansion is compatible with the existing and reasonably foreseeable economic and transportation needs of the state, County and of the area immediately servicing the airport;*

Adoption of the Meadow Lake Airport Master Plan Update and use of published compatible land use planning guides will allow planners of the airport and surrounding properties to properly accomplish acceptable land use planning within the Meadow Lake Airport Influence Area.

... see "Economic Impact Study for Colorado Airports" (Ref m)

- (8) *The airport site or expansion is not an area with unmovable obstructions which might interfere with any airport approach or Runway Protection Zone, or assurances have otherwise been received that all removable obstructions will be eliminated from applicable obstacle identification surfaces;*

Compliance with these concerns is part of FAA obstruction evaluation (per 14 CFR Part 77) and approval of the Airport Layout Plan.

- (9) *The benefits of the airport location or expansion outweigh the loss of any natural resources or agricultural lands rendered unavailable as a result of the proposed airport location or expansion, including development of the area around the airport;*

This application is being made due to conversion and rezoning of natural resources and agricultural lands around the airport due to residential expansion within the Airport Influence Area.

- (10) *Adequate electric, gas, telephone, water, sewage, and other utilities exist or can be delivered to service the airport site or expansion;*

No expansion of the airport is proposed at this time. Adoption of the Meadow Lake Airport Master Plan Update and use of published compatible land use planning guides will allow planners of the airport and surrounding properties to properly accomplish acceptable land use planning within the Meadow Lake

Airport Influence Area that will necessarily consider impacts on public infrastructure.

(11) Adequate mitigation measures have been proposed, including financial security to guarantee the same, to mitigate the identified adverse impacts of the airport site or expansion;

No expansion of the airport is proposed at this time. Adoption of the Meadow Lake Airport Master Plan Update and use of published compatible land use planning guides will allow planners of the airport and surrounding properties to properly accomplish acceptable land use planning within the Meadow Lake Airport Influence Area that will necessarily minimize potential negative impacts on the local area.

(12) The airport site or expansion will not place an undue burden on existing land uses in the area or on the communities of the region;

This application is being made due to conversion and rezoning of natural resources and agricultural lands around the airport due to residential expansion within the Airport Influence Area. Adoption of the Meadow Lake Airport Master Plan Update and use of published compatible land use planning guides will allow planners of the airport and surrounding properties to properly accomplish acceptable land use planning within the Meadow Lake Airport Influence Area.

(13) The airport site or expansion is designated to minimize the impacts of airport noise on nearby developments within the unincorporated area of El Paso County;

This application is being made due to conversion and rezoning of natural resources and agricultural lands around the airport due to residential expansion within the Airport Influence Area. Adoption of the Meadow Lake Airport Master Plan Update and use of published compatible land use planning guides will allow planners of the airport and surrounding properties to properly accomplish acceptable land use planning within the Meadow Lake Airport Influence Area.

(14) The airport site or expansion will contribute to the orderly development of the airport and the region;

Adoption of the Meadow Lake Airport Master Plan Update and use of published compatible land use planning guides will allow planners of the airport and surrounding properties to properly accomplish acceptable land use planning within the Meadow Lake Airport Influence Area..

(15) The applicant can provide evidence that sufficient property rights or restrictions exist, or alternatively, that adequate measures have been or will be taken and property rights have been or will be acquired to demonstrate that the airport site or expansion, and uses and activities associated with or generated by it, can be legally operated as proposed.

We believe these "rights" are inherent through federal and state statute:

- CRS 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.C. 40102(a)(32) defines "navigable airspace means airspace above the minimum altitudes of flight prescribed by regulations issued under the Federal Aviation Act, including the airspace needed during the takeoff and landing or 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]