

Attachment 7
**Agency & Board
Correspondence**

***Formatting of
this attachment
corrected
8/12/24 at 10
am***

From: [Lunz, Kate S](#) on behalf of [ColoradoES, FW6](#)
To: [Jennifer Hewett-Apperson](#); [Levi Brown](#); [Kragerud, Ryan](#); jason.duetsch@state.co.us; John_Ruscio@comcast.com; [George, Donna L](#); [ColoradoES, FW6](#)
Subject: RE: [EXTERNAL] Development Review Referral
Date: Monday, April 3, 2023 1:43:18 PM

Hello,

Thank you for contacting the U.S. Fish and Wildlife Service (Service). The Service has reviewed your project and has no concerns with this project resulting in impacts to species listed as candidate, proposed, threatened, or endangered. We appreciate your efforts to ensure the conservation of threatened and endangered species. Thank you for contacting us and please let me know if you have any further questions.

Project Number: 2023-0062153

Kate Lunz, Ph.D. (she/her)
Fish and Wildlife Biologist / Preble's Lead
Colorado Ecological Services Office
134 Union Blvd
Lakewood, CO 80228
(303) 236-4752

From: Jennifer Hewett-Apperson <jennifer.hewettapperson@longmontcolorado.gov>
Sent: Tuesday, March 28, 2023 2:50 PM
To: Levi Brown <levi.brown@longmontcolorado.gov>; Kragerud, Ryan <kragerud_ryan@svvsd.org>; jason.duetsch@state.co.us; John_Ruscio@comcast.com; George, Donna L <donna.l.george@xcelenergy.com>; ColoradoES, FW6 <ColoradoES@fws.gov>
Subject: [EXTERNAL] Development Review Referral

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

All,

Please see the attached Referral for the project known as ModernWest 2. This is a proposed concept plan amendment to allow for the development of a mixed use project southeast of the intersection of Rogers Road and Airport Road. Please let me know if you need any additional information.

Thanks,

Jennifer Hewett-Apperson, AICP

Senior Planner | she, her, hers

Planning and Development Services Department | City of Longmont

—

OFFICE 303-651-8439 | **MAIN** 303-651-8330



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303.571.3284
Donna.L.George@xcelenergy.com

April 17, 2023

City of Longmont Planning and Development Services
385 Kimbark Street - PO Box 1348
Longmont, CO 80501

Attn: Jennifer Hewett-Apperson

Re: ModernWest 2, Case # DV-CONCEPT PLAN-23-00005

Public Service Company of Colorado's (PSCo) Right of Way and Permits Referral Desk has reviewed the plan for **ModernWest 2**. As always, thank you for the opportunity to take part in the review process. To ensure that adequate utility easements are available within this development, PSCo requests that the following language or plat note be placed on the preliminary and final plats for the subdivision:

*Ten-foot (10') wide dry utility easements are hereby dedicated on private property adjacent to all public streets, and around the perimeter of each **commercial/industrial/retail** and **multi-family/apartment-type** lot in the subdivision or platted area including tracts, parcels and/or open space areas. These easements are dedicated to the City of Longmont for the benefit of the applicable utility providers for the installation, maintenance, and replacement of electric, gas, television, cable, and telecommunications facilities (Dry Utilities). Utility easements shall also be granted within any access easements and private streets in the subdivision. Permanent structures, improvements, objects, buildings, wells, water meters and other objects that may interfere with the utility facilities or use thereof (Interfering Objects) shall not be permitted within said utility easements and the utility providers, as grantees, may remove any Interfering Objects at no cost to such grantees, including, without limitation, vegetation. Public Service Company of Colorado (PSCo) and its successors reserve the right to require additional easements and to require the property owner to grant PSCo an easement on its standard form.*

PSCo also requests that all utility easements be depicted graphically on the preliminary and final plats. While these easements should accommodate the majority of utilities to be installed in the subdivision, some additional easements may be required as planning and building progresses.

In addition, 31-23-214 (3), C.R.S., requires the subdivider, at the time of subdivision platting, to provide for major utility facilities such as electric substation sites, gas or electric transmission line easements and gas regulator/meter station sites as deemed necessary by PSCo. While this provision will not be required on every plat, when necessary, PSCo will work with the subdivider to identify appropriate locations. This statute also requires the subdivider to submit a letter of agreement to the municipal/county commission that adequate provision of electrical and/or gas service has been provided to the subdivisions.

Please be aware PSCo has existing natural gas *distribution* facilities within Rogers Road. The property owner/developer/contractor must complete the application process for any new natural gas service via xcelenergy.com/InstallAndConnect. It is then the responsibility of the developer to contact the Designer

assigned to the project for approval of design details.

If additional easements need to be acquired by separate PSCo document, a Right-of-Way Agent will need to be contacted.

PSCo also has existing natural gas *transmission* facilities within Rogers Road. Should there be **any** activities in the area of this pipeline, an engineering review will be necessary (upload all files in PDF format at https://www.xcelenergy.com/working_with_us/builders/encroachment_requests, scroll down to Encroachment Requests and click on APPLY NOW).

As a safety precaution, PSCo would like to remind the developer to contact Colorado 811 for utility locates prior to construction.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: Donna.L.George@xcelenergy.com



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-ANM-3435-OE

Issued Date: 05/22/2023

Derek Guarascio
Modern West Longmont, LLC
6185 Brigaddon Ct
Longmont, CO 80503

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Commercial Use Building Corner #1
Location:	Longmont, CO
Latitude:	40-09-26.00N NAD 83
Longitude:	105-08-59.00W
Heights:	5023 feet site elevation (SE) 50 feet above ground level (AGL) 5073 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- ☐ At least 10 days prior to start of construction (7460-2, Part 1)
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 11/22/2024 unless:

- the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- extended, revised, or terminated by the issuing office.
- the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (404) 305-6430, or kelly.r.nelson@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-ANM-3435-OE.

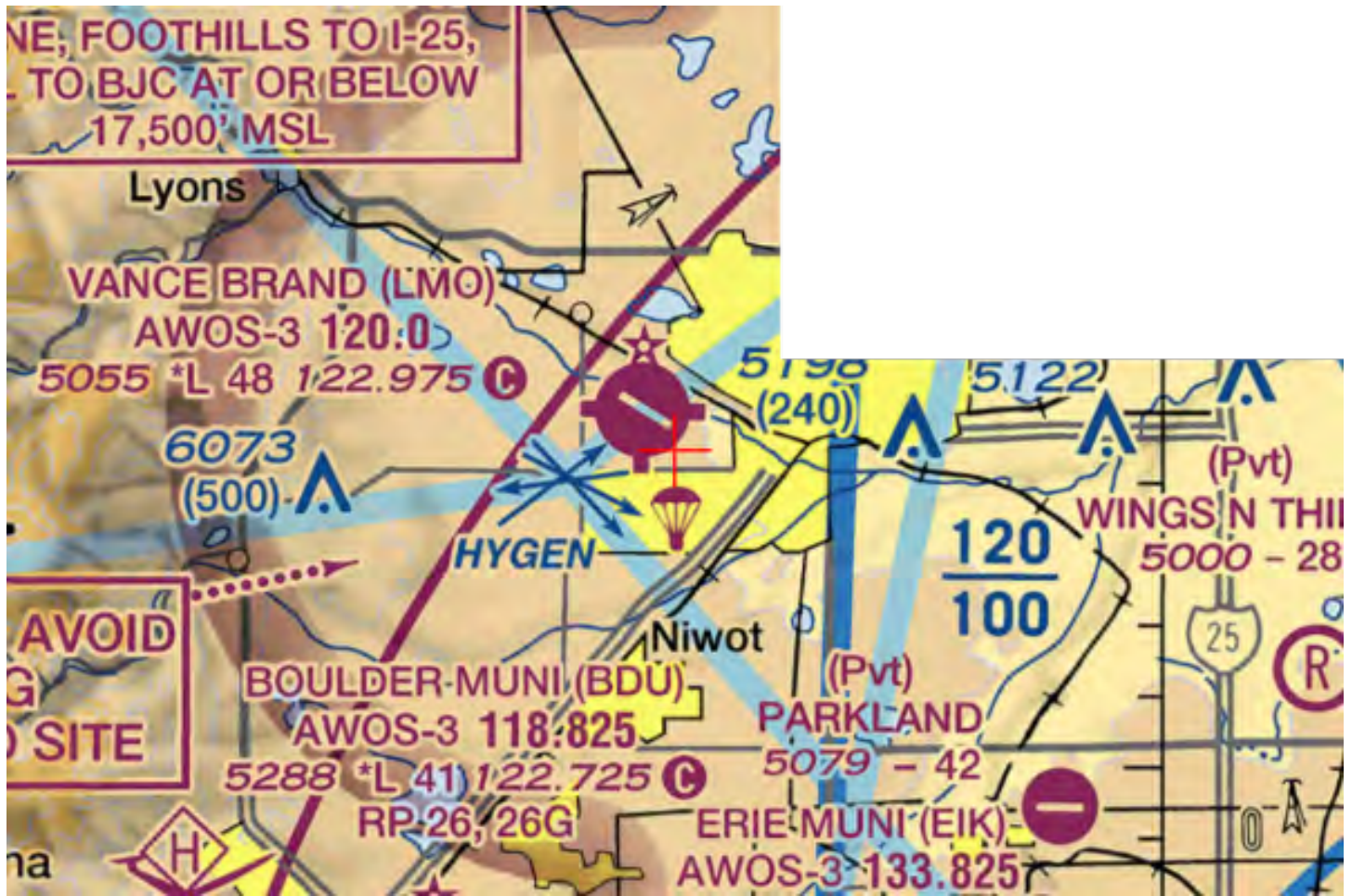
Signature Control No: 582680177-587305974

(DNE)

Kelly Nelson
Specialist

Attachment(s)

Map(s)





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

Northwest Mountain Region
Colorado · Idaho · Montana · Oregon · Utah
Washington · Wyoming

Denver Airports District Office
26805 E. 68th Ave., Suite 224
Denver, CO 80249

June 13, 2023

Levi Brown, Manager
Vance Brand Airport
229 Airport Road
Longmont, CO 80503

Dear Mr. Brown:

This letter is to remind the City of Longmont of its contractual obligations with the Federal Aviation Administration to operate Vance Brand Airport. Specifically in regards to the proposed ModernWest 2 residential development proposed near Vance Brand Airport.

Vance Brand Airport is a General Aviation airport, with approximately 212 based aircraft and 88,000 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 FAA views this proposed development as an incompatible land use and contrary to Grant Assurance #21, *Compatible Land Use*. As recipients of over \$6.2 Million dollars in Federal Airport Improvement Program (AIP) funding since 1988, the City of Longmont is obligated to comply with certain Federal grant assurances, which include a requirement to “*take appropriate action, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft*”. The City is also obligated to “*not cause or permit any activity or action thereon which would interfere with its use for airport purposes*”. Failure to comply with Federal grant assurances may result in the FAA issuing an order terminating eligibility for grants or suspending the payment of grant funds to the Vance Brand Airport.

If you have questions regarding the above comments or would like to meet to discuss our concerns, please contact me at (303) 342-1263.

Sincerely,

John Sweeney
Community Planner
FAA/Denver Airports District Office

From: [Harrison Earl](#)
To: [Joan Peck](#); [Susie Hidalgo-Fahring](#); [Marcia Martin](#); [Aren Rodriguez](#); [Shiquita Yarbrough](#); [Sean McCoy](#); [Diane Crist](#)
Cc: [Harold Dominguez](#); [Joni Marsh](#); [Phil Greenwald](#); [Levi Brown](#); [Jennifer Hewett-Apperson](#)
Subject: [External] Airport Advisory Board Recommendation - Modern West 2
Date: Thursday, July 18, 2024 10:27:38 AM
Attachments: [Longmont AAB Recommendation to Council Regarding Development 7.18.24.pdf](#)

Dear Mayor Peck and Members of the Longmont City Council,

Please see the attached letter from the Longmont Airport Advisory Board. We are recommending that you vote against the proposed Concept Plan Amendment for Modern West 2 that will soon be coming before you.

Thank you for reviewing this letter and please reach out to me if you have any questions or wish to discuss further.

Thank you,
Harrison Earl
Longmont Airport Advisory Board Chair



CITY OF LONGMONT | Vance Brand Municipal Airport

July 18, 2024

Mayor Joan Peck and Longmont City Council
350 Kimbark Street
Longmont, CO 80501

Dear Mayor Peck and Members of the Longmont City Council:

The Longmont Airport Advisory Board **recommends to you in the strongest possible terms to vote against the proposed Concept Plan Amendment for Modern West 2** (known formally as a portion of the Schlagel Williams Annexation). The Advisory Board, airport users, aviation regulators at the state and federal level, and the community more broadly all believe that **this development represents an incompatible land use at the current location.**

While this letter will walk through these issues in detail, we want to make a clear offer for any members of the Advisory Board to discuss this more comprehensively during your upcoming meeting where this development will be a topic, or one-on-one with any of you at your convenience. The Federal Aviation Administration's local Airport Districts Office has also made a similar offer to appear during your meetings or separately to discuss this issue with you. Based on these offers, we also recommend that the Council consider delaying consideration of this proposal in order for these meetings to take place so that Council and City Staff are fully educated on the impacts from this proposed development.

During our July 11, 2024 meeting, we had more than 40 attendees from the public and 21 unique speakers about this development. Some speakers were pilots, some business owners, and some simply concerned community members. All were concerned about the impact that this proposed development would have on the airport. This discussion led to the Airport Advisory Board voting unanimously to make this recommendation to you based on the following reason:

- The Vance Brand Municipal Airport is a significant economic driver for Longmont and the region. A 2020 Colorado Department of Transportation (CDOT) report found that the airport's total economic impact was 490 jobs, \$24.1 million in payroll, \$36.44 million in added value, and \$68.04 million in business revenues. On-airport activity, the activity of visitors to the area who use the airport, and the revenue from businesses on the airport are a significant portion of Longmont's economy and contribute substantial tax revenue to the City, County, and State.

- The safe and efficient operation of the airport is threatened by this development. The Modern West 2 developers will point out that the proposed development is outside of the airspace restrictions for the airport (specifically the 40:1 approach plane established under Part 77), which is an accurate statement. However, they fail to note that aircraft on that 40:1 approach to runway 29 will pass less than 25 feet over the top of the proposed building, as shown on their own exhibits (attached). The FAA estimated that the airport had more than 88,000 operations in 2023. That means residents of this proposed development would have nearly 240 airplanes a day pass less than 25 feet over their heads, less than even the wingspan of nearly all aircraft operating at the airport.
- The Federal Aviation Administration (FAA) has written multiple letters to the City regarding this development. The first, dated June 13, 2023 (attached), notes that the City has accepted Federal Airport Improvement Program (AIP) funds, and one of the obligations the City agreed to as a condition of accepting those funds was to maintain compatible land uses in the immediate vicinity of the airport. The FAA noted that they view the Modern West 2 residential development as “an incompatible land use” contrary to this grant assurance, and that failure to comply with grant assurances may result in Longmont losing eligibility for grant funding. The FAA’s most recent letter, dated July 2, 2024 (also attached), reminds the city of the grant assurance obligation, and notes that the FAA may issue a Notice of Investigation should this development move forward which “could lead to a loss of Federal Funding for Vance Brand Airport.”
- Safety is by far the most important value for everyone involved in aviation. We all recognize that even properly maintained aircraft can have technical failures, just like our cars, bikes, and homes often have. Several speakers in our meeting noted that there have been incidents in the past where aircraft have, for various reasons, ended up in the fields where this development is proposed. One speaker in particular noted that, had this development been in place, he likely would not have been alive to speak at our meeting after a failure on an aircraft he was operating led to his aircraft being on the ground in this area. A letter from the Aircraft Owners and Pilots Association (AOPA) from July 2, 2024 (attached), notes this safety risk vividly.
- Aircraft noise will also be a major impact for residents if this development is approved. The airport and City Council receive regular noise complaints today from airport activity and aircraft from other airports in the region conducting training in the Longmont vicinity. None of these complaints are from residents having 240 aircraft a day pass 25 feet over the head. We are rightly concerned about the impact on these residents, and the threat of future legal action against the City and the Airport, as we have seen in other municipalities along the Front Range.

The Vance Brand Municipal Airport is an enterprise fund of the city and relies on Federal and State grant funding to invest in capital improvements and day-to-day maintenance of the airport. The FAA has specifically, and in writing, noted that this development may lead to the termination of Federal grant funding. CDOT has made similar comments to us regarding the future of state funding. Without this funding, the airport may be forced to close and cease operations, harming countless residents,

businesses, and the community at large.

It is important to remember the larger role in this community that the airport plays. Students from the St. Vrain Valley School District Innovation Center engage in educational sessions at the airport that benefit their future careers. Public and private organizations base research and development missions at the airport. Future airline and military pilots learn how to fly and hone their skills at the airport. The airport regularly serves as a base for firefighting aircraft helping fight wildfires in the area and other public safety missions utilize the airport. In fact, [a Times-Call article last year](#) notes that a flight taking off from the Vance Brand Municipal Airport with City Manager Harold Dominguez onboard was key to the life-saving evacuations that were ordered during the devastating 2013 flood. **This airport is not, as it is often characterized, a recreational airport for a few. The airport has a significant and direct economic, educational, and public safety impact on the entire community.**

To be abundantly clear, this Airport Advisory Board is not anti-housing or anti-growth in Longmont. We have not come to you with concerns about other developments located within the Airport Influence Zone. Several speakers during our meeting noted the “meritorious” nature of this proposed project in every way, except for its location. The location is incompatible with continued airport operations, both legally and practically, and therefore the development must not be approved.

On behalf of the Longmont Airport Advisory Board, I want to reiterate our strong recommendation that you vote against the proposed Modern West 2 development. I appreciate your consideration of our recommendation and expertise, and the concerns raised by airport users and community members. We would be happy to participate in the discussion regarding this development at the appropriate City Council meeting to expand on this letter, at your request. There is also a standing offer to each of you for us to sit down and chat one-on-one. You are welcome to reach out to me personally at 925-381-5400 or via email at harrison.earl@gmail.com to continue this discussion.

Sincerely,

The Longmont Airport Advisory Board

Harrison Earl, Chair
Melinda Jordan, Vice Chair
Malcolm Dean
Dan Meester
Matthew Menza
Tallis Salamatian
Steve Shook

Attachments:

1. Federal Aviation Administration Letter dated June 13, 2023, reminding the City of Longmont of contractual obligations and grant assurances
2. Federal Aviation Administration Letter dated July 2, 2024, noting that the FAA views this development as incompatible and laying out impacts to future funding
3. Aircraft Owners and Pilots Association letter dated July 2, 2024, expressing out concerns about this proposed development and potential impacts should it be approved
4. Exhibit from development proposal showing the proposed building massing and the Runway 29 approach paths, both the original exhibit from the June 26, 2024 Planning & Zoning meeting packet and an annotated version

CC:

Harold Dominguez, City Manager

Joni Marsh, Assistant City Manager

Phil Greenwald, Transportation Planning Manager

Levi Brown, Airport Manager

Jennifer Hewett-Apperson, Principal Planner



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

Northwest Mountain Region
Colorado · Idaho · Montana · Oregon · Utah
Washington · Wyoming

Denver Airports District Office
26805 E. 68th Ave., Suite 224
Denver, CO 80249

June 13, 2023

Levi Brown, Manager
Vance Brand Airport
229 Airport Road
Longmont, CO 80503

Dear Mr. Brown:

This letter is to remind the City of Longmont of its contractual obligations with the Federal Aviation Administration to operate Vance Brand Airport. Specifically in regards to the proposed ModernWest 2 residential development proposed near Vance Brand Airport.

Vance Brand Airport is a General Aviation airport, with approximately 212 based aircraft and 88,000 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 FAA views this proposed development as an incompatible land use and contrary to Grant Assurance #21, *Compatible Land Use*. As recipients of over \$6.2 Million dollars in Federal Airport Improvement Program (AIP) funding since 1988, the City of Longmont is obligated to comply with certain Federal grant assurances, which include a requirement to “*take appropriate action, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft*”. The City is also obligated to “*not cause or permit any activity or action thereon which would interfere with its use for airport purposes*”. Failure to comply with Federal grant assurances may result in the FAA issuing an order terminating eligibility for grants or suspending the payment of grant funds to the Vance Brand Airport.

If you have questions regarding the above comments or would like to meet to discuss our concerns, please contact me at (303) 342-1263.

Sincerely,

John Sweeney
Community Planner
FAA/Denver Airports District Office



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

Northwest Mountain Region
Colorado · Idaho · Montana · Oregon · Utah
Washington · Wyoming

Denver Airports District Office
26805 E. 68th Ave., Suite 224
Denver, CO 80249

July 2, 2024

The Honorable Joan Peck
City of Longmont
350 Kimbark Street
Longmont, CO 80501

Dear Mayor Peck:

This letter is in response to the approval action taken by the City of Longmont Planning and Zoning Commission on June 26, 2024, for the ModernWest 2 development. The Federal Aviation Administration (FAA) views this development as incompatible with the airport environment. The Agency sent a previous letter dated June 13, 2023, and has had subsequent conversations with City staff regarding the incompatibility of the development.

The City of Longmont is obligated to comply with FAA Grant Assurances as recipients of over \$6.2 million in Airport Improvement Program (AIP) funding since 1988. The FAA takes this contractual obligation seriously and failure to comply with Federal grant assurances may result in the FAA issuing a Notice of Investigation under 14 CFR part 16, *Rules of Practice for Federally-Assisted Airport Enforcement Proceedings*, which could lead to a loss of Federal funding for Vance Brand Airport.

As previously stated the FAA views the ModernWest 2 development contrary to Grant Assurance #21, *Compatible Land Use*. The City of Longmont is required to *"take appropriate action, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft"*. The City is also obligated to *"not cause or permit any activity or action thereon which would interfere with its use for airport purposes"*.

This proposal has been evaluated by the FAA for its potential impact to air navigation, 2023-ANM-6656-OE. The Determination of No Hazard strictly relates to its impact to the FAA controlled airspace and is not an approval of the development. The letter clearly states, *"This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body."*

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



601 Pennsylvania Ave NW, Suite 250
Washington, D.C. 20004

T. 202-509-9670
www.aopa.org

City of Longmont
ATTN: Mayor Joan Peck
350 Kimbark St.
Longmont, CO 80501

July 2, 2024

TRANSMITTED VIA ELECTRONIC MAIL TO: joan.peck@longmontcolorado.gov

Re: Proposed “Modern West 2” Residential Development Near Vance Brand Airport

Dear Mayor Peck:

The Aircraft Owners and Pilots Association (AOPA) is the world’s largest general aviation association with hundreds of thousands of members, including almost 9,000 members across Colorado, with nearly 300 members associated with Vance Brand airport. **We urge the Longmont city council to reject the Modern West 2 development as currently designed** and send it back to the planning and zoning commission to assess uses of this portion of the Schlaegel Williams Annexation that would be more compatible with both the airport and existing residents.

It is our understanding that during the June 26, 2024, Longmont Planning and Zoning Commission meeting, the “Modern West 2” residential development was approved for further consideration by the city council. While we understand the desperate need for housing in Boulder County, our over 85 years of aviation advocacy experience tells us that the need for housing should never impact residents’ right to safety and peaceful enjoyment. The Modern West 2 development, as currently planned, lies in the Vance Brand airport area of influence and, as such, places potential future residents at risk. The [California Airport Land Use Planning Handbook](#) effectively illustrates aircraft impact risks to residents living too close to airports (see Exhibits E-1 and E-2). Not too far from Longmont and as a recent example of the real risks to residential developments planned near airports, on June 7, 2024, Arvada, CO suffered a [fatal aircraft crash](#) in a residential neighborhood.

Future liability risks to the city of Longmont should also be considered. The town of Superior, CO, for instance, chose to build 2700 single-family homes and 1800 multi-family homes near Rocky Mountain Metropolitan airport (RMMA) despite countless warnings from the airport sponsor that building in the airport critical area was ill advised. AOPA has been working with RMMA over the years and recently published two articles about the negative long-term effects of inappropriate land use near airports. The AOPA articles can be found [here](#) and [here](#).

Further, on June 13, 2023, the Federal Aviation Administration (FAA) Denver Airport District office sent a letter (attachment 1) to the Longmont airport manager stating that ***“The FAA views this proposed development as an incompatible land use and contrary to Grant Assurance #21, Compatible Land Use.”*** The FAA letter goes on to remind the city that *“Failure to comply with Federal grant assurances may result in the FAA issuing an order terminating eligibility for grants or suspending the payment of grant funds to the Vance Brand Airport.”* This FAA letter both

AIRCRAFT OWNERS AND PILOTS ASSOCIATION

Proposed “Modern West 2” Residential Development Near Vance Brand Airport

July 2, 2024

Page 2 of 3

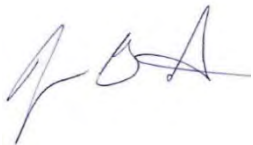
trumps and refutes assessments made in the February 23, 2023, letter from the law offices of Robinson, Waters, and O’Dorisio (attachment 2) sent to the Longmont Planning and Development Services Department. While [Title 14 Code of Federal Regulations Part 77](#) referenced in Attachment 2 does indeed speak to compatible land use, the primary emphasis of Part 77 language is on preventing obstructions to aviation near an airport. Generally speaking, Part 77 does not go into broader compatible land use considerations, hence the added importance of the definitive assessment made by the June 13, 2023, FAA letter indicating that the Modern West 2 development is not a compatible land use near Vance Brand airport. As a result of this FAA position, the February 23, 2023, letter from the law offices of Robinson, Waters, and O’Dorisio on this topic should only be considered informational rather than authoritatively definitive.

While we fully understand the necessity of residential development as our populations grow, it needs to be done in a safe and smart way. The best way for zoning authorities to ensure the safety and well-being of aviators and future development occupants and minimize potential liability risks to the city is to consider FAA and other related guidance on compatible land use near airports. Good examples include [FAA Advisory Circular 150/5190-4B](#) (Airport Land Use Compatibility Planning) and [ACRP 206 - Guidebook on Effective Land Use Compatibility Planning Strategies for GA Airports](#). Colorado’s own Colorado Aviation System Plan ([Appendix A - Land Use Evaluation](#)) in section A.1.1 states, “*One of the most commonly recognized incompatible land uses near airports is residential development...*” Other reports on compatible land use include ACRP reports numbers 27 (Vols I and II), 32, and 38. Finally, our own [AOPA Guide for Airport Advocates](#), while designed for airport advocates, is also instructional to zoning authorities in particular as it highlights past cases where zoning decisions did not adequately address compatibility concerns and ultimately led to a variety of unintended, and in some cases, tragic consequences.

In AOPA’s over 85 years of experience, we have seen countless well-intended developments built near airports end up causing great community strife, conflict, and lawsuits for a wide range of reasons, from aircraft incidents and accidents to lawsuits over airport noise and other airport-related second-order effects. In closing, we encourage you and your fellow city leaders to take a moment to read the AOPA-published article entitled “[Caution Urged on Development Plans Near Airports](#),” which provides other examples of why it is important to take compatible land use near airfields so seriously.

Please consider me a resource on this issue and other matters impacting general aviation. I can be reached at email: brad.schuster@aopa.org or by phone: 202-851-7502.

Sincerely,



Brad Schuster, AOPA
Northwest Mountain Regional Manager

ATCH:

AIRCRAFT OWNERS AND PILOTS ASSOCIATION

Proposed “Modern West 2” Residential Development Near Vance Brand Airport

July 2, 2024

Page 3 of 3

1. FAA Letter Opposing Modern West 2 Development dated June 13, 2023
2. Law offices of Robinson, Waters, and O’Dorisio letter dated Feb. 23, 2023, RE: Modern West Parcel 2

CC:

Diane Crist, Ward 1 Representative

Susie Hidalgo-Fahring, Ward 3 Representative

Marcia Martin, Ward 2 Representative

Sean McCoy, At Large Representative

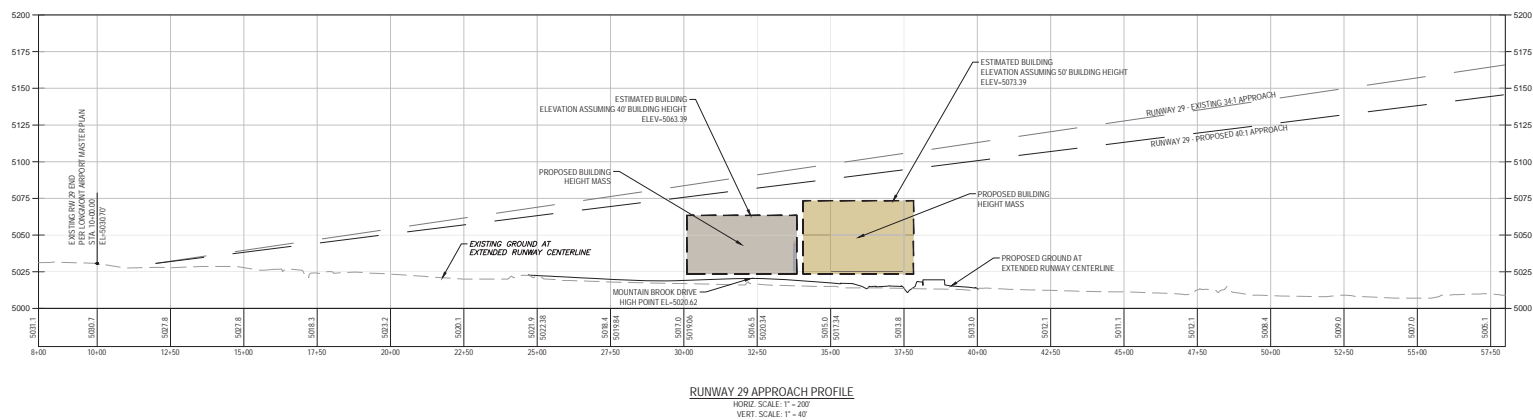
Aren Rodriguez, At Large Representative

Shiquita Yarbrough, At Large Representative

Levi Brown, Vance Brand Airport Manager

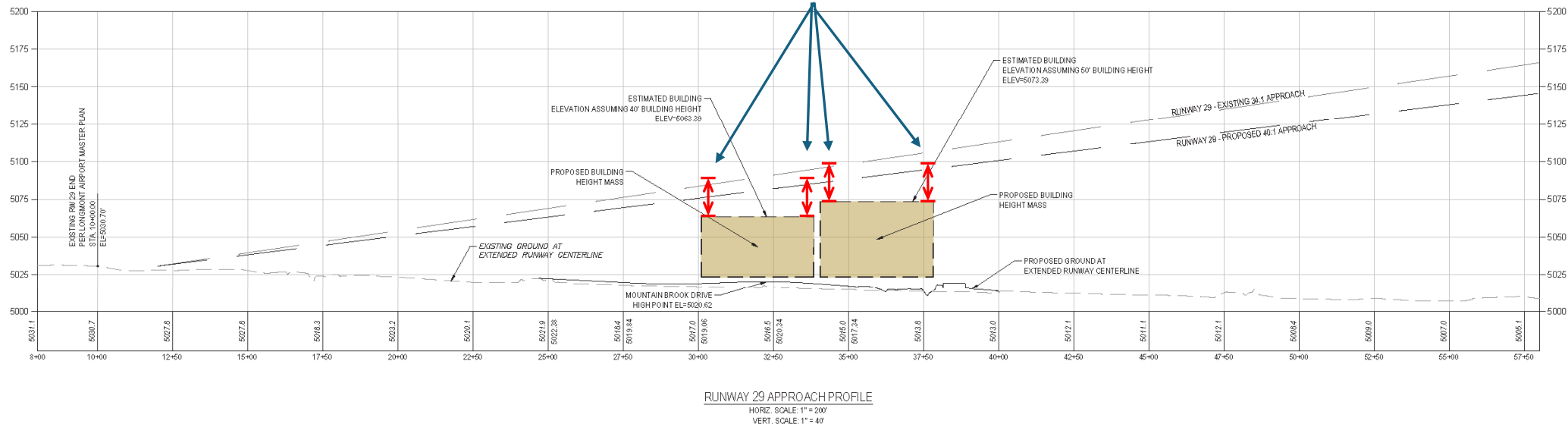
FAA Airport District Office, Denver

Director, Colorado Department of Transportation-Division of Aeronautics



VANCE BRAND AIRPORT RUNWAY 29 APPROACH EXHIBIT
 LOT 2 - WILLIAMS CONVEYANCE PLAT
 8876 ROGERS ROAD, LONGMONT COLORADO
 FEBRUARY 2023

**Each measurement represents 25 feet from the top of the building.
Both proposed buildings are within 25 feet of both the 40:1 and 34:1 runway approaches.**



**VANCE BRAND AIRPORT RUNWAY 29 APPROACH EXHIBIT
LOT 2 - WILLIAMS CONVEYANCE PLAT
8876 ROGERS ROAD, LONGMONT COLORADO
FEBRUARY 2023**

Annotated by Airport Advisory Board



EXHIBIT



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

Northwest Mountain Region
Colorado · Idaho · Montana · Oregon · Utah
Washington · Wyoming

Denver Airports District Office
26805 E. 68th Ave., Suite 224
Denver, CO 80249

July 22, 2024

Derek Guarascio
Modern West Longmont LLC
6185 Brigadon Court
Longmont, CO 80503

Dear Mr. Guarascio:

This letter is in response to your letter dated July 16, 2024, for the ModernWest 2 development. The Federal Aviation Administration (FAA) does not approve or deny construction projects or local land use decisions. However, the City of Longmont is contractually obligated with the FAA to comply with Grant Assurances and adhere to FAA Advisory Circulars (AC's) regarding compatible land use.

The FAA correspondence to date has been with the City of Longmont, as the Sponsor of Vance Brand Airport. Since our initial letter dated June 13, 2023, the FAA has had numerous meetings and conversations with City staff and legal representatives for ModernWest 2. The FAA's position on this development has not changed.

The FAA would note that the Airspace Cases for this project, 2023-ANM-6655-OE through 2023-ANM-6659-OE, were filed under a "Commercial Use Building" and not "Residential" despite the residential component of this development. Regardless, the *Determination of No Hazard to Air Navigation* letter for these cases state that "this determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body."

The FAA will continue to work with the City of Longmont to advise them regarding their land use decisions, and how those decisions relate to their Grant Assurances.

Sincerely,

John P. Bauer
Manager
FAA/Denver Airports District Office

Cc: Jennifer Hewit-Apperson, City of Longmont Planner



COLORADO
Department of Transportation
Division of Aeronautics

5126 Front Range Parkway
Watkins, CO 80137
(303) 512-5250

July 25, 2024

Jennifer Hewett-Apperson, Principal Planner
City of Longmont
385 Kimbark St.
Longmont, CO 80501

RE: Modern West 2 Development-Longmont/Vance Brand Municipal Airport

Dear Ms. Hewett-Apperson:

This correspondence is provided in response to the approval of the Modern West 2 residential **development by the City of Longmont's Planning and Zoning Commission on June 26, 2024.** The Colorado Division of Aeronautics (Division) views this development as a land use incompatible with the Longmont/Vance Brand Municipal Airport.

As a recipient of Division discretionary aviation grant funds and as the sponsor of the Longmont/Vance Brand Municipal Airport, the City is obligated contractually to comply with State Grant Assurances, which are incorporated as Exhibit C into grant contracts between the Division and City, most recently with grant 24-LMO-01, which was executed by the City on March 25, 2024. Specifically, State Grant Assurance 1 outlines requirements for compatible land use as a condition of receiving Division grant funds:

Compatible land use and planning in and around airports benefits the state aviation system by providing opportunities for safe airport development, preservation of airport and aircraft operations, protection of airport approaches, reduced potential for litigation and compliance with appropriate airport design standards. The airport will take appropriate action, to the extent reasonable, to restrict the use of land adjacent to, in the immediate vicinity of, or on the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft.

Failure to comply with this and other State Grant Assurances could result in the revocation of existing Division grants to the City, and the termination of **the City's** eligibility for future Division funding.

If you have any questions, or need additional information, please contact me at (303)-512-5254.

Respectfully,

David R. Ulane, A.A.E., FRAeS
Aeronautics Director

CC: Levi Brown, Manager- Longmont/Vance Brand Municipal Airport



Applicant Responses



KIMBERLY A. BRUETSCH
TELEPHONE: (303) 297-2600, Ext. 116
E-MAIL: kbruetsch@rwolaw.com

February 23, 2023

Don Burchett
Planning Manager
Planning and Development Services Department
City of Longmont
385 Kimbark Street
Longmont, Colorado 80501

Jennifer Hewett-Apperson
Senior Planner
Planning and Development Services Department
City of Longmont
385 Kimbark Street
Longmont, Colorado 80501

Re: ModernWest Parcel 2(Lot 2 Williams Conveyance Plat, 8876 Rogers Road
Longmont)

Dear Mr. Burchett and Ms. Hewett-Apperson,

We represent Modern West Longmont, LLC with respect to its proposed development in the City of Longmont which is in the MU-E zoning district and the Airport Influence Overlay Zone (the "Project").

The purpose of this letter is to ensure that any concerns regarding compatibility of the Project with Vance Brand Airport are addressed. We have reviewed the Project concept plan amendment materials, applicable zoning regulations, the Airport's Master Plan and applicable Federal AA guidance documents. We have also submitted a Notice of Proposed Construction (Form 7460-1) to the FAA.

FAA Grant Assurances

The Airport has previously raised concerns regarding compliance with FAA Grant Assurance 21. By accepting grants from the FAA, the Airport has agreed to comply with various grant assurances. Grant Assurance 21 states as follows:

Compatible Land Use. [The Airport] will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to

restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

The FAA notes that the purpose of this Grant Assurance “is for safe and efficient flight operations.” The relevant examples of land use compatibility tools identified by the FAA include land use zoning, structure height restrictions and aviation easements. The Project does not require any zoning changes and complies with the recommended height restrictions.

The Project Is Zoned MU-E

This Project is located in Longmont’s MU-E zoning district. The mixed-use zoning district is intended to provide a wide range of services and goods to meet household and business needs and also to accommodate and encourage a mix of residential and nonresidential uses to offer greater opportunities to live, work and play within close proximity.

The Project Is Within The Airport Influence Overlay Zone

The City has also established an Airport Influence Overlay Zone (“AIZ”) as part of its Land Development Code. The AIZ is applicable to the location where the Project is located. The purpose of the AIZ is to (a) protect the ongoing ability of the Airport to serve the city’s air transportation needs and protect the public investment in the airport; (b) minimize risks to public safety and minimize hazards to Airport users; (c) protect property values and restrict incompatible land use; and (d) promote appropriate land use planning and zoning in the area influenced by the Airport. To accomplish these purposes, the AIZ imposes a number of restrictions.

There is a use restriction which prohibits any use which will create an electrical interference with navigational signals for radio communication between the Airport and the aircraft, make it difficult for pilots to distinguish airport lights from others, result in glare for pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, take-off, or maneuvering of aircraft using the airport. The Project as proposed does not violate any of the use restrictions.

The AIZ also contains a height limitation which provides that the Project must comply with the height limitations contained in FAA Regulation part 77. Part 77 establishes “conical surfaces” which radiate from the runway and protect aircraft from objects on the ground. The conical surface extending off the end of the Airport’s runway is established in a 40:1 plane. Here, the Project as proposed complies with all requirements of the MU-E zoning district and the AIZ. A copy of the

runway approach as it relates to the Project is attached hereto as Exhibit 1. In addition, the Notice of Proposed Construction submitted to the FAA will confirm that the proposed Project also conforms to the FAA's Part 77 height restrictions.

The Project as proposed does not violate the FAA Part 77 height requirements. Part 77 establishes "conical surfaces" which radiate from the runway and protect aircraft from objects on the ground. Structures are not permitted to penetrate these areas. Here, the Project is well within the permitted height requirements pursuant to Part 77 and the requested FAA height review will confirm this compliance.

The Project Is Compatible With FAA Noise Standards

The proposed Project is compatible with the FAA Noise Standards. The FAA uses a day-night average sound level (Ldn or DNL) as its community noise exposure metric. *See* CFR Part 150. LDN is defined as the average measured noise level over a 24-hour period. Recognizing that people are more sensitive to noise at night, noise level measurements taken between the hours of 10:00 pm and 7:00 am are increased by 10dB before averaging. The FAA considers any LDN higher than 65dB to be incompatible with residential communities. An LDN lower than 65dB is considered by the FAA to be compatible with all land uses, including residential. The FAA's land use compatibility chart is attached hereto as Exhibit 2.

The Airport has performed noise measurements to determine the extent to which its 65 LDN "noise contour" extends beyond its Airport boundaries. The Airport Layout Plan shows the applicable noise contours and the Airport's 65 LDN contour is almost entirely contained within the boundaries of the Airport. A copy of the Airport Layout Plan is attached hereto as Exhibit 3. The 65 LDN contour does not cover or even come near the site of the proposed Project. As such, the Project is compatible from a noise perspective.

To further protect the Airport, Modern West Longmont, LLC is agreeable to executing and recording an aviation easement in the form attached hereto as Exhibit 4. This is similar to other such easements which the City has approved. The recording of this document will ensure that the proposed development will remain compatible with the Airport into the future, and that the investment of the City and FAA in the Airport will remain secure.

The proposed Project area was annexed into the City in the late 90s and was originally zoned BLI (business light industrial). In 2017, Longmont adopted its Multimodal & Comprehensive Plan known as "Envision Longmont". Envision Longmont provides policy guidance for those officials making decisions regarding the long-range needs of the community. Envision Longmont includes a Future Land Use Plan which "defines where and how Longmont will grow over the next ten to twenty years and is accompanied by a discussion of the specific land use categories that are associated with different locations or types of places within the City." The area where the Project is located was designated as Mixed Use – Employment in the Future Land Use Plan which is intended to incorporate a range of employment uses as well as high density

Don Burchett
Jennifer Hewitt-Apperson
February 23, 2023
Page 4

residential and live/work uses. This Project is consistent with the development characteristics including the density and scale guidelines applicable to the MU-E designation.

We appreciate your consideration of the issues addressed in this letter. The proposed Project is compliant with all applicable FAA and local rules, ordinances and regulations. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,



Kimberly A. Bruetsch

KAB/hs
Exhibits 1-4



MODERNWEST

July 16, 2024

John Bauer, Manager
Denver Airports District Office
Federal Aviation Administration
26805 East 68th Avenue, Suite 224
Denver, Colorado 80249-6339

Re: ModernWest 2 Project, Longmont, Colorado

Dear Mr. Bauer:

We received a copy of your July 2nd letter to the City of Longmont, stating that FAA views our proposed development as incompatible with the Vance Brand Airport. No FAA standard for compatibility was cited.

ModernWest Longmont has invested in its project with the understanding that it meets all FAA standards for compatibility with the Airport. As you note, FAA found in 2023 that the project is compatible with the “safe and efficient use of navigable airspace.” The project is well outside the Airport’s Runway Protection Zone, which FAA has established “to enhance the protection of people and property on the ground.” Consistent with FAA AC 150/5190-4B, we have moved residential uses further from the Airport, and provided a clear area along the extended runway centerline where aircraft can land in the event of an emergency. Consistent with FAA-AC 15/5020-1, we are far outside the 65 LDN noise contour, which FAA considers compatible with residential uses. The project will include sound mitigation measures consistent with FAA AC 150/5000-9B. Finally, consistent with FAA AC 150/5190-4B, an unconditional aviation easement will be recorded to ensure the project remains compatible with the Airport into the future.

We therefore ask you what FAA standard for compatibility is being violated? In the absence of an FAA standard, “compatibility” could arbitrarily be determined, and could differ from project-to-project and airport-to-airport, based on the subjective judgment of the FAA official who happened to be involved. Though our aviation attorney has twice requested this information from FAA, we have received no response. In the absence of a timely response from you, it is impossible for us to consider modifications to our project to align with FAA standards, or for the City of Longmont to engage in meaningful land use planning. We respectfully request your response by July 23, 2024, when the City will next consider approval of this project.

Sincerely,

ModernWest Longmont LLC

By: Derek Guarascio, Owner/Manager

cc: Jennifer Hewit-Apperson, City of Longmont Planner



July 23, 2024

Mayor Joan Peck and Longmont City Council (via Jennifer Hewett-Apperson, Principal Planner)
350 Kimbark Street
Longmont, CO 80501

Re: Concept Plan Amendment for ModernWest 2 (the "Project")

Dear Mayor Peck and Members of the Longmont City Council:

This responds to the letter written by the Longmont Airport Advisory Board, dated July 18, 2024 (the "Board Letter"). The Board Letter is based on misconceptions concerning the ModernWest 2 Project, and as a result, contains fundamental errors. Those include the following:

Elevation of Aircraft. The Board Letter asserts that aircraft will pass 25 feet over the proposed buildings. This is false.

Aircraft do not fly along the 40:1 or 34:1 "imaginary surfaces" or anywhere close to them. Those imaginary surfaces are used by FAA to provide a safe elevation separation between structures and aircraft, with an adequate margin of safety. Actual aircraft approaches are more like 20:1, making them much higher over the ground. In addition, the imaginary surfaces end at the end of the runway, while with a 20:1 typical approach, aircraft are well above the end of the runway when they fly over it – making them even higher over the project area. No buildings are on the runway centerline approach. Pilots that choose to fly over a building will be closer to 80+ feet above them, rather than 25 feet

The diagram referenced in the Board Letter was submitted by ModernWest to FAA for Part 77 safety evaluation, and showed the maximum height of buildings authorized by current zoning which is 50 feet. In fact, the residential townhome buildings currently contemplated south of the Niwot Ditch will not exceed 40 feet in height. Because even the maximum height buildings (50 feet) are 25 feet below FAA's maximum standard for safe separation, FAA has determined that they pose no hazard to air navigation. FAA does not even require hazard lighting for these buildings. FAA's Determination of No Hazard to Air Navigation is **Attachment 1** to this letter.

It is important to note that, because of topography and land ownership, proposals to extend the runway at Vance Brand would do so to the north and west, away from the project area. Runway extension would therefore not result in the project being less compatible.

Number of Aircraft. The Board Letter asserts that, based upon the Airport's 88,000 annual "operations," 240 aircraft per day would fly over the heads of residents. This is false.

An "operation" is a landing or take-off of an aircraft. Because take-offs typically occur on Runway 27 (to the NW), only about 120 operations occur per day on Runway 11 (to the SE). Thus, the average number of overflights per day at the south end of the runway is about 120 rather than 240.

Accommodation for Emergency Landings. The Board Letter asserts that approval of the Concept Plan Amendment would remove open spaces necessary for emergency landing of aircraft. This is false.

Existing zoning already permits, as a use-by-right, the construction of commercial/industrial buildings on this property as high as 50-feet above ground level. The Concept Plan Amendment would not increase the height or density of permitted structures on the property but would provide an easement and clear space setback to accommodate the emergency landing of aircraft. See **Attachment 2** to this letter. We could not find any historical incidents of emergency aircraft landings on this property.

Residential Uses Have Been Moved to Avoid Overflights. The Board Letter asserts that numerous aircraft would land directly over the heads of residents each day. This is false.

Attachment 3 shows flight tracks at the Airport for a 3-day period in July 2023. This exhibit was generated/provided to us by the FAA. It appears that in this 3-day period as few as 12 aircraft directly overflow the area in which residential development would occur - or as few as 4 per day.

Attachment 4 has the emergency landing clear zone superimposed on Attachment 3. This exhibit shows that a significant majority of the aircraft which overfly the project area at all, do so over the emergency landing open space, and not over buildings.

Compatibility of Land Use. The Board Letter asserts that the project would be an incompatible land use, but it fails to cite any FAA or other standard of compatibility which would be violated. In fact, the project meets all published FAA standards for land use compatibility.

- (1) As discussed above, FAA has determined that the project is compatible with the "safe and efficient use of navigable airspace."

- (2) The project is well outside the Airport's Runway Protection Zone, which FAA has established "to enhance the protection of people and property on the ground." See **Attachment 2**.
- (3) Consistent with FAA Advisory Circular 150/5190-4B (*Land Use Compatibility*), residential uses are moved further from the Airport and are not on the extended runway centerline, aviation easements will be granted, and a clear area is provided along the extended runway centerline where aircraft can land in the event of an emergency. The sample ordinance provided in this FAA Circular allows residential uses on this property.
- (4) Consistent with FAA Advisory Circular 15/5020-1 (*Noise Control and Compatibility Planning*), the project is far outside the 65 LDN noise contour, and FAA therefore considers residential uses to be compatible with the Airport.
- (5) The project will include sound mitigation measures consistent with FAA AC 150/5000-9B (*Guidelines for Sound Insulation*),

Compliance with Grant Assurances. In light of the above, letters from the FAA Airport District Office, asserting that the project would be an incompatible land use, are a mystery. That Office refuses to say what FAA standard would be violated, and thus why the Airport's grant assurances may be violated.

Grant Assurance 21 simply provides that the Airport, "will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport Operations, . . ."

Attachment 5 is a previously provided letter from Kimberly Bruetsch, an aviation attorney who represents Colorado airports. In that letter she details how this project meets all FAA standards for compatibility, and as a result, why the approval of this Concept Plan Amendment would not violate the Airport's grant assurances. Since the writing of that letter, ModernWest has worked with Longmont Planning Staff to move residential uses even farther from the Airport approach.

We understand the City of Longmont has its own aviation attorney. If you doubt the opinion of Ms. Bruetsch, we encourage you to consult with your own attorney for confirmation.

Eliminating Legal Exposure. The Board Letter asserts that amending the Concept Plan to permit residential uses would expose Longmont to litigation, similar to that experienced at Rocky Mountain Regional Airport (RMMA). This is highly unlikely.

The litigation against RMMA resulted from poorly worded aviation easements which were allowed to expire. The aviation easements which Longmont requires are properly drafted and do not expire. Through Longmont's easements, property owners and residents are notified of the existence of the Airport and waive their right to bring claims with respect to the operation of aircraft. The compatibility of residential uses with the Airport is thus guaranteed into the future.

Conclusion. The Board Letter is based on fundamental misunderstandings concerning the proposed Concept Plan Amendment. ModernWest has worked with Longmont Planning Staff to provide for an emergency landing easement, to ensure safe building heights, to move residential uses to the north of the property where few direct overflights will occur, and to provide for aviation easements prohibiting litigation. The Concept Plan Amendment should be approved.

Sincerely,

ModernWest Longmont LLC


By: Derek Guarascio, Owner/Manager

Attachments: (1) FAA Determination of No-Hazard
(2) Runway 29 Approach Exhibit
(3) Flight Tracks for Three-day Period
(4) Flight Tracks for Overlay
(5) Bruetsch Letter of 9/5/2023



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-ANM-3435-OE

Issued Date: 05/22/2023

Derek Guarascio
Modern West Longmont, LLC
6185 Brigaddon Ct
Longmont, CO 80503

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Commercial Use Building Corner #1
Location:	Longmont, CO
Latitude:	40-09-26.00N NAD 83
Longitude:	105-08-59.00W
Heights:	5023 feet site elevation (SE) 50 feet above ground level (AGL) 5073 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

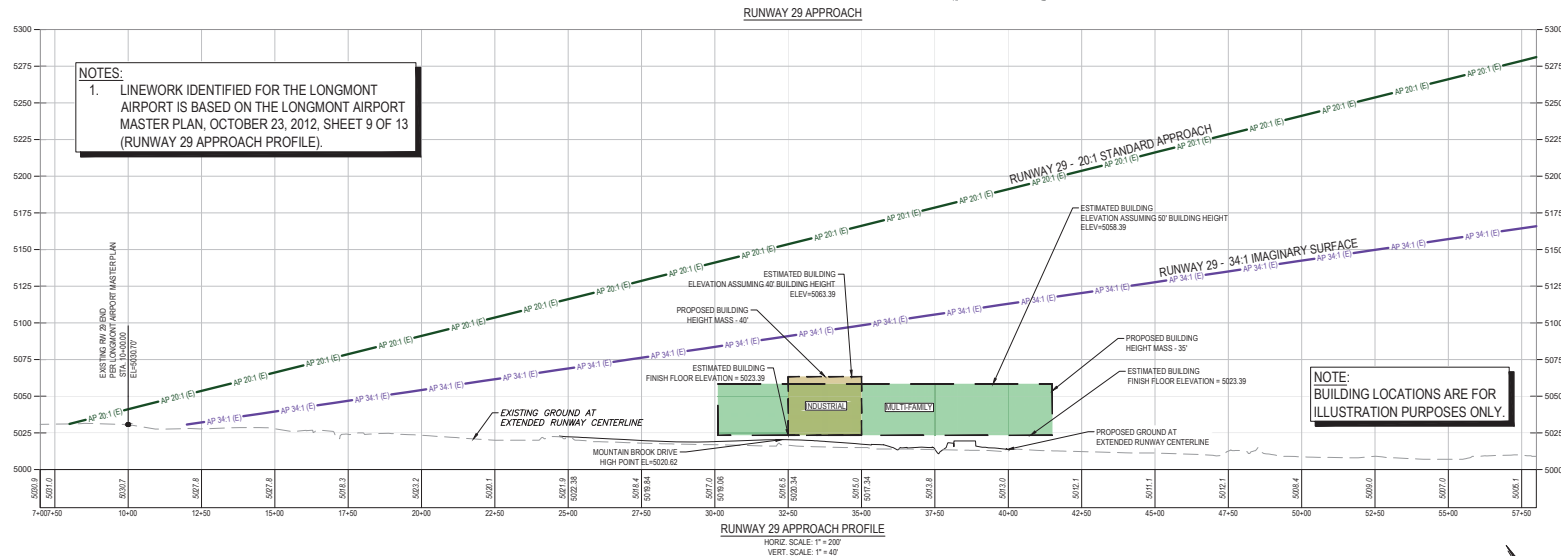
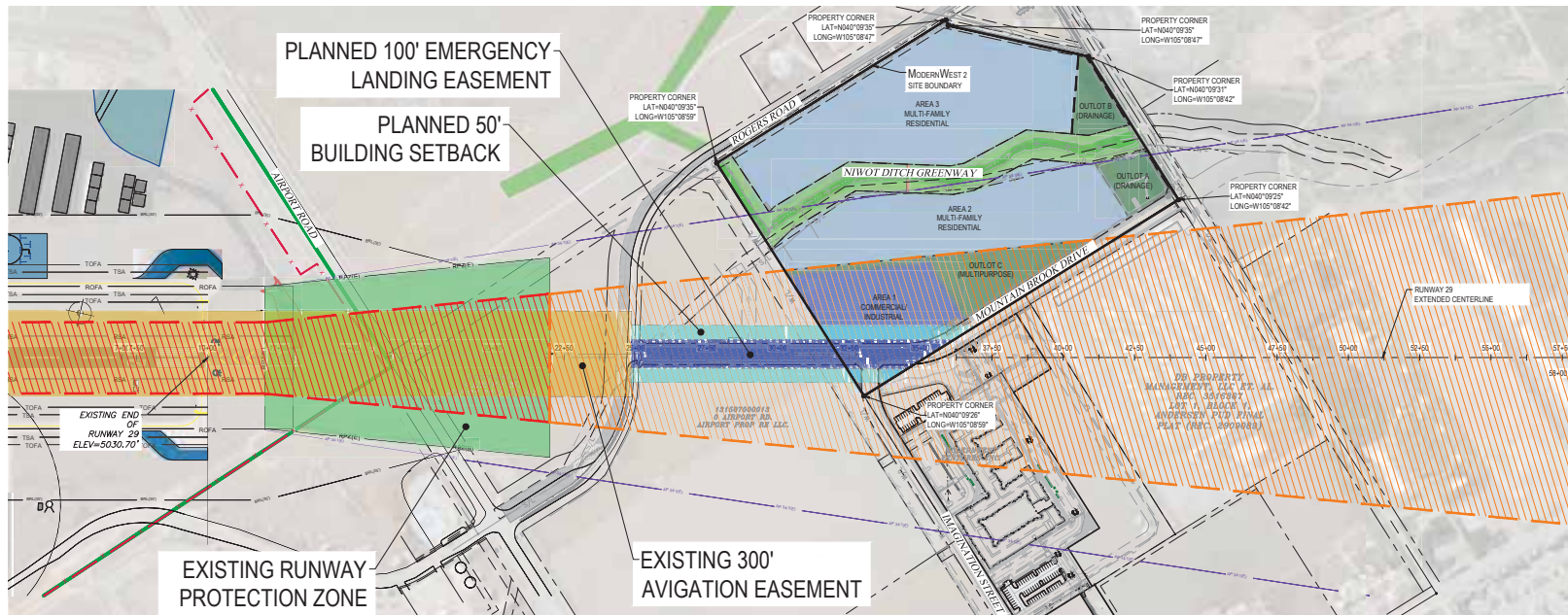
It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- ☐ At least 10 days prior to start of construction (7460-2, Part 1)
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 11/22/2024 unless:

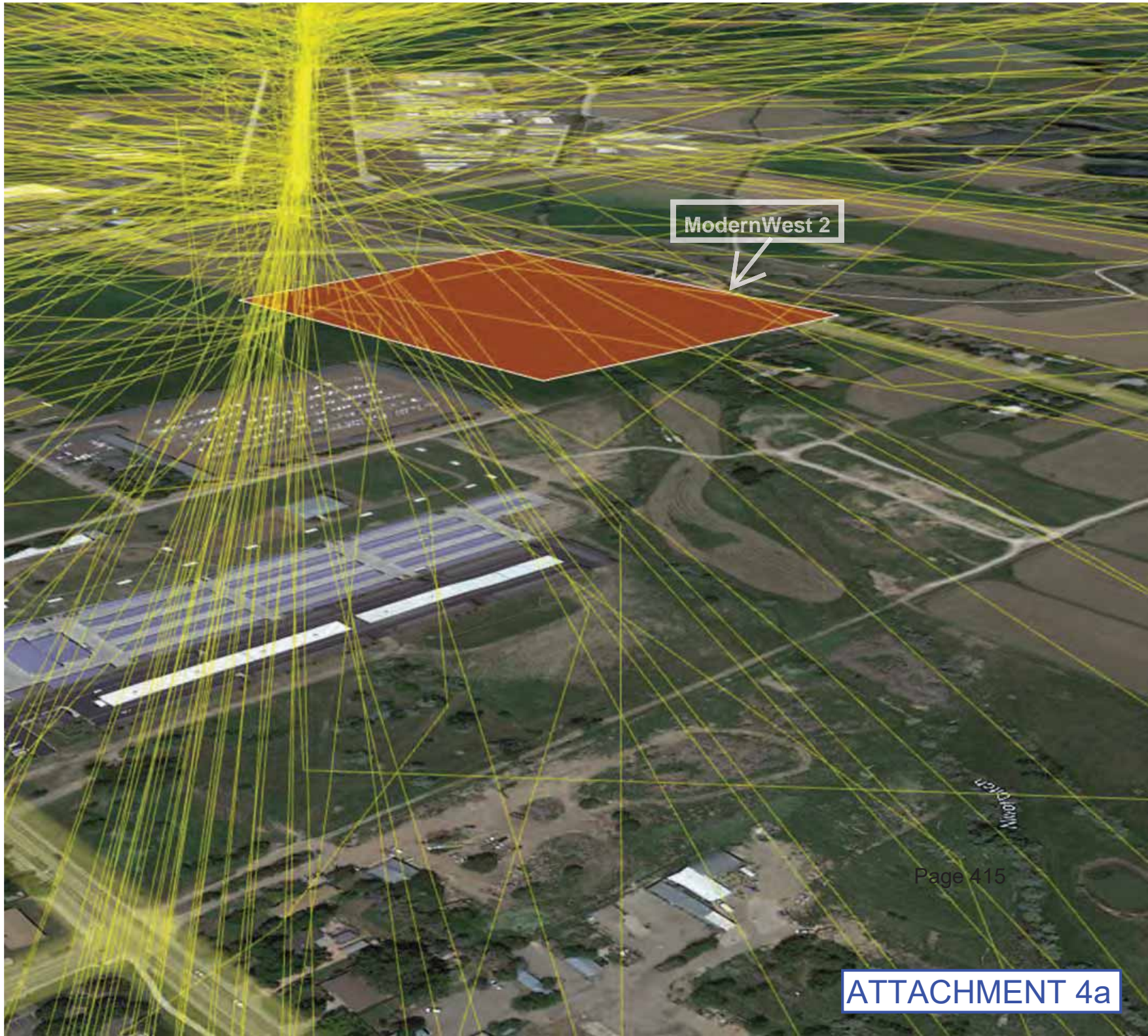
- the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- extended, revised, or terminated by the issuing office.
- the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.



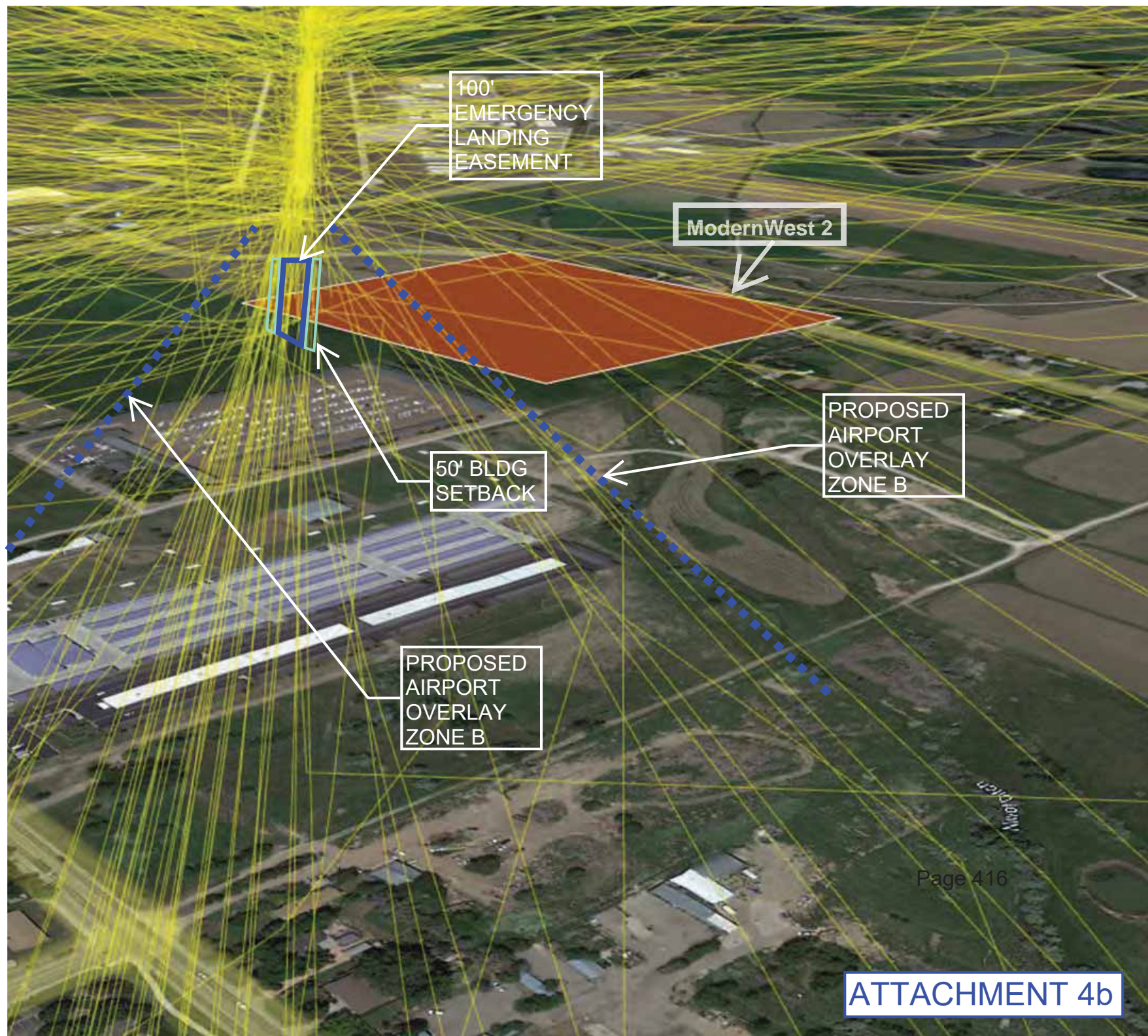
VANCE BRAND AIRPORT RUNWAY 29 APPROACH EXHIBIT MODERNWEST 2 CONCEPT PLAN AMENDMENT LONGMONT COLORADO REVISED JULY 2024



ModernWest 2



ModernWest 2



100'
EMERGENCY
LANDING
EASEMENT

ModernWest 2

PROPOSED
AIRPORT
OVERLAY
ZONE B

50' BLDG
SETBACK

PROPOSED
AIRPORT
OVERLAY
ZONE B

Page 416

ATTACHMENT 4b



KIMBERLY A. BRUETSCH
TELEPHONE: (303) 297-2600, Ext. 116
E-MAIL: kbruetsch@rwolaw.com

September 5, 2023

Glen Van Nimwegen
Planning Director
Planning and Development Services Department
City of Longmont
385 Kimbark Street
Longmont, Colorado 80501

Jennifer Hewett-Apperson
Principal Planner
Planning and Development Services Department
City of Longmont
385 Kimbark Street
Longmont, Colorado 80501

Re: ModernWest Parcel 2(Lot 2 Williams Conveyance Plat, 8876 Rogers Road
Longmont)

Dear Mr. Van Nimwegen and Ms. Hewett-Apperson,

We represent Modern West Longmont, LLC with respect to its proposed development in the City of Longmont which is in the MU-E zoning district and the Airport Influence Overlay Zone (the "Project").

We have reviewed the Project concept plan amendment materials, applicable zoning regulations, the Airport's Master Plan and applicable Federal FAA guidance documents. We are also in receipt of a one-page letter written by John Sweeney, a Denver-based FAA Community Planner, to the Airport Manager dated June 13, 2023 regarding the Project (the "Sweeney Letter").

The purpose of this letter is to ensure that any concerns regarding compatibility of the Project with Vance Brand Airport are adequately addressed. If you have any specific concerns or questions which are not addressed herein, we would welcome the opportunity to supply additional information to further confirm that the Project is compatible with the Airport under all objective standards and should be recommended for approval.

14 CFR Part 77 Approval

Colorado law requires that “[g]overnmental 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.” C.R.S. § 43-10-113. Consistent with this requirement, the Longmont Municipal Code requires that “[n]o structure or object of natural growth shall be erected, altered, allowed to grow, or be maintained at a height that intrudes into the 14 CFR part 77 surfaces for the Vance Brand Airport.”

In order to comply with this requirement, Modern West submitted a request to the FAA for an aeronautical study for the Project which analyzed each corner of the planned development area. “The purpose of an aeronautical study is to determine whether the aeronautical effects of the specific proposal and, where appropriate, the cumulative impact resulting from the proposed construction or alteration when combined with the effects of other existing or proposed structures, would constitute a hazard to air navigation.” 14 CFR § 77.25. On May 22, 2023, the FAA issued a Determination of No Hazard to Air Navigation with respect to the Project. Copies of the FAA Determinations are attached hereto as Exhibit 1. The FAA specifically determined that “the structure does not exceed obstruction standards and would not be a hazard to air navigation” *Id.* The FAA further determined that marking and lighting are not necessary for aviation safety with respect to this Project.

The Sweeney Letter

The City was provided with a copy of the Sweeney Letter, a copy of which is attached hereto as Exhibit 2. The City has noted that the Sweeney Letter appears to be inconsistent with the official FAA Determinations referenced above. Although the Sweeney Letter states that the “FAA views this proposed development as an incompatible land use”, and suggests the Project may be contrary to Grant Assurance 21 which could result in a loss of funding to the Airport, it fails to a single specific issue with the Project, or cite any FAA regulation or guidance that would render the Project incompatible, or cause it to violate Grant Assurance 21.

The Sweeney Letter has raised a concern with the City which we will, therefore, address in this letter. For the reasons set forth in detail below, we believe it is clear that under applicable FAA regulations and guidance the Project is a compatible land use and would not result in a violation of Grant Assurance 21.

Compatible Land Use

First, as noted above, the Sweeney Letter does not identify a single characteristic of the Project that would render it an incompatible land use. Rather, according to Chapter 20 of FAA Order 5190.6B, *Compatible Land Use and Airspace Protection* (the “FAA Order”), “compatibility of land use is attained when the use of adjacent property neither adversely affects flight operations

from the airport, nor is itself adversely affected by such flight operations.” The FAA Order notes that “[i]n most cases, the adverse effect of flight operations on adjacent land results from exposure of noise sensitive development, such as residential areas, to aircraft noise and vibration. Land use that adversely affects flight operations is that which creates or contributes to a flight hazard.” *Id.*

The FAA Guidance on compatible land use was updated in 2022. The FAA Advisory Circular, *Airport Land Use Compatibility Planning*, FAA AC 150/5190-4B notes, however, that “[n]othing in this AC creates or modifies existing airport planning or design standards, or creates new requirements for airports, communities or FAA personnel. Rather, it consolidate and updates previous guidance on these matters” Accordingly, the City can review this Project as it has done historically with respect to other projects near the Airport as the substance of the FAA guidance remains unchanged.

FAA Grant Assurances

By accepting grants from the FAA, the Airport has agreed to comply with various grant assurances. Grant Assurance 21 states in relevant part as follows:

Compatible Land Use. [The Airport] will take appropriate action, **to the extent reasonable**, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

(emphasis added). The FAA notes that the purpose of this Grant Assurance “is for safe and efficient flight operations.” Grant Assurance 21 is based upon the requirements of 49 U.S.C. § 47107(a)(1) which requires that “appropriate action, including the adoption of zoning laws, has been or will be taken to the extent reasonable to restrict the use of land next to or near the airport to uses that are compatible with normal airport operations.” Accordingly, the obligations under the Grant Assurances recognize that the Airport cannot ultimately control whether the City approves a particular development project. Instead, the FAA provides examples of land use compatibility tools which can be used to mitigate these concerns including land use zoning, structure height restrictions and aviation easements.

In its Advisory Circular, *Airport Land Use Compatibility Planning*, FAA AC 150/5190-4B, the FAA clarifies its expectations of an Airport Sponsor when a development is proposed which is off-airport, but the sponsor has some land use authority. Under such circumstances, such as this Project, “the FAA expects the sponsor to take all appropriate steps available to establish

and exercise zoning controls necessary to prevent any new incompatible land uses. The FAA recognizes that the standard of ‘appropriate action, to the extent reasonable’ does not mean in this case that the sponsor can always prevail. Rather, the FAA expects the sponsor to demonstrate and document a reasonable effort.” FAA AC 150/5190-4B, Table 2-2. Here, the City and the Airport have met these expectations because the zoning was specifically considered and modified in 2017 to the MU-E designation.

Consistent with its obligations under Grant Assurance 22, the Airport has noted its concerns with respect to the Project. Modern West has taken appropriate steps to address the Airport’s concerns and, therefore, the Airport is in compliance under the terms of its grants. As noted above, the Project has already received a formal FAA Determination that it would not be a hazard to flight operations. *See Exhibit 2.* The proposal for the Project addresses noise in several ways, as set forth in more detail below in order to alleviate the Airport’s concerns. By utilizing the FAA’s own guidance and compatibility tools with respect to noise, the Project should be considered compatible.

Zoning

One of the methods endorsed by the FAA to ensure compatible land uses surrounding the Airport is the use of zoning restrictions.

This Project is currently located in Longmont’s MU-E zoning district. The proposed Project area was annexed into the City in the late 90s and was originally zoned BLI (business light industrial). In 2017, Longmont adopted its Multimodal & Comprehensive Plan known as “Envision Longmont”. Envision Longmont provides policy guidance for those officials making decisions regarding the long-range needs of the community. Envision Longmont includes a Future Land Use Plan which “defines where and how Longmont will grow over the next ten to twenty years and is accompanied by a discussion of the specific land use categories that are associated with different locations or types of places within the City.” The area where the Project is located was designated as Mixed Use – Employment in the Future Land Use Plan which is intended to incorporate a range of employment uses as well as high density residential and live/work uses. This Project is consistent with these development characteristics, including the density and scale guidelines applicable to the MU-E designation. Longmont defines the purpose of an MU-E district as follows:

The purpose of the MU-E District is to provide areas appropriate for diverse employment by encouraging a greater variety of employment spaces in close proximity to attached residential and supporting services. The MU-E district offers flexibility in terms of the types of uses and the adaptive reuse of existing buildings to promote employment and live-work opportunities, **as well as multifamily residential uses.**

(emphasis added). It should be noted that this land was zoned MU-E when Modern West acquired it and, therefore, no zoning changes have been requested or required. Multi-family residential use is specifically contemplated and permitted as part of the existing zoning for the property.

The Airport Influence Overlay Zone

Another tool endorsed by the FAA to ensure compatible land use is the creation of an airport influence area.

The Airport's Master Plan notes that the City established an Airport Influence Overlay Zone ("AIZ") as part of its Land Development Code. *See* City of Longmont Municipal Code, Title 15, Section 15.03.120. The purpose of the AIZ is to (a) protect the ongoing ability of the Airport to serve the city's air transportation needs and protect the public investment in the airport; (b) minimize risks to public safety and minimize hazards to Airport users; (c) protect property values and restrict incompatible land use; and (d) promote appropriate land use planning and zoning in the area influenced by the Airport. *Id.* To accomplish these purposes, the AIZ imposes a number of restrictions. The AIZ is intended to regulate, not prohibit, development within the AIZ.

The AIZ is applicable to the location where the Project is located. Accordingly, the Project must conform to the restrictions contained in the AIZ. Upon reviewing each of the applicable restrictions, the Project will comply with the requirements for MU-E zoning and the additional requirements due to its location within the AIZ.

Use Restrictions

There is a use restriction which prohibits any use which will create an electrical interference with navigational signals for radio communication between the Airport and the aircraft, make it difficult for pilots to distinguish airport lights from others, result in glare for pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, take-off, or maneuvering of aircraft using the airport. Airport Master Plan, § 2.11; Longmont Municipal Code § 15.03.120(D). The Project as proposed does not violate any of these use restrictions.

The Project does not contain any components which would create an electrical interference with navigational signals. All lighting associated with the Project will be focused downward and, when appropriate, shielded in order to eliminate the risk of glare. From a visibility perspective, the height of the Project has been evaluated and approved by the FAA via the Part 77 study. Exhibit 2. Accordingly, the Project does not create any additional hazards that would interfere with Airport operations.

Height Limitations

The AIZ also contains a height limitation which provides that the Project must comply with the height limitations contained in FAA Regulation part 77. The Project as proposed does not violate the FAA Part 77 height requirements. Part 77 establishes “conical surfaces” which radiate from the runway and protect aircraft from objects on the ground. The conical surface extending off the end of the Airport’s runway is established in a 40:1 plane. Structures are not permitted to penetrate these areas. Here, the Project as proposed is well within the permitted height requirements and otherwise complies with all requirements of the MU-E zoning district and the AIZ. A copy of the runway approach as it relates to the Project is attached hereto as Exhibit 3. The FAA Determinations (Exhibit 2) have also confirmed that the Project conforms to the FAA’s Part 77 height restrictions.

Noise Standards

The proposed Project is compatible with the FAA Noise Standards. The FAA uses a day-night average sound level (Ldn or DNL) as its community noise exposure metric. *See* 14 CFR Part 150. LDN is defined as the average measured noise level over a 24-hour period. Recognizing that people are more sensitive to noise at night, noise level measurements taken between the hours of 10:00 pm and 7:00 am are increased by 10dB before averaging. The FAA considers any LDN higher than 65dB to be incompatible with residential communities. An LDN lower than 65dB is considered by the FAA to be compatible with all land uses, including residential. The FAA’s land use compatibility chart is attached hereto as Exhibit 4.

The Airport has performed noise measurements to determine the extent to which its 65 LDN “noise contour” extends beyond its Airport boundaries. The Airport Layout Plan shows the applicable noise contours and the Airport’s 65 LDN contour is almost entirely contained within the boundaries of the Airport. A copy of the Airport Layout Plan is attached hereto as Exhibit 5. The 65 LDN contour does not cover or even come near the site of the proposed Project. As such, the Project is compatible from a noise perspective.

As noted above the Project is within a mixed-use development area. The Project, as proposed, contains commercial and light industrial uses with multi-family being only a secondary use. This creates an urban environment in which there is more background noise than would exist in a purely residential neighborhood. In areas where there is higher background noise, aircraft noise is generally less audible and, therefore, less problematic.

Runway Protection Zone (RPZ)

According to the Vance Brand Municipal Airport Master Plan (the “Master Plan”), “[t]he RPZ is an area off of each runway end designed to enhance the protection of people and property on the ground.” A copy of the relevant portion of the Master Plan (Section 4.3.8.4) is attached hereto as Exhibit 6. A review of Figure 4-7 from the Master Plan confirms that the Project is outside of the RPZ.

Glen Van Nimwegen
Jennifer Hewitt-Apperson
September 5, 2023
Page 7

Even if the Project was within the RPZ, the Master Plan indicates that any property included in the RPZ should either (1) be owned by the airport or (2) be protected by an aviation easement. Here, Modern West has already agreed to an aviation easement with respect to the property.

Modifications to Project

Modern West has been very responsive to the City and the Airport's concerns with respect to development of the Project. Modern West has, to date, complied with all reasonable requests in order to ensure that the Project is compatible with the Airport.

Modern West has agreed to provide a plat note on all preliminary and final subdivision plats and site development plans noting the rights of passage over the property for aircraft. Modern West has also agreed to make disclosures to purchasers of the property with respect to noise and other impacts on the property due to aircraft passage.

To further protect the Airport, Modern West Longmont, LLC is agreeable to executing and recording an aviation easement in the form attached hereto as Exhibit 7. This is similar to other such easements which the City has approved. The recording of this document will ensure that the proposed development will remain compatible with the Airport into the future, and that the investment of the City and FAA in the Airport will remain secure.

We appreciate your consideration of the issues addressed in this letter. The proposed Project is compliant with all applicable FAA and local rules, ordinances and regulations. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,



Kimberly A. Bruetsch

KAB/hs
Exhibits 1-7



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-ANM-3435-OE

Issued Date: 05/22/2023

Derek Guarascio
Modern West Longmont, LLC
6185 Brigaddon Ct
Longmont, CO 80503

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Commercial Use Building Corner #1
Location:	Longmont, CO
Latitude:	40-09-26.00N NAD 83
Longitude:	105-08-59.00W
Heights:	5023 feet site elevation (SE) 50 feet above ground level (AGL) 5073 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- ☐ At least 10 days prior to start of construction (7460-2, Part 1)
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 11/22/2024 unless:

- the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- extended, revised, or terminated by the issuing office.
- the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

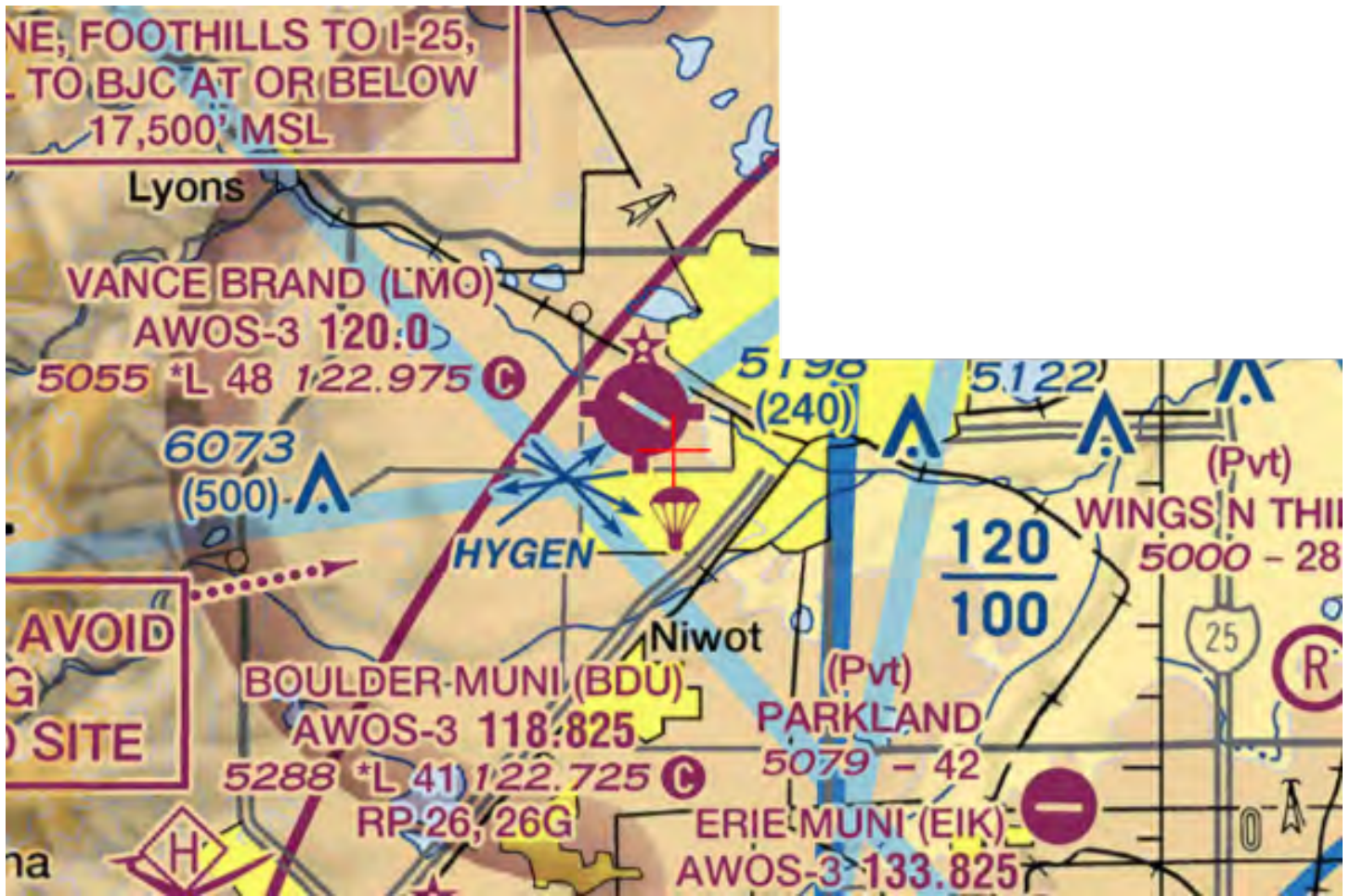
If we can be of further assistance, please contact our office at (404) 305-6430, or kelly.r.nelson@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-ANM-3435-OE.

Signature Control No: 582680177-587305974

(DNE)

Kelly Nelson
Specialist

Attachment(s)
Map(s)





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

Northwest Mountain Region
Colorado · Idaho · Montana · Oregon · Utah
Washington · Wyoming

Denver Airports District Office
26805 E. 68th Ave., Suite 224
Denver, CO 80249

June 13, 2023

Levi Brown, Manager
Vance Brand Airport
229 Airport Road
Longmont, CO 80503

Dear Mr. Brown:

This letter is to remind the City of Longmont of its contractual obligations with the Federal Aviation Administration to operate Vance Brand Airport. Specifically in regards to the proposed ModernWest 2 residential development proposed near Vance Brand Airport.

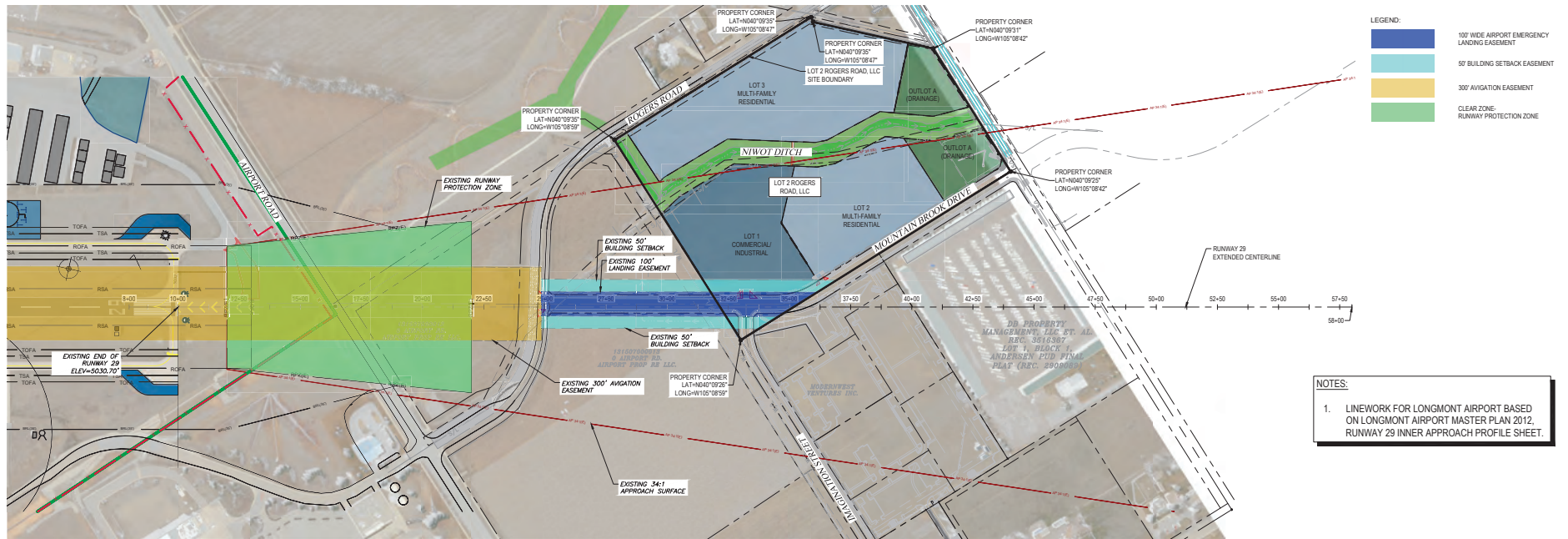
Vance Brand Airport is a General Aviation airport, with approximately 212 based aircraft and 88,000 annual operations (a take-off or landing). It is utilized by a variety of aircraft, ranging from small, single-engine propeller airplanes up to jet aircraft that operate during the day and night. The airport 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 FAA views this proposed development as an incompatible land use and contrary to Grant Assurance #21, *Compatible Land Use*. As recipients of over \$6.2 Million dollars in Federal Airport Improvement Program (AIP) funding since 1988, the City of Longmont is obligated to comply with certain Federal grant assurances, which include a requirement to “*take appropriate action, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft*”. The City is also obligated to “*not cause or permit any activity or action thereon which would interfere with its use for airport purposes*”. Failure to comply with Federal grant assurances may result in the FAA issuing an order terminating eligibility for grants or suspending the payment of grant funds to the Vance Brand Airport.

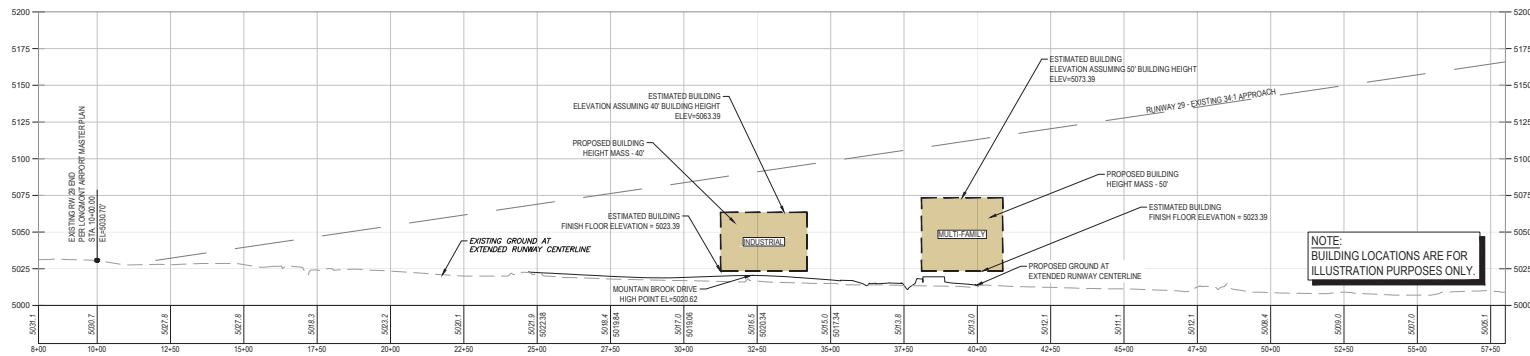
If you have questions regarding the above comments or would like to meet to discuss our concerns, please contact me at (303) 342-1263.

Sincerely,

John Sweeney
Community Planner
FAA/Denver Airports District Office



RUNWAY 29 APPROACH



RUNWAY 29 APPROACH PROFILE

HORIZ. SCALE: 1" = 200'
VERT. SCALE: 1" = 40'

VANCE BRAND AIRPORT RUNWAY 29 APPROACH EXHIBIT MODERNWEST 2 CONCEPT PLAN AMENDMENT 8876 ROGERS ROAD, LONGMONT COLORADO REVISED SEPTEMBER 2023

eligibility for federal funding. This is not to be interpreted as a commitment to fund or otherwise implement mitigation measures in any particular area.²⁰

Exhibit 11-3. Land-Use Compatibility* with Yearly Day-Night Average Sound Levels

Land Use	Yearly DNL Sound Level (decibels)					
	<65	65-70	70-75	75-80	80-85	>80
Residential						
Residential, other than mobile homes and transient lodgings	Y	N (1)	N (1)	N	N	N
Mobile home parks	Y	N	N	N	N	N
Transient lodgings	Y	N (1)	N (1)	N (1)	N	N
Public Use						
Schools	Y	N (1)	N (1)	N	N	N
Hospitals and nursing homes	Y	25	30	N	N	N
Churches, auditoriums, and concert halls	Y	25	30	N	N	N
Governmental services	Y	Y	25	30	N	N
Transportation	Y	Y	Y (2)	Y (3)	Y (4)	Y (4)
Parking	Y	Y	Y (2)	Y (3)	Y (4)	N
Commercial Use						
Offices, business and professional	Y	Y	25	30	N	N
Wholesale and retail – building materials, hardware, and farm equipment	Y	Y	Y (2)	Y (3)	Y (4)	N
Retail trade, general	Y	Y	25	30	N	N
Utilities	Y	Y	Y (2)	Y (3)	Y (4)	N
Communication	Y	Y	25	30	N	N
Manufacturing and Production						
Manufacturing, general	Y	Y	Y (2)	Y (3)	Y (4)	N
Photographic and optical	Y	Y	25	30	N	N
Agriculture (except livestock) and forestry	Y	Y (6)	Y (7)	Y (8)	Y (8)	Y (8)
Livestock farming and breeding	Y	Y (6)	Y (7)	N	N	N
Mining and fishing, resource production and extraction	Y	Y	Y	Y	Y	Y

²⁰ Federal Interagency Committee On Noise: Federal Agency Review of Selected Airport Noise Analysis Issues (August 1992), page 3-7.

Land Use	Yearly DNL Sound Level (decibels)					
	<65	65-70	70-75	75-80	80-85	>80
Recreational						
Outdoor sports arenas and spectator sports	Y	Y (5)	Y (5)	N	N	N
Outdoor music shells, amphitheaters	Y	N	N	N	N	N
Nature exhibits and zoos	Y	Y	N	N	N	N
Amusements, parks, resorts, and camps	Y	Y	Y	N	N	N
Golf courses, riding stables, and water recreation	Y	Y	25	30	N	N

Source: 14 CFR part 150, Appendix A, Table 1

Note: Numbers in parentheses refer to the notes at end of the exhibit.

* The designations contained in this exhibit do not constitute a federal determination that any use of land covered by the program is acceptable or unacceptable under federal, state, or local law. The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise contours rests with the local authorities. The FAA determinations under 14 CFR part 150 are not intended to substitute federally determined land uses for those determined to be appropriate by local authorities in response to locally determined needs and values in achieving noise compatible land uses.

Y = Land use and related structures compatible without restrictions

N = Land use and related structures are not compatible and should be prohibited

25 or 30 = Land use and related structures generally compatible; measures to achieve Noise Level Reduction of 25 or 30 dBA (i.e., a weighted sound level) must be incorporated into design and construction of structure. Noise Level Reduction is the amount of noise reduction in decibels achieved through incorporation of building sound insulation treatments (between outdoor and indoor levels) in the design and construction of a structure (14 CFR § 150.7). Building sound insulation treatments typically consist of acoustical replacement windows and doors.

(1) Where the community determines that residential or school uses must be allowed, measures to achieve outdoor to indoor noise level reduction of at least 25 dBA and 30 dBA should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a noise level reduction of 20 dBA, thus, the reduction requirements are often stated as 5, 10 or 15 dBA over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of noise level reduction criteria will not eliminate outdoor noise problems.

(2) Measures to achieve noise level reduction of 25 dBA must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.

(3) Measures to achieve noise level reduction of 30 dBA must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.

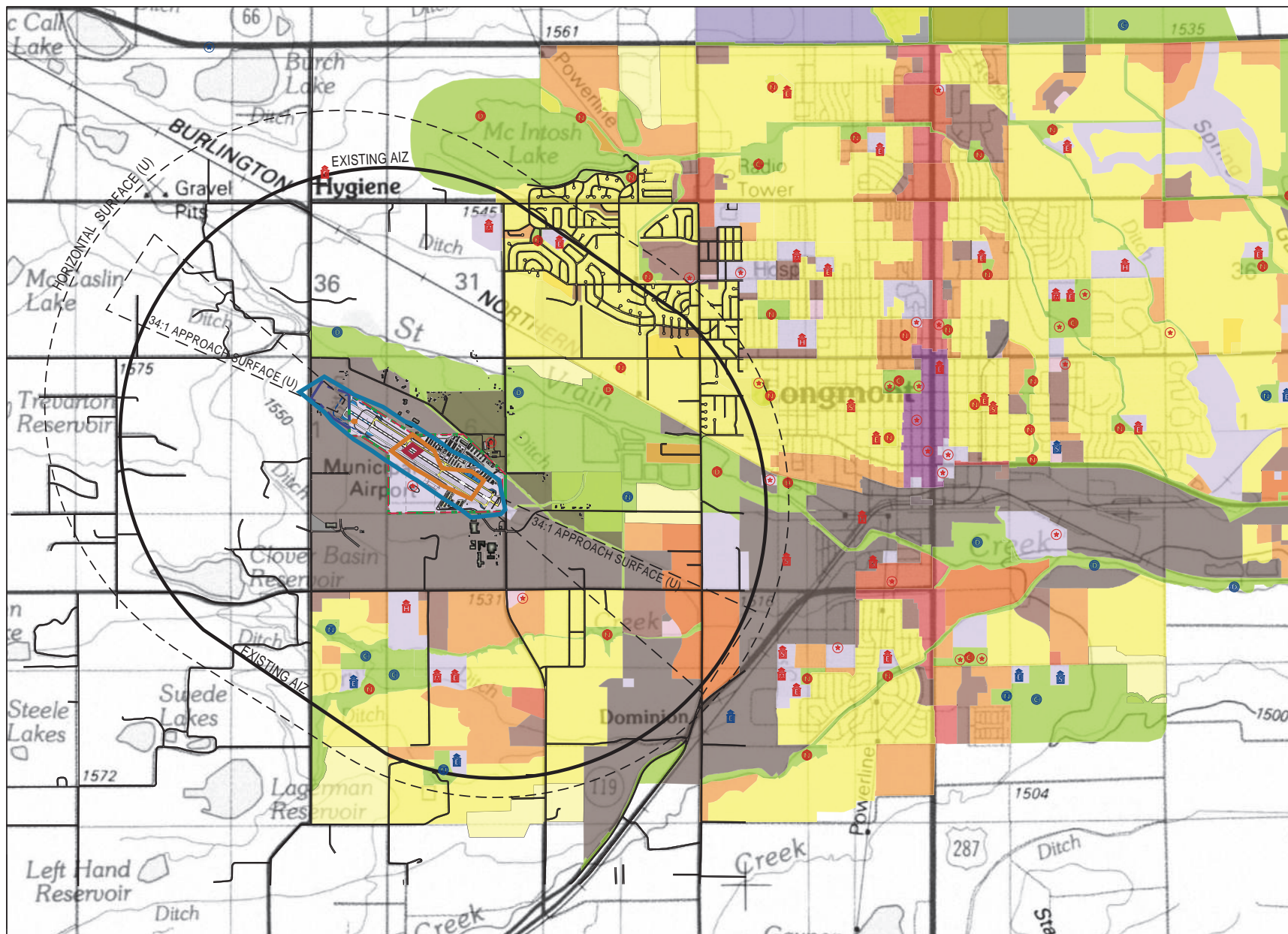
(4) Measures to achieve noise level reduction of 35 dBA must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.

(5) Land use compatible provided special sound reinforcement systems are installed.

(6) Residential buildings require noise level reduction of 25 dBA.

(7) Residential buildings require noise level reduction of 30 dBA.

(8) Residential buildings not permitted.



LEGEND

- ULTRA LOW DENSITY RESIDENTIAL
- VERY LOW DENSITY RESIDENTIAL
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- NEIGHBORHOOD COMMERCIAL
- MULTI-NEIGHBORHOOD COMMERCIAL
- CENTRAL BUSINESS DISTRICT
- REGIONAL COMMERCIAL
- STRIP COMMERCIAL
- MIXED USE CORRIDOR
- INDUSTRIAL/ECONOMIC DEVELOPMENT
- PUBLIC AND QUASI-PUBLIC
- OPEN SPACE OUTSIDE LPA

COMMUNITY FACILITIES

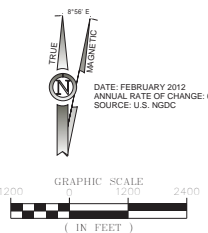
- | EXISTING | FUTURE | |
|----------|--------|-------------------|
| | | NEIGHBORHOOD PARK |
| | | COMMUNITY PARK |
| | | DISTRICT PARK |
| | | ELEMENTARY SCHOOL |
| | | MIDDLE SCHOOL |
| | | HIGH SCHOOL |
| | | SPECIAL SCHOOL |
| | | OTHER FACILITY |

- EXISTING AIRPORT INFLUENCE ZONE (AIZ)
- PART 77 SURFACE
- 65 DNL CONTOUR
- 70 DNL CONTOUR
- 75 DNL CONTOUR

NOTE: THE 65, 70, AND 75 DNL NOISE CONTOURS WERE GENERATED BY THE FAA INTEGRATED NOISE MODEL, VERSION 7.0, UTILIZING YEAR 2020 OPERATIONAL AND FLEET MIX DATA.

NOTES:

- RUNWAY 11/29 IS SHOWN AT THE ULTIMATE PROPOSED LENGTH OF 5800 FEET.
- BASE MAPPING AND DATA FOR THIS PLAN WERE COMPILED USING HISTORICAL MAPPING, USGS TOPOGRAPHIC MAPS, AND OTHER RELEVANT INFORMATION. THIS DRAWING IS FOR PLANNING PURPOSES ONLY. EXACT LOCATIONS SHALL NOT BE ASSUMED. THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION.
- LAND USE AND FACILITIES MAPPING FOR LONGMONT COMPREHENSIVE PLAN MAP, DATED 8/26/2003 (INCLUDES AMENDMENTS THROUGH 7/27/2010)
- SPONSOR'S COMPATIBLE LAND USE ORDINANCE NUMBER IS 94-16, AND WAS ENACTED MAY 10, 1995.



DATE: FEBRUARY 2012
ANNUAL RATE OF CHANGE: 0.18" W.
SOURCE: U.S. NGDC

JVIATION®



VANCE BRAND MUNICIPAL AIRPORT
LONGMONT, COLORADO

AIRPORT LAYOUT PLAN

DES: JMG
DR: LMR
CH: CJB
APP: TLV

ISSUE RECORD

NO.	BY	DATE	DESCRIPTION

DRAFT

AIRPORT/COMMUNITY LAND USE COMPATIBILITY PLAN

AIP PROJ. NO. 3-08-0040-12

JVIATION PROJ. NO. LMO AIP-12

DATE: FEBRUARY 18, 2012

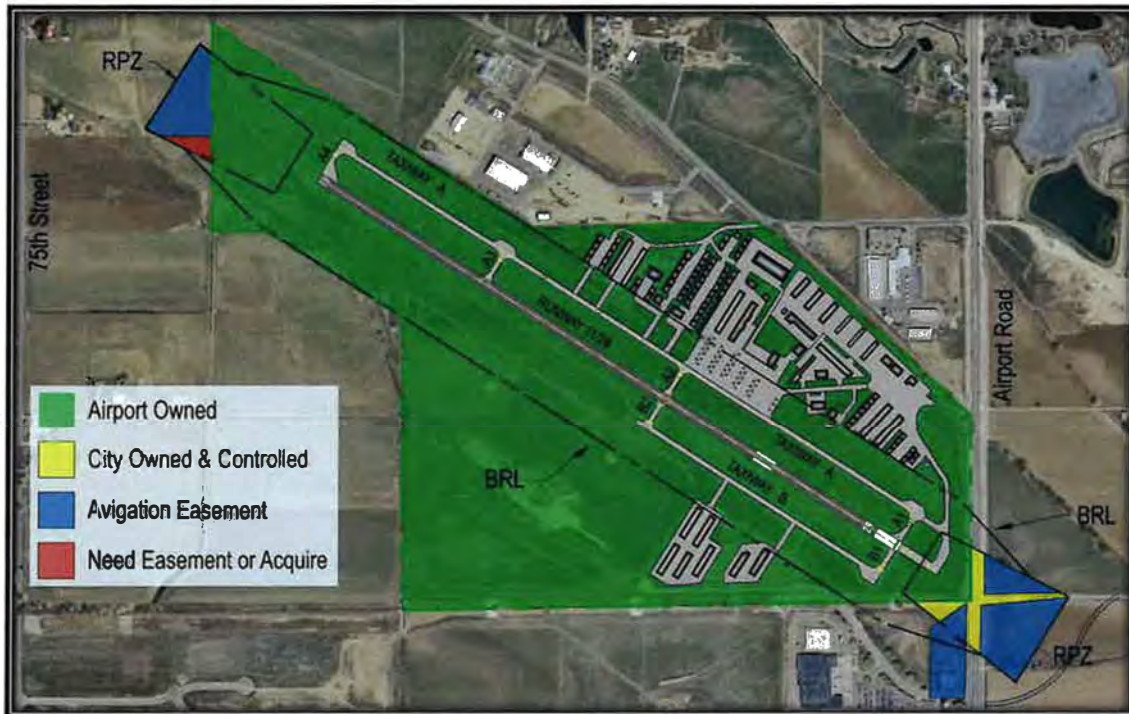
EXHIBIT 3
SHEET NO.
12 of 13



4.3.8.4 Runway Protection Zone (RPZ)

The RPZ is an area off of each runway end designed to enhance the protection of people and property on the ground. In order to ensure that the RPZ is kept clear of incompatible uses, the land included in the RPZ should be owned by the airport or protected by an aviation easement. Portions of the RPZ are not owned by the City. The areas the Airport owns in fee or aviation easements are shown in **Figure 4-7**. *The airport should acquire all land within the RPZ except for the road right-of-ways shown in Figure 4-7. A Letter of Agreement should be executed with the jurisdictions of Airport Road and Rogers Road that all development inside of the RPZ should be coordinated with the airport, including traffic signals, street lighting, etc.*

FIGURE 4-7 - AIRPORT RPZ AND BRL OWNERSHIP



Source: Jviation, Inc.

4.3.8.5 Building Restriction Lines (BRLs)

The BRLs are lines that run parallel to the runway and offset at a distance that ensures that new construction is below protected airspace, per 14 CFR Part 77 imaginary surfaces. The BRLs at LMO are calculated based on a 35 foot tall structure, and are 500 feet from the runway centerline outward and include the RPZs off the runway ends. Structures that are taller than 35 feet will require additional analysis to ensure compliance with the Part 77 surfaces. Currently, LMO does not own all of the land required within the BRLs. Nevertheless, since the City of Longmont has a height zoning overlay for the airport, the Airport Influence Zone (AIZ), as previously discussed

AVIGATION AND HAZARD EASEMENT

WHEREAS, _____, hereinafter called Grantor, is the owner in fee of that certain parcel of land known as Parcel _____ which is situated in the City of Longmont, State of Colorado in the vicinity of the Vance Brand Airport and is more particularly described on Exhibit "A," attached hereto and made a part of this Avigation and Hazard Easement by reference, hereinafter called "Grantor's Property," and,

WHEREAS, THE CITY OF LONGMONT, Colorado, hereinafter called "Grantee," owns and operates the Vance Brand Airport, hereinafter called "the Airport," and is the sponsor of the Airport under the terms of the federal Airport and Airway Improvement Act,

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor, for himself, his heirs, administrators, personal representatives, successors and assigns, does hereby grant, bargain, sell and convey unto Grantee, its successors and assigns, for the use and benefit of the public, an easement and right-of-way appurtenant to the Airport, including any additions thereto hereafter made by the Grantee or its successors and assigns, for the unobstructed use and passage of all types of aircraft ("aircraft" being defined for purposes of this instrument as any device now known or hereafter developed, invented, designed or used for navigation of or flight in air) by whomsoever owned or operated, in and through the air space above the surface of Grantor's Property and to an infinite height above said Grantor's Property, together with the right to cause, in all air space above the surface of Grantor's Property, such noise and vibrations; smoke and fumes; deposits of dust, fuel particles, and other particulate matter; and any and all other effects which may be incident to or caused by the normal operation of aircraft taking off, landing, or otherwise operating at or on the Airport, twenty four (24) hours a day, three hundred and sixty five (365) days per year.

Grantor hereby waives, remises and releases any right or cause of action or claim for damages which he may now have or which he may have in the future against Grantee, its successors and assigns, due to such noise, vibrations, smoke, fumes, deposits of particulate matter, lights and radio emissions from aircraft and/or the Airport, and all other effects which may be caused or may have been caused by the operation of aircraft landing at, taking off from, or operating at or on the Airport. Nothing stated in the foregoing waiver, grant, and release shall divest the Grantor, his heirs, personal representatives, successors and assigns from any right or cause of action for damages to any person or property resulting from the unlawful or negligent operation of any aircraft at any altitude over and across Grantor's Property.

The easement and right of way hereby granted includes the continuing right in the Grantee to prevent the erection or growth upon Grantor's Property of any building, structure, tree or other object extending into the air space above the surface of Grantor's Property above _____ feet above ground level and to remove from said airspace or, at the sole option of the Grantee, as an alternative, to mark and light as an obstruction to air navigation, any such building, structure, tree or other object now upon, or which the future may be upon, Grantor's Property, together with the rights of reasonable ingress to, egress from, and passage over Grantor's Property for the purposes of prevention, removal, marking and lighting.

The easement and right-of-way shall afford the Grantee the following rights:

1. The right to prevent the erection or growth into the airspace within the easement of any natural or artificial object, tree, or vegetation;
2. The right to remove or alter from the airspace within the easement, or, at the sole option of the Grantee, as an alternative, to mark and light as an obstruction to air navigation, any such object now or in the future upon the Property within the easement;
3. The right of reasonable ingress and egress to and from the easement over the Property for the aforesaid purposes upon reasonable notice;
4. On those occasions, if any, when it is necessary for the Grantee to come upon the Property for the purpose of trimming any tree, bush, vegetation, or other natural or artificial object encroaching within the easement herein granted, the right to cut back or trim said vegetation ten (10) feet below the easement herein granted to accommodate future growth of said vegetation.

TO HAVE AND TO HOLD said easement and right of way, with all rights appertaining thereto, unto the Grantee, its successors and assigns until the Airport shall be abandoned and shall cease to be used for public airport purposes.

FURTHER, for the consideration set forth above, Grantor, for himself, his heirs, administrators, personal representatives, successors, and assigns, hereby agrees and covenants that for and during the life of said easement and right-of-way, he shall not erect, permit the erection or growth of, or permit or suffer to remain upon Grantor's Property any building, structure, tree or other object extending into the aforesaid prohibited air space and he shall not use or permit or suffer the use of Grantor's Property in such a manner as to create electrical interference with radio communication between any installation upon said Airport and aircraft, or engage in smoke generating activities, the creation or maintenance of hazardous wildlife attractants, or as to make it difficult for flyers to distinguish between airport lights and other lights, or as to impair visibility in the vicinity of the Airport, or as to operate drones or other manned or unmanned flying devices that may interfere with aircraft or the Airport, or as to otherwise endanger the landing, taking off, or maneuvering of aircraft.

FURTHER, Grantor recognizes and hereby agrees and covenants, for himself, his heirs, administrators, personal representatives, successors and assigns, to comply with the Federal Aviation Administration ("FAA") regulation Part 77 (Safe, Efficient Use, and Preservation of the Navigable Airspace) including the submittal of FAA form 7460-1 (Notice of Proposed Construction or Alteration) prior to undertaking any construction or alteration of Grantor's Property. If the FAA form 7460-1 identifies an obstruction that may adversely affect aviation safety, the easement and right of way hereby granted includes the continuing right in the Grantee to prevent such construction or alteration of Grantor's Property.

The aforesaid covenants and agreements shall run with the land and shall be forever binding upon the heirs, administrators, personal representatives, successors and assigns of the Grantor.

[Remainder of page intentionally left blank – signature page follows]

IN WITNESS WHEREOF, _____, the Grantor, has hereunto set his
hand and seal this ____ day of _____, 20__.

By: _____
Name: _____

STATE OF COLORADO)
)ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this ____ day of _____,
20__, by _____.

Witness my hand and official seal.

My commission expires: _____

Notary Public

SUBORDINATION

In consideration of the premises and to assure Grantee of the continued benefits accorded it under this Avigation and Hazard Easement, _____, Mortgagee/Obligee/Lien Holder/Lender, identified in the Mortgage/Deed of Trust, dated _____, _____ and recorded at Book _____, Page _____ of the records of the Boulder County Clerk and Recorder, and associated documents covering Grantor's Property, above-described, does hereby covenant and agree that said Mortgage/Deed of Trust shall be subject to and subordinate to this Avigation and Hazard Easement and the recording of this Avigation and Hazard Easement shall have preference and shall be superior to said Mortgage/Deed of Trust, irrespective of the date of making or recording of said security instrument(s).

Mortgagee/Obligee/Lien Holder/Lender

By its: _____
(Title)

STATE OF COLORADO)
)ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____ (Name), _____ (Title) and authorized representative of _____, a _____ on behalf of _____.

Witness my hand and official seal.

My commission expires: _____

Notary Public

EXHIBIT A

[GRANTOR'S PROPERTY LEGAL DESCRIPTION]

Public Comment



601 Pennsylvania Ave NW, Suite 250
Washington, D.C. 20004

T. 202-509-9670
www.aopa.org

City of Longmont
ATTN: Mayor Joan Peck
350 Kimbark St.
Longmont, CO 80501

July 2, 2024

TRANSMITTED VIA ELECTRONIC MAIL TO: joan.peck@longmontcolorado.gov

Re: Proposed “Modern West 2” Residential Development Near Vance Brand Airport

Dear Mayor Peck:

The Aircraft Owners and Pilots Association (AOPA) is the world’s largest general aviation association with hundreds of thousands of members, including almost 9,000 members across Colorado, with nearly 300 members associated with Vance Brand airport. **We urge the Longmont city council to reject the Modern West 2 development as currently designed** and send it back to the planning and zoning commission to assess uses of this portion of the Schlaegel Williams Annexation that would be more compatible with both the airport and existing residents.

It is our understanding that during the June 26, 2024, Longmont Planning and Zoning Commission meeting, the “Modern West 2” residential development was approved for further consideration by the city council. While we understand the desperate need for housing in Boulder County, our over 85 years of aviation advocacy experience tells us that the need for housing should never impact residents’ right to safety and peaceful enjoyment. The Modern West 2 development, as currently planned, lies in the Vance Brand airport area of influence and, as such, places potential future residents at risk. The [California Airport Land Use Planning Handbook](#) effectively illustrates aircraft impact risks to residents living too close to airports (see Exhibits E-1 and E-2). Not too far from Longmont and as a recent example of the real risks to residential developments planned near airports, on June 7, 2024, Arvada, CO suffered a [fatal aircraft crash](#) in a residential neighborhood.

Future liability risks to the city of Longmont should also be considered. The town of Superior, CO, for instance, chose to build 2700 single-family homes and 1800 multi-family homes near Rocky Mountain Metropolitan airport (RMMA) despite countless warnings from the airport sponsor that building in the airport critical area was ill advised. AOPA has been working with RMMA over the years and recently published two articles about the negative long-term effects of inappropriate land use near airports. The AOPA articles can be found [here](#) and [here](#).

Further, on June 13, 2023, the Federal Aviation Administration (FAA) Denver Airport District office sent a letter (attachment 1) to the Longmont airport manager stating that ***“The FAA views this proposed development as an incompatible land use and contrary to Grant Assurance #21, Compatible Land Use.”*** The FAA letter goes on to remind the city that *“Failure to comply with Federal grant assurances may result in the FAA issuing an order terminating eligibility for grants or suspending the payment of grant funds to the Vance Brand Airport.”* This FAA letter both

Proposed “Modern West 2” Residential Development Near Vance Brand Airport

July 2, 2024

Page 2 of 3

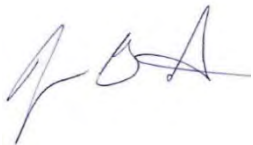
trumps and refutes assessments made in the February 23, 2023, letter from the law offices of Robinson, Waters, and O’Dorisio (attachment 2) sent to the Longmont Planning and Development Services Department. While [Title 14 Code of Federal Regulations Part 77](#) referenced in Attachment 2 does indeed speak to compatible land use, the primary emphasis of Part 77 language is on preventing obstructions to aviation near an airport. Generally speaking, Part 77 does not go into broader compatible land use considerations, hence the added importance of the definitive assessment made by the June 13, 2023, FAA letter indicating that the Modern West 2 development is not a compatible land use near Vance Brand airport. As a result of this FAA position, the February 23, 2023, letter from the law offices of Robinson, Waters, and O’Dorisio on this topic should only be considered informational rather than authoritatively definitive.

While we fully understand the necessity of residential development as our populations grow, it needs to be done in a safe and smart way. The best way for zoning authorities to ensure the safety and well-being of aviators and future development occupants and minimize potential liability risks to the city is to consider FAA and other related guidance on compatible land use near airports. Good examples include [FAA Advisory Circular 150/5190-4B](#) (Airport Land Use Compatibility Planning) and [ACRP 206 - Guidebook on Effective Land Use Compatibility Planning Strategies for GA Airports](#). Colorado’s own Colorado Aviation System Plan ([Appendix A - Land Use Evaluation](#)) in section A.1.1 states, “*One of the most commonly recognized incompatible land uses near airports is residential development...*” Other reports on compatible land use include ACRP reports numbers 27 (Vols I and II), 32, and 38. Finally, our own [AOPA Guide for Airport Advocates](#), while designed for airport advocates, is also instructional to zoning authorities in particular as it highlights past cases where zoning decisions did not adequately address compatibility concerns and ultimately led to a variety of unintended, and in some cases, tragic consequences.

In AOPA’s over 85 years of experience, we have seen countless well-intended developments built near airports end up causing great community strife, conflict, and lawsuits for a wide range of reasons, from aircraft incidents and accidents to lawsuits over airport noise and other airport-related second-order effects. In closing, we encourage you and your fellow city leaders to take a moment to read the AOPA-published article entitled “[Caution Urged on Development Plans Near Airports](#),” which provides other examples of why it is important to take compatible land use near airfields so seriously.

Please consider me a resource on this issue and other matters impacting general aviation. I can be reached at email: brad.schuster@aopa.org or by phone: 202-851-7502.

Sincerely,



Brad Schuster, AOPA
Northwest Mountain Regional Manager

ATCH:

AIRCRAFT OWNERS AND PILOTS ASSOCIATION

Proposed “Modern West 2” Residential Development Near Vance Brand Airport

July 2, 2024

Page 3 of 3

1. FAA Letter Opposing Modern West 2 Development dated June 13, 2023
2. Law offices of Robinson, Waters, and O’Dorisio letter dated Feb. 23, 2023, RE: Modern West Parcel 2

CC:

Diane Crist, Ward 1 Representative

Susie Hidalgo-Fahring, Ward 3 Representative

Marcia Martin, Ward 2 Representative

Sean McCoy, At Large Representative

Aren Rodriguez, At Large Representative

Shiquita Yarbrough, At Large Representative

Levi Brown, Vance Brand Airport Manager

FAA Airport District Office, Denver

Director, Colorado Department of Transportation-Division of Aeronautics



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

Northwest Mountain Region
Colorado · Idaho · Montana · Oregon · Utah
Washington · Wyoming

Denver Airports District Office
26805 E. 68th Ave., Suite 224
Denver, CO 80249

June 13, 2023

Levi Brown, Manager
Vance Brand Airport
229 Airport Road
Longmont, CO 80503

Dear Mr. Brown:

This letter is to remind the City of Longmont of its contractual obligations with the Federal Aviation Administration to operate Vance Brand Airport. Specifically in regards to the proposed ModernWest 2 residential development proposed near Vance Brand Airport.

Vance Brand Airport is a General Aviation airport, with approximately 212 based aircraft and 88,000 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 FAA views this proposed development as an incompatible land use and contrary to Grant Assurance #21, *Compatible Land Use*. As recipients of over \$6.2 Million dollars in Federal Airport Improvement Program (AIP) funding since 1988, the City of Longmont is obligated to comply with certain Federal grant assurances, which include a requirement to “*take appropriate action, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft*”. The City is also obligated to “*not cause or permit any activity or action thereon which would interfere with its use for airport purposes*”. Failure to comply with Federal grant assurances may result in the FAA issuing an order terminating eligibility for grants or suspending the payment of grant funds to the Vance Brand Airport.

If you have questions regarding the above comments or would like to meet to discuss our concerns, please contact me at (303) 342-1263.

Sincerely,

John Sweeney
Community Planner
FAA/Denver Airports District Office

From: [Jennifer Hewett-Apperson](mailto:jennifer.hewett-apperson@longmontcolorado.gov)
To: jaydgleitz@gmail.com
Cc: [Longmont Planning](mailto:Longmont.Planning@longmontcolorado.gov)
Subject: RE: [External] P&Z appeal process
Date: Monday, July 8, 2024 5:02:00 PM

Good afternoon Jay,

The City Council is the decision maker for Concept Plan Amendments such as the proposed ModernWest 2. The Planning and Zoning Commission makes a recommendation to the City Council for this type of application. At this point there is nothing to appeal since a final decision has not yet been made. The City Council is scheduled to hold a public hearing and vote on the proposed ModernWest 2 Concept Plan Amendment at their August 13th meeting. There will be an opportunity for public comment as part of this public hearing. You are also welcome to submit written comments to me for inclusion in the staff report to City Council. City Council meetings are held at 7:00 p.m. in Council Chambers, located in the Civic Center at 350 Kimbark Street.

Please let me know if I can be of further assistance.

Jennifer Hewett-Apperson, AICP
Principal Planner | she, her, hers
Planning and Development Services Department | City of Longmont
—
OFFICE 303-651-8439 | MAIN 303-651-8330

-----Original Message-----

From: Longmont Planning <Longmont.Planning@longmontcolorado.gov>
Sent: Monday, July 8, 2024 4:51 PM
To: Jennifer Hewett-Apperson <jennifer.hewettapperson@longmontcolorado.gov>
Subject: FW: [External] P&Z appeal process

-----Original Message-----

From: JD Gleitz <jaydgleitz@gmail.com>
Sent: Monday, July 8, 2024 1:08 PM
To: Longmont Planning <Longmont.Planning@longmontcolorado.gov>; Don Burchett <Don.Burchett@longmontcolorado.gov>
Cc: A Man <al_man@gmx.com>
Subject: [External] P&Z appeal process

Planning and Development staff,

I would like to know the process for appeal of a recent Longmont Planning and Zoning Commission decision.

I am looking for who can appeal, the timeline, who to appeal to, the criteria for appeal, etc.

Obviously I need this information quickly, as the decision has been made before I became aware.

I am a Longmont resident who owns property at 229 Airport Rd, Building 3, Unit A and have serious concerns of the Modern West 2 decision making process.

Sincerely

Jay D Gleitz

From: [Eugene Mei](#)
To: [Karen McCormick](#)
Cc: [Sandi Seader](#); [Harold Dominguez](#); [Jennifer Hewett-Apperson](#)
Subject: RE: [External] New Project consideration
Date: Thursday, July 25, 2024 10:07:36 AM
Attachments: [RE External Denial of speaking to City Council.msg](#)

Representative McCormick,

In follow up to my prior email, please see attached email from the City Manager to a member of the public who was not allowed to comment on the Modern West 2 quasi-judicial land use application during the public comment portion of this week's City Council meeting. The due process prohibition against ex parte communications is the same reason why the Mayor cannot speak to you at this time about Modern West 2.

City staff anticipates the Modern West 2 application to be scheduled for public hearing in August, and staff can certainly alert you to when that City Council agenda packet is released to the public. That agenda packet will have the relevant information about the project, land use criteria, written public comment to date, etc.

In the meantime, please feel free to contact me or the project manager for the Modern West 2 application, Principal Planner Jennifer Hewett-Apperson (cc'd on this email), if we can be of further assistance.

Eugene Mei

City Attorney

City Attorney's Office | City of Longmont

—

OFFICE 303 651-8619

350 Kimbark Street | Longmont, Colorado 80501

longmontcolorado.gov

This message may contain confidential information intended only for the authorized recipient. If you have received this email in error, please notify me immediately by telephone at (303) 651-8616 or by email at eugene.mei@longmontcolorado.gov

From: Eugene Mei

Sent: Thursday, July 25, 2024 9:56 AM

To: Joan Peck <Joan.Peck@longmontcolorado.gov>; Karen McCormick
<rep.karenmccormick@gmail.com>

Cc: Sandi Seader <Sandra.Seader@longmontcolorado.gov>; Harold Dominguez
<Harold.Dominguez@longmontcolorado.gov>

Subject: RE: [External] New Project consideration

Mayor, thank you for forwarding Representative McCormick's email.

Representative McCormick, I will email you separately to explain why the quasi-judicial process prohibits you from speaking to the Mayor at this time about the Modern West 2 land use application.

Eugene Mei
City Attorney
City Attorney's Office | City of Longmont
—
OFFICE 303 651-8619
350 Kimbark Street | Longmont, Colorado 80501

longmontcolorado.gov

This message may contain confidential information intended only for the authorized recipient. If you have received this email in error, please notify me immediately by telephone at (303) 651-8616 or by email at eugene.mei@longmontcolorado.gov

-----Original Message-----

From: Joan Peck <Joan.Peck@longmontcolorado.gov>
Sent: Thursday, July 25, 2024 6:01 AM
To: Karen McCormick <rep.karenmccormick@gmail.com>
Cc: Sandi Seader <Sandra.Seader@longmontcolorado.gov>; Harold Dominguez <Harold.Dominguez@longmontcolorado.gov>; Eugene Mei <Eugene.Mei@longmontcolorado.gov>
Subject: Re: [External] New Project consideration

Hello Representative McCormick,

Modern West 2 is not a development that I can talk about with you. There are legal issues related to it making it a quasi judicial process.

I have added our city attorney on the email. Perhaps someone from his office will reach out to you.

Thank you for asking.

Joan Peck
Longmont Mayor

> On Jul 25, 2024, at 5:46 AM, Karen McCormick <rep.karenmccormick@gmail.com> wrote:
>
>
> Hello Mayor Peck,

>

> I've just received two emails that have shared significant concerns about a housing project under consideration by council. The name is Modern West 2 being considered to be developed near the airport.

>

> I would love to learn more about this project and the process it is going through for possible approval. On the surface the concerns shared with me do seem quite valid.

>

> I will be out of the country until Aug. 2nd. When will the discussion on this project be on your agenda? Would I be able to talk with one of staff or council in early August to learn more?

>

> Thanks so much,

>

> Rep. Karen McCormick

From: [Dan Berry](#)
To: [Jennifer Hewett-Apperson](#); [Levi Brown](#)
Cc: [Dan Berry](#); savelongmontairport@gmail.com
Subject: [External] Modern West 2 Project Hearing Input
Date: Wednesday, July 31, 2024 12:53:27 PM
Attachments: [image.png](#)
[image.png](#)

July 31 2024

To:

Jennifer Hewett-Apperson

jennifer.hewettapperson@longmontcolorado.gov

Levi Brown

Longmont Airport Manager - City Staff

levi.brown@longmontcolorado.gov

From:

Dan Berry

Retired Director Ball Aerospace

Pilot, Aircraft builder and Operator, KLMO Hangar Owner

Longmont resident because of the Longmont Vance Brand Airport

Subject : Modern West 2 Project Hearing Input

I am very concerned with the Modern West development - it is a safety risk to arriving aircraft, departing aircraft as well as persons on the ground.

My concern is that the development is directly under the arrival route for Runway 29 and directly under the departure route for Runway 11 at Longmont Vance Brand Airport.

This project is incongruent with any airport FAA Land Use and Compatibility guidance resulting in negligence liability for the City and airport that I care about as a 24 year Longmont resident and airport investor.

Figure 1 shows the City of Longmont Airport Flight Pattern used for flight instruction and noise abatement. This is the standard flight pattern I use as a local pilot based at Longmont Vance Brand Airport, identifier, KLMO.

Figure 2 illustrates the proposed development in Red outline superimposed on the Longmont Airport Flight Pattern Map and enlarged.



Figure 1. Link to City Website Longmont Airport Flight Pattern Map

:<https://www.longmontcolorado.gov/home/showpublisheddocument/6670/635537090753930000>

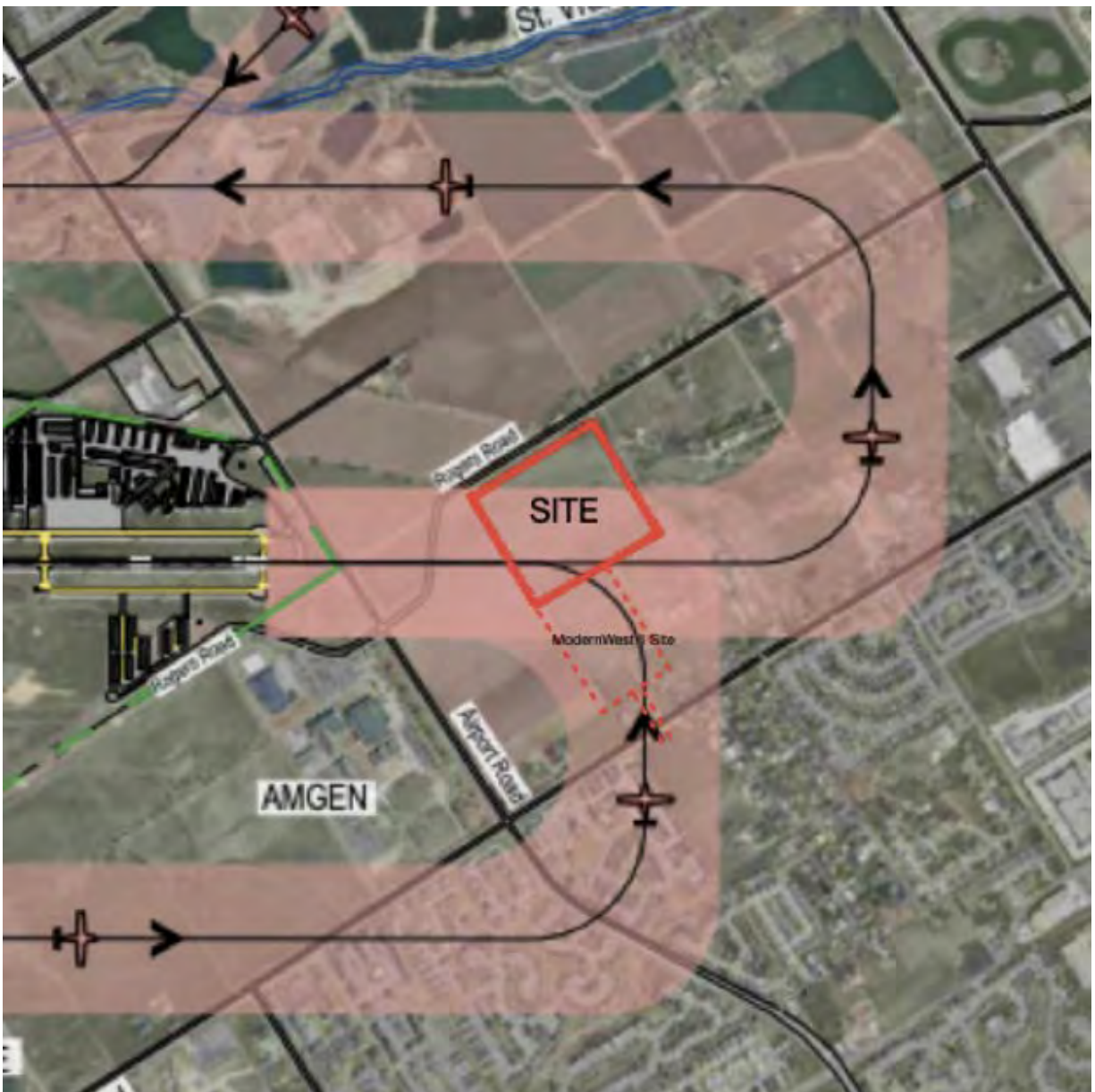


Figure 2 Illustration of proposed development in Red outline superimposed on the Longmont Airport Flight Pattern Map and enlarged

KLMO is the busiest non-towered airport in Colorado used by local business Jets such as NetJets, FlexJet and WheelsUP. Firefighting aircraft and ur local hospitals use the Longmont Airport for staging/fuel and Air Ambulance services. These operations use Risk Management criteria to determine if it is safe to use an airport. This project will eliminate the use of the Longmont Airport for these important and life saving operations in our community.

APPROACH to LANDING: KLMO is served by an instrument approach to RW 29. The approach plate shows a 3 degree glide path to a threshold crossing height of 35'. Runway 29 is also served by a visual system, which is what the majority of the private pilots will use to align with the runway. A 3 degree path will have you descend 300' for every nautical mile (6000') over the ground. The NW edge of Modern West is only 1450' from runway 29. A pilot will cross the edge of this property at 100' AGL.

Longmont serves many student pilots. If one of these students is 1 degree low, they will cross the edge of this property at 75-80 feet. Some of the buildings proposed are 4 story structures. A typical 4 story structure is 40-45'. Aircraft will be overflying these buildings only 30'-50'

over the roofline. Imagine a 40,000 lb jet overflying your house at 40'! This is an insufficient safety margin. Allowing structures to be built on this approach path is risky and irresponsible. All of the above calculations are simple math, based on the geometry of a typical flight profile.

AIRPORT DEPARTURES: As I mentioned, many companies regularly fly jets in and out of KLMO for local customers. There is at least one jet that is permanently based at KLMO, along with many twin engine aircraft. Also, Mile-Hi Skydiving operates a large skydiving operation, operating King Air and Twin Otter turboprop aircraft.

For twin engine aircraft, the FAA mandates a minimum single engine climb gradient of 2.5% after passing 35'. This ensures an aircraft can lose an engine during the most critical portion of the takeoff roll and still clear obstacles on the ground.

Aviation companies use performance charts to tell them how much weight can be carried and still operate with this required minimum performance. A 2.5% gradient is roughly 150' of climb for every nautical mile flown.

Assume an aircraft loses an engine on takeoff and reaches 35' at the departure end of runway 11. Flying this minimum climb gradient, an aircraft will have reached only about 75' AGL when crossing the property edge closest to the runway. Imagine the consequences of a jet full of fuel or an aircraft full of skydivers impacting one of these structures. This is why almost all airports have an obstruction free clearway for 1-2 miles off the end of the runway. An aircraft losing power during the takeoff roll is something we train for, but placing large structures in the flight path creates an undue risk to both aviators and people on the ground. If an accident were to occur, injury lawyers would ask who approved a large development this close to an active runway.

NTSB database: A quick search of the NTSB accident database shows 126 KLMO accidents dating back to 1964. The most recent 25 accidents reveal that 6 of them lost power on takeoff and landed off the end of the runway or lost power during landing and landed short of the runway. I am personally aware of at least two aircraft that landed in this parcel of land due to fuel starvation and flight control issues. There are probably more; these are the ones that I am aware of.

It is my 54 years as a pilot opinion, that developing this land will create real risks, both to aviators and persons on the ground. I have shown verifiable data how this development will create hazards for aircraft and residents. The NTSB database clearly shows a history of aircraft having to make emergency landings on this parcel.

In summary, please continue to find a compatible land use project for this area that does not create an increase hazard and controllable risk to the Longmont Vance Brand Airport operations.

Thank you for your consideration.

Dan Berry

Retired Director Ball Aerospace

Pilot, Aircraft builder and Operator, KLMO Hangar Owner

Longmont resident because of the Longmont Vance Brand Airport

From: [Marcia Martin](#)
To: [Jennifer Hewett-Apperson](#); [Jeremy Tyrrell](#)
Subject: Fwd: [External] Modern West Concern, Part 1
Date: Thursday, July 18, 2024 9:38:29 PM

Candidate for the quasi-judicial hearing packet

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: City of Longmont <support.web@longmontcolorado.gov>
Sent: Thursday, July 18, 2024 6:10:27 PM
To: Marcia Martin <Marcia.Martin@longmontcolorado.gov>
Subject: [External] Modern West Concern, Part 1

CAUTION: This message originates from the City's website contact form. The sender may not be who they claim to be.

Message submitted from the <City of Longmont, Colorado> website.

Site Visitor Name: David Dalton
Site Visitor Email: ddalton536@gmail.com

My name is David Dalton. I am a Longmont homeowner since 1993. I have flown in the US military, with the airlines, and now as a pilot with Flexjet; sometimes in and out of Longmont. I am very concerned with the Modern West development, and feel it would be a safety risk to arriving and departing aircraft as well as persons on the ground.

APPROACH: KLMO is served by an instrument approach to RW 29, which has a 3 degree glide path to a threshold crossing height of 35'. RW 29 is also served by a visual system, which is what the majority of the private pilots will use to align with the runway.. A 3 degree path will have you descend 300' for every nautical mile (6000') over the ground. The NW edge of Modern West is only 1450' from runway 29. A pilot will cross the edge of this property at 100' AGL.

Longmont serves many student pilots. If one of these students is 1 degree low, they will cross the edge of this property at 75-80 feet. Some of the buildings proposed are 4 story structures. A typical 4 story structure is 40-45'. Aircraft will be overflying these buildings only 30'-50' over the roofline. Imagine a 40,000 lb jet overflying your house at 40'! This is an insufficient safety margin. Allowing structures to be built on this approach path is risky and irresponsible. All of the above calculations are simple math, based on the geometry of a typical flight profile.

DEPARTURES: As I mentioned, our company regularly flies jets in and out of KLMO for local customers. There is at least one jet that is permanently based at KLMO, along with many twin engine aircraft. Also, Mile-Hi Skydiving operates a large skydiving operations, operating King Air and Twin Otter turboprop aircraft.

For twin engine aircraft, the FAA mandates a minimum single engine climb gradient of 2.5% after passing 35'. This ensures an aircraft can lose an engine during the most critical portion of the takeoff roll and still clear obstacles on the ground

From: [David Dalton](#)
To: [Jennifer Hewett-Apperson](#)
Subject: [External] Concern with Modern West
Date: Sunday, July 21, 2024 11:24:09 AM

Madam,

My name is David Dalton. I am a homeowner of since 1993. I have flown in the US military, with the airlines, and now fly as a jet pilot with Flexjet; sometimes in and out of Longmont. I am very concerned with the Modern West development, and feel it would be a safety risk to arriving aircraft, departing aircraft as well as persons on the ground.

APPROACH: KLMO is served by an instrument approach to RW 29. The approach plate shows a 3 degree glide path to a threshold crossing height of 35'. Runway 29 is also served by a visual system, which is what the majority of the private pilots will use to align with the runway.. A 3 degree path will have you descend 300' for every nautical mile (6000') over the ground. The NW edge of Modern West is only 1450' from runway 29. A pilot will cross the edge of this property at 100' AGL.

Longmont serves many student pilots. If one of these students is 1 degree low, they will cross the edge of this property at 75-80 feet. Some of the buildings proposed are 4 story structures. A typical 4 story structure is 40-45'. Aircraft will be overflying these buildings only 30'-50' over the roofline. Imagine a 40,000 lb jet overflying your house at 40'! This is an insufficient safety margin. Allowing structures to be built on this approach path is risky and irresponsible. All of the above calculations are simple math, based on the geometry of a typical flight profile.

DEPARTURES: As I mentioned, our company regularly flies jets in and out of KLMO for local customers. There is at least one jet that is permanently based at KLMO, along with many twin engine aircraft. Also, Mile-Hi Skydiving operates a large skydiving operations, operating King Air and Twin Otter turboprop aircraft. For twin engine aircraft, the FAA mandates a minimum single engine climb gradient of 2.5% after passing 35'. This ensures an aircraft can lose an engine during the most critical portion of the takeoff roll and still clear obstacles on the ground.

We use performance charts to tell us how much weight we can carry and still operate with this required minimum performance. A 2.5% gradient is roughly 150' of climb for every nautical mile flown. Assume an aircraft loses an engine on takeoff and reaches 35 at the departure end of runway 11. Flying this minimum climb gradient, an aircraft will have reached only about 75' AGL when crossing the property edge closest to the runway. Imagine the consequences of a jet full of fuel or an aircraft full of skydivers impacting one of these structures. This is why almost all airports have an obstruction free clearway for 1-2 miles off the end of the runway. An aircraft losing power during the takeoff roll is something we train for, but placing large structures in the flight path creates an undue risk to both aviators and people on the ground.

If an accident were to occur, injury lawyers would ask who approved a large development this close to an active runway.

NTSB database: A quick search of the NTSB accident database shows 126 KLMO accidents dating back to 1964. The most recent 25 accidents reveal that 6 of them lost power on takeoff

and landed off the end of the runway or lost power during landing and landed short of the runway. I am personally aware of at least two aircraft that landed in this parcel of land due to fuel starvation and flight control issues. There are probably more; these were the ones that I am aware of. It is my professional opinion, that developing this land would create real risks, both to aviators and persons on the ground.

I have shown verifiable data how this development will create hazards for aircraft and residents. The NTSB database clearly shows a history of aircraft having to make emergency landings on this parcel. Please share with me how you plan to mitigate these risks. My data and analysis are sound, as is the history of aircraft losing power and landing in this parcel. Please respond to these concerns.

Thank you,

David Dalton

From: [Marcia Martin](#)
To: [Jeremy Tyrrell](#); [Jennifer Hewett-Apperson](#)
Subject: Fw: [External] Modern West Concern, part 2
Date: Thursday, July 18, 2024 9:39:13 PM

Here is a communication (part 2) that I will not read but am forwarding as instructed.

From: City of Longmont <support.web@longmontcolorado.gov>
Sent: Thursday, July 18, 2024 4:19 PM
To: Marcia Martin <Marcia.Martin@longmontcolorado.gov>
Subject: [External] Modern West Concern, part 2

CAUTION: This message originates from the City's website contact form. The sender may not be who they claim to be.

Message submitted from the <City of Longmont, Colorado> website.

Site Visitor Name: David Dalton
Site Visitor Email: Ddalton536@gmail.com

We use performance charts to tell us how much weight we can carry and still operate with this required minimum performance. A 2.5% gradient is roughly 150' of climb for every nautical mile flown.

Assume an aircraft loses an engine on takeoff and reaches 35 at the departure end of runway 11. Flying this minimum climb gradient, an aircraft will have reached only about 75' AGL when crossing the property edge closest to the runway. Imagine the consequences of a jet full of fuel or an aircraft full of skydivers impacting one of these structures. This is why almost all airports have an obstruction free clearway for 1-2 miles off the end of the runway. An aircraft losing power during the takeoff roll is something we train for, but placing large structures in the flight path creates an undue risk to both aviators and people on the ground. If an accident were to occur, injury lawyers would ask who approved a large development this close to an active runway.

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It is my professional opinion, that developing this land would create real risks, both to aviators and persons on the ground. I have shown verifiable data how this development will create hazards for aircraft and residents. The NTSB database clearly shows a history of aircraft having to make emergency landings on this parcel.

Please share with me how you plan to mitigate these risks. My data and analysis are sound, as is the history of aircraft losing power and landing in this parcel. Please respond to these

concerns.

From: [George Durazzo, Jr](#)
To: [Harold Dominguez](#); [Jennifer Hewett-Apperson](#); [Longmont Planning](#)
Subject: [External] Fwd: From the Desk of George Durazzo Jr final.docx
Date: Monday, July 29, 2024 10:45:46 PM

Ladies & Gentlemen in Longmont Decision-making leadership. Apologies for not ensuring I met the deadline for submission to the Longmont Planning folks. I returned just now from the Los Alamos federal lab and see the deadline is August 1, 2024

It is important to me as a resident and a citizen that my first communication to you is seen and heard. I'll stand and deliver personally to the Mayor & Council and to planning executives in future. THANKS for inclusion.

Very sincerely, George Durazzo 498 Verdant Circle
Longmont, Colo 80504

George Durazzo
WARHORSE - Bolder Business Solutions
303-478-1966 -- 202-355-5602
<http://www.SolvingPartnering.com>
76horses@gmail.com

----- Forwarded message -----

From: **George Durazzo, Jr (via Google Docs)** <76horses@gmail.com>
Date: Sun, Jul 21, 2024 at 9:35 PM
Subject: From the Desk of George Durazzo Jr final.docx
To: <76horses@gmail.com>

George Durazzo, Jr attached a document



George Durazzo, Jr (76horses@gmail.com) has attached the following document:



From the Desk of George Durazzo Jr final.docx

Snapshot of the item below:

From the Desk of George Durazzo Jr

July 22, 2024

Mayor Joan Peck and the Longmont City Council
350 Kimbark Street
Longmont, CO 80501

Dear Mayor Peck and Members of the Longmont City Council:

Mayor, we've met several times, as I live in Longmont and I've been a local here since 1966. My grandmother and grandpa are buried here. My mother rests at Arlington National Cemetery. Once I left my fancy camping cooler at your home after a volunteer leadership day there in Spring 2020. "LFG"

Regarding the Planning and Zoning Commission decision to approve the Modern West development off Airport Road aligned with the runway at the Vance Brand Longmont Airport. I'll add my voice in opposing Council approval of this development.

All of our communities have a need for low-cost housing, in fact you and I celebrated together the groundbreaking for the Zinnia development here in Longmont-- but putting disadvantaged people at high risk near the airport is not only ill-advised and could possibly be a recipe for disaster, it is unfair to all potential residents. I recommend that you disapprove the Modern West development and help the developer to find a more suitable location. There are a good many places in the vicinity!

As a multi-generational Coloradan, having grown up in Lyons and attending Fairview High School in Boulder, I appreciate the huge value of the Longmont Airport, especially for the quality of users, visitors brought here, and the message it sends that we are a first-class, first-tier community that welcomes clean businesses and employers. I know that it provides value to me and my family through the services it provides to the community and is one of the many elements that makes us proud to live in the great city of Longmont. This city has to look forward beyond the heedless growth that persists. Planned.

I've lived and worked in this area for 2/3rds of my life and served decades in Washington, DC including working for our state's senior Senator to begin my career. I've worked with President Clinton and Secretary Clinton, Senator Dianne Feinstein and Governor Ann Richards and perhaps most proudly President Obama, who began his journey to the White House here in the Rockies. Delegates flew into the Longmont airport.

For a Colorado city to be truly great--it should have a diversity of public services, having an airport is one of those services. I am so proud to have bought our first home in Longmont from Tom and Sandy Hoog and the Hoog family. He was an airport user and a hugely important figure in commerce and non-profit philanthropy.

As you know, Colorado was also home to the famed US Army's 10th Mountain Division helping us to win the war against tyranny in Europe. Shortly thereafter the Longmont Airport was born in October 1945. Over the nearly 80 years in the history of the Longmont Airport countless young men and women have earned their wings learning to fly from the airport, having been inspired by the lure of flight. I imagine our local hero—Boulder native Scott Carpenter, a naval aviator and Mercury Seven astronaut, might have been inspired by flights he observed in BoCo. Longmont's own astronaut Vance Brand was inspired this way and the airport is deserving of his name to celebrate his service to our country.

Modern West development has been cited as an incompatible use of the land by the Federal Aviation Administration in multiple letters to the city. This warning from the FAA leads me to believe that approval by the Longmont Planning and Zoning Commission is just a prelude to the City deciding to close the Vance Brand Longmont Airport. I draw this conclusion from my knowledge that the airport is an enterprise zone and requires funding from the FAA and the State of Colorado to keep operating. While my first concern is for the risk to human life, this development puts the very existence of our airport at risk. This does not inure well for our elected and appointed leaders or to the citizens who are proud to say Longmont has an airport.

The Longmont Airport provides many unseen services to the residents of Longmont and is a key element of our Front Range and Colorado Aviation Infrastructure. It provides tens of millions of dollars a year of benefit to the City of Longmont and is a source of many jobs on and off the airport. It helps attract industry to the area (think Smuckers!) and serves us in times of need and natural disasters. Most of all it provides a source of wonder and awe for our citizens. Watching the parachutes descend over the airport, reminiscent of that 10th Army legacy—a beautiful expression of the human spirit.

Lastly, the future of flight is changing with the advent of electric aviation connecting the city with sustainable flight to Front Range airports and beyond. These new clean and silent aircraft will also enable currently underserved Coloradans to learn to fly as the cost is so much lower than current aircraft. Longmont should be investing in the airport, not deliberating on closing this valuable resource. The Vance Brand Airport is just one of the elements that make the City of Longmont a great American City. An All-American City.

Please make a savvy, thoughtful decision—NOT the plan to build a high-density multi-use project at the end of the runway—ensuring a bright future for the City of Longmont.

Sincerely,

George W. Durazzo, Jr.
Manager, Longmont

Cc: Harold Dominguez, City



document with you from Google Docs.

From: [Lisa DeMusis](#)
To: [Jennifer Hewett-Apperson](#); [Longmont Planning](#)
Subject: [External] Voicing Concerns on Modern West 2 in regards to Vance Brand Airport
Date: Tuesday, July 30, 2024 11:34:31 AM

Dear Ms. Hewett-Apperson and the Longmont Planning Committee,

I've recently learned of the development plans for Modern West 2, and as a Longmont homeowner and patron of the Vance Brand Airport I wanted to express my concerns leading up to the Public Hearing. I realize there are discussions and plans in place, and I'd like the opportunity to share my perspective, which touches on many of the known challenges:

The approved Modern West development plan across Airport Road on the extended centerline of runway 11/29 at Vance Brand Airport (KLMO) poses significant threats to the continued operation and safety of our local airport.

KLMO has been a vital part of Longmont's community serving as a hub for emergency services, aviation-related education, and recreation.

The FAA has expressed concerns that the Modern West development constitutes an incompatible land use under the City/FAA Grant Assurance Agreement. This land use may jeopardize future grant funding, ultimately leading to the closure of Vance Brand Airport.

I urge the City Council to reconsider the approval of the Modern West development. It is crucial that any new development near KLMO complies with FAA regulations and ensures the safety and operability of the airport. I propose the following actions to mitigate potential impacts:

- 1 Enforce strict height limits on structures near the airport
- 2 Implement noise compatibility measures
- 3 Establish safety buffers and clear zones around the airport
- 4 Increase transparency and involve community stakeholders and airport users in planning decisions

It is imperative that we protect KLMO from developments that threaten its viability. With thoughtful planning and collaboration, we can find a balanced solution that supports both community growth and the preservation of our airport.

I look forward to a positive and constructive dialogue to ensure the continued success and safety of Vance Brand Airport.

Thank you for your consideration,

Lisa DeMuis
lisademuis.com

LOPA Position Paper on the Modern West 2 development

LOPA strongly opposes the Modern West 2 development at this location. Safety is the primary issue.

Recently LOPA (Longmont Owners and Pilots Association) discovered that a local developer wants to build an affordable housing residential building up to four stories tall on the approach to Runway 29. If the city of Longmont approves the present location of the proposed structure, aircraft on final approach for Runway 29 are legally allowed to be as low as 25 feet above the rooflines. This provides for almost no margin for error or leeway for mechanical problems at the most critical phase of flight, landing safely. The same is true, but in many ways more problematic for aircraft taking off on Runway 11 if they incur mechanical issues. The bottom line is that residential structures in this area will create significant hazards putting people at risk in this area during take-off and landing operations. With an average of 400 hundred operations a day, the noise complaints would certainly increase significantly. The FAA has sent several letters to city officials beginning in June 2023 stating clearly that the Modern West 2 development is “an incompatible land use” with the airport. The latest letter received in July 2024 reminds the city of its responsibility to protect that land under its grant assurance responsibilities with the FAA. If the FAA determines the land under question has an incompatible use, Longmont would be responsible for reimbursing the FAA for the grants received and damages Longmont has caused to the FAA transportation infrastructure. Without the grants the State and Federal governments provide to the airport to maintain the airport infrastructure and operations, there is the possibility that the airport could be closed. Airport businesses would be forced to close before many of the leases mature, possibly resulting in class action lawsuits for the financial loss caused to the airport tenants.

The latest (2020) State of Colorado Airport Economic Impact Report states that the Longmont airport generates \$68 million per year to the state economy and is directly responsible for 390 jobs. Not only is the airport an economic engine for Longmont and the State, but the statewide aviation infrastructure also benefits from the airport’s convenient location for many local, regional and national companies.

The future of the airport is a critical asset to the city and can be even more impactful Longmont enables more investment in the airport. Electric aircraft technologies and vertical takeoff and landing aircraft and infrastructure is on the cusp of being deployed across the country. Communities in Colorado are already preparing for this wave which will connect communities with clean transportation options. Longmont should be part of this exciting development. At the airport, most of the infrastructure and hard work is already complete in that we are already part of the National Airspace System. Looking to the future, local STEM programs in the St. Vrain School district, Front Range Community College and universities have programs in Aerospace, Astrophysics and various Engineering disciplines that currently use, and could expand their use of the Longmont Airport. If the City of Longmont would provide strong backing for the airport, the sky really is the limit to the possibilities of what this unique and valuable airport can do to support the community.

Longmont Owners and Pilots Association is a group of pilots, business owners and investors that formed and belong to the association to provide information and suggestions for the benefit of the airport and the citizens of Longmont.

From: al_man@gmx.com
To: [Jennifer Hewett-Apperson](#); [Longmont Planning](#)
Cc: [Rick Basiliere](#); [Dave Copp](#)
Subject: [External] LOPA position on Modern West 2
Date: Wednesday, July 31, 2024 6:57:03 AM
Attachments: [LOPA Position Statement on the Longmont Airport.pdf](#)

Dear Longmont Development and Planning,

Attached is the (LOPA) Longmont Owners and Pilots Association position statement on the Modern West 2 development. The Federal Aviation Administration has stated that this development is "an incompatible land use" and the city has continued to proceed with the development process against the FAA's and the Longmont Airport Advisory boards' recommendation. Please consider how the approval of this development as it is designed, will impact the quality of life of the tenants, the safety of the aviators, their passengers and also those on the ground should anything catastrophic occur.

Best regards,
Al Manley LOPA Sec

Rick Basiliere LOPA Pres
Dave Copp LOPA VP

July 17, 2024

To: Honorable Mayor Joan Peck

Councilmember Diane Crist

Councilmember Susie Hidalgo-Fahring

Councilmember Marcia Martin

Councilmember Sean McCoy

Councilmember Aren Rodriguez

Councilmember Shiquita Yarbrough

From: Patrick Koprowski

2640 Pheasant Dr.

Longmont, CO 80503

And

229 Airport Rd.

Hangars 62, 71, 72, & 74

Longmont, CO 80503

Re: Opposition to proposed Modern West 2 residential development

Dear, Mayor & Members of the City of Longmont Council,

My Name is Patrick Koprowski, I attended the 7/11/24 Airport Advisory Board meeting. My voice was compromised that day so I chose not to speak in opposition at that time.

I am a fifth-generation resident of Boulder County, a 44 year resident of Longmont, and a 43 year user of the Longmont Airport. Starting when I was 14 I rode my bicycle from our home on 3rd Ave. to the Longmont Airport to fly with my Uncle who taught me to fly. I have achieved all of my pilot ratings through Airline Transport Pilot, and I currently own three aircraft based at the Longmont Airport.

In 2019 I embarked on a development at the Airport, I built a complex of four new Hangars on the north west end. This included all of the infrastructure, drainage improvements, and other public improvements. I invested \$2.125 Million dollars in this project.

The project was completed in mid-2022. I now operate an aircraft maintenance business there and employ five people.

We specialize in maintaining higher end cabin class aircraft, most of our clients travel here from other states.

The City receives revenue from the operation in the forms of sales taxes, top of the scale land lease rates for my new area, and flow fees and taxes from the fuel purchased by myself and our customers. From our overnight customers, lodging, restaurant's, rental cars, and local tourism dollars are spent here.

I am currently 2 years into 30 year land leases with the City. I fully intend to continue operations and hopefully expand the operations, potentially to develop on the south side of the airport as well.

I also fully expect the City to honor it's obligations to the airport, airport users and tenants by continuing to support a thriving airport backed by all available federal funding.

There is little doubt that by allowing this Modern West 2 development to proceed that the airport will be severely compromised or destroyed.

Obviously, all airport users will be impacted, but personally the lives of my employees current and future, the revenue the City receives, as well as my personal investment are all at risk here.

In the 43 years I have flown in and out of the airport I personally know of four instances in which aircraft in distress due to an emergency had to use the area proposed by Modern West 2 to be built on to make an off airport emergency landing.

As I recall, all of these emergencies ended successfully with no loss of life. The only property damage was just bent airplanes and scarred grass.

This may not be the case in the future if the proposed high density structures are allowed to be built at this site. This high density project could not be more displaced.

Safety concerns for all is clear in this instance and should be the primary driver in the City's decision.

I understand the City's need and desire for affordable housing, as a resident I support that. However, there is no way that Modern West 2 at this site will not negatively impact the airport, and no way that the airport will not negatively impact the lives of future Modern West 2 residents.

Allowing this zoning change and this development to proceed at this site is lose, lose.

It is my understanding that the FAA and CDOT have expressed the same concerns.

Undoubtedly when the developer purchased this parcel of land it was clear that there would be building limitations due to the proximity to the airport.

This developer appears to be unconcerned with safety and quality of life for its future residents by attempting to force this development through at this site.

I suggest that this site is likely not a make-or-break location for Modern West 2 to be built in the City of Longmont.

The city may well reject this zoning change, and still see the benefits of this or another similar development at another site. This would be the ideal result for all parties.

Respectfully but also in the strongest way possible I request the Longmont City Council and Mayor Peck please reject the zoning change and protect the true gem of an asset our airport truly is.

Regards,

Patrick Koprowski

Bestaviationpat@gmail.com

303-829-6577

From: Patricia Cullen <hathcockcolorado@gmail.com>
Sent: Monday, July 15, 2024 4:16 PM
To: Marcia Martin <Marcia.Martin@longmontcolorado.gov>
Cc: harrison.earl@gmail.com <harrison.earl@gmail.com>; brad.schuster@aopa.org <brad.schuster@aopa.org>; Joan Peck <Joan.Peck@longmontcolorado.gov>
Subject: Re: [External] Marcia Martin wants to hear from Airport Advisory Board

Hi Marcia,

Please read this letter from the FAA dated June 13, 2023, sent specifically to Longmont Vance Brand manager, and NOT a general letter to regional airports, as you indicated in a phone call today, July 15, 2024, with me about Modern West development and its potential impacts on Vance Brand Airport.

The FAA is VERY clear in the attached letter, that this development is INCOMPATIBLE LAND USE for the Vance Brand Airport and a safety hazard for pilots and passengers taking off and landing at Vance Brand Airport.

I am going to forward this to a larger audience to make them aware and also be sure they come to the City Council meetings in July.

Thank you.

Regards,

Patricia Cullen
1124 Chestnut Dr, Longmont, Co 80503
303-506-0405

On Mon, Jul 15, 2024 at 4:09 PM Marcia Martin <Marcia.Martin@longmontcolorado.gov> wrote:

Patricia,

Just got off the phone with Harrison, who explained that things have changed in the past week as both CDOT and FAA are not focused explicitly on Modern West and Longmont. Things are very much different than when Council received its presentation in May.

Sorry to have scared you, but I'm all caught up now.

Thanks for making the call and giving me a head start on the matter.

Marcia

From: Patricia Cullen <hathcockcolorado@gmail.com>

Sent: Monday, July 15, 2024 4:05 PM

To: harrison.earl@gmail.com <harrison.earl@gmail.com>

Subject: [External] Marcia Martin wants to hear from Airport Advisory Board

Hi Harrison,

Great to meet you at the Longmont Airport Advisory Meeting, July 11, 2024.

I just got off the phone with Marcia Martin, Ward 2 city council rep. She seems to believe there are no safety issues with building Modern West development on Rogers Road in Longmont CO. , Marcia also believes the FAA letter is NOT binding and was sent to 5 Colorado airports.

Marcia apparently knows and trusts you but has not heard from you on this important airport matter.

I copied Brad Schuster, Northwest Mountain Regional Manager of AOPA on this email. and other interested parties.

Thanks!

Pat Cullen and Scott Hathcock
1124 Chestnut Dr, Longmont, Co 80503
Hanger South 5G owners
303-506-0405

July 30, 2024

Dear Jennifer and City Council Members:

I am a 25 year resident of Longmont, and live one mile south of proposed Modern West 2 Development.

Here are the reasons to reject this subdivision plan and send it back to Planning and Zoning for reversal:

1. Notice of the Planning and Zoning Vote for Modern West, on June 26, 2024, was not given to local residents like me and airport users, business owners and hanger owners.
2. The 2024 FAA letters send to Mayor Peck and the city council, as well as the 2023 letter sent to the airport manager, should be taken seriously about the city being a steward of the federal grants taken to improve our airport and that Modern West 2 is incompatible use of surrounding land that encroaches on pilots taking off and landing there.
3. Its a really risky idea to build commercial and residential buildings in line with the Vance Brand Runway, given the Quiet Skies complains in the past about noise from our Skydiving Operation. These homes are much closer to that noise and its not a good place to live, under an approach to an airport runway.

As further support of our airport, remember, we fight fires with airplanes and helicopters In Colorado. Those aircraft need to refuel and its essential to leave Vance Brand In good shape, with full support from the FAA, for those aircraft to land and refuel to fight fires.

Also its essential to youth who want to attend the US Air Force Academy to get Some flight time in high school, or even a pilots license. Having an airport and Instructors in Longmont, has helped many local graduates gain admission.

I remember bringing my sons to Airport Expos for years, and want to see Vance Brand continue it fine tradition of training pilots and STEM activities with good standing From the FAA.

Sincerely,

Patricia Cullen
1124 Chestnut Drive
Longmont, CO 80503
303-506-0405

From: [Patrick Doughty](#)
To: [Jennifer Hewett-Apperson](#)
Subject: [External] Urgent Concerns Regarding Modern West Development Impact on Vance Brand Airport
Date: Thursday, August 1, 2024 10:11:46 AM

Dear Jennifer Hewett-Apperson,

I am writing to express my concern about the approved Modern West development plan across Airport Road on the extended centerline of runway 11/29 at Vance Brand Airport (KLMO). This project poses significant threats to the continued operation and safety of our local airport.

KLMO has been a vital part of Longmont's community serving as a hub for emergency services, aviation-related education, and recreation.

The FAA has expressed concerns that the Modern West development constitutes an incompatible land use under the City/FAA Grant Assurance Agreement. This land use may jeopardize future grant funding, ultimately leading to the closure of Vance Brand Airport.

I urge the City Council to reconsider the approval of the Modern West development. It is crucial that any new development near KLMO complies with FAA regulations and ensures the safety and operability of the airport. I propose the following actions to mitigate potential impacts:

- 1 Enforce strict height limits on structures near the airport
- 2 Implement noise compatibility measures
- 3 Establish safety buffers and clear zones around the airport
- 4 Increase transparency and involve community stakeholders and airport users in planning decisions

It is imperative that we protect KLMO from developments that threaten its viability. With thoughtful planning and collaboration, we can find a balanced solution that supports both community growth and the preservation of our airport.

I look forward to a positive and constructive dialogue to ensure the continued success and safety of Vance Brand Airport.

Thank you,

Patrick Doughty

From: [Reed Silberman](#)
To: [Jennifer Hewett-Apperson](#)
Subject: [External] Save Vance Brand Airport
Date: Thursday, August 1, 2024 10:50:08 AM

Dear Jennifer Hewett-Apperson,

I am writing to express my concern about the approved Modern West development plan across Airport Road on the extended centerline of runway 11/29 at Vance Brand Airport (KLMO). This project poses significant threats to the continued operation and safety of our local airport.

KLMO has been a vital part of Longmont's community serving as a hub for emergency services, aviation-related education, and recreation.

The FAA has expressed concerns that the Modern West development constitutes an incompatible land use under the City/FAA Grant Assurance Agreement. This land use may jeopardize future grant funding, ultimately leading to the closure of Vance Brand Airport.

I urge the City Council to reconsider the approval of the Modern West development. It is crucial that any new development near KLMO complies with FAA regulations and ensures the safety and operability of the airport. I propose the following actions to mitigate potential impacts:

- 1 Enforce strict height limits on structures near the airport
- 2 Implement noise compatibility measures
- 3 Establish safety buffers and clear zones around the airport
- 4 Increase transparency and involve community stakeholders and airport users in planning decisions

It is imperative that we protect KLMO from developments that threaten its viability. With thoughtful planning and collaboration, we can find a balanced solution that supports both community growth and the preservation of our airport.

I look forward to a positive and constructive dialogue to ensure the continued success and safety of Vance Brand Airport.

Thank you,

Reed Silberman

Cell: [970-376-4375](tel:970-376-4375)

From: [Rick Basiliere](#)
To: [Jennifer Hewett-Apperson](#); [Longmont Planning](#)
Cc: [Rick Basiliere](#); [David Copp](#); [John Grunsfeld](#); [Al Manley](#)
Subject: [External] Modern West 2
Date: Tuesday, July 30, 2024 4:06:49 PM
Attachments: [LOPA position presentation 7 23 2024.pages](#)

Jennifer et al.

My name is Richard Basiliere, I am the President of LOPA. Longmont Owners (of hangars) and Pilots Association. Please inform me if this avenue, sending a transcript to you of my proposed talk to Council, is appropriate. We were told by Mayor Peck that speaking about Modern West 2 at the 7/23/2024 meeting was inappropriate and not to be allowed. I do however, wish to get my concerns on Public Record.

I will attach my transcript.

Thank you

Respectfully
Richard Basiliere

From: [Marcia Martin](#)
To: scott_hathcock@alum.mit.edu
Cc: [Jennifer Hewett-Apperson](#)
Subject: Re: [External] City Council & Mayor Contact Form [#3218]
Date: Friday, August 2, 2024 9:10:28 AM

Mr. Hathcock,

I am responding as your ward (2) representative to ask you please not to communicate with me or other Council Members on the subject of Modern West 2. I have forwarded your email to Jennifer Hewett-Apperson, the Principal Planner in charge of gathering material for the public hearing by Council, scheduled for Tuesday evening, August 27.

Council acts in a quasi-judicial role in this matter, and what you have sent to Council is known as an ex parte communication. It's outside the controlled process of quasi-judicial action.

I have (properly) not read your letter past the first two lines that allowed me to infer the subject before redirecting it to the proper document manager.

Regards,

Marcia Martin

From: City of Longmont, Colorado <no-reply@wufoo.com>
Sent: Thursday, August 1, 2024 9:36 PM
To: City Council & Mayor <City_Council_Mayor@longmontcolorado.gov>; CityofLongmont <CityofLongmont@longmontcolorado.gov>; Sandi Seader <Sandra.Seader@longmontcolorado.gov>; Erica Mares Moncada <erica.maresmoncada@longmontcolorado.gov>
Subject: [External] City Council & Mayor Contact Form [#3218]

Name	Ronald Hathcock
Address	<input type="checkbox"/> 1124 Chestnut Dr. Longmont, CO 80503 United States
Email	scott_hathcock@alum.mit.edu
Confirm Email	scott_hathcock@alum.mit.edu
Home Phone Number	(303) 638-3861
Type of Comment.	Problem
Comment is regarding	ModernWest 2

Comment Area

I am writing this to request that the Longmont City Council not approve the ModernWest 2 development.

The City has accepted millions of dollars from the Federal Government as part of the Airport Improvement Program. In return the city has signed a contract with the Federal Government. The FAA has sent 2 letters (John Sweeney 6/13/2023, and John P. Bauer 7/2/2024) determining that ModernWest 2 is incompatible with the airport and violates the Grant Assurance #21 Compatible Land Use clause of that contract. The City of Longmont (and you it's elected representatives) have a legal and moral responsibility to honor the contract that Longmont has with the Federal Government. Failing to do so by allowing ModernWest 2 is no different than the City choosing to default on a bond or failing to pay for road work.

After watching the recording of the Planning and Zoning Commission meeting 6/26/24, I am convinced that the Zoning Commission was misled and confused. The primary point of confusion was the letter of No Hazard to Air Navigation. This letter is the result of filing FAA Form 7460-1 which is required by the FAA for certain structures. While a Hazard to Navigation finding would certainly indicate incompatible land use, a finding of No Hazard to Air Navigation does not indicate compatible land use. This was pointed out in both FAA letters. There were several comments in the meeting (time stamps: 1:39, 2:07, 2:57, 3:13) made by the Developer's attorney citing the one letter but discounting the FAA letter calling out incompatible land use. Of course this attorney's job is to get the project approved and has no responsibility for the city's commitments.

I am also shocked that the City Planning department is surprised by the FAA letter and does not already have expertise in the required zoning around the airport. Longmont has (based on Bauer) been receiving grants since 1988! The attitude of the City Planner toward the FAA is also troubling. There was discussion of using AC 150/5190-4B – Airport Land Use Compatibility Planning to meet the compatible use requirement. Some changes were made to the proposal based on this document. When asked if the new proposal had been sent to the FAA (time stamp 3:09), the City Planner indicated they did not because (time stamp 3:19) they did not believe the response would be any different.

In conclusion, the City Council has a legal and moral obligation to ensure that they uphold the City's responsibility to the Federal Government in regard to the Airport Grant Assurance. If Council is not 100% sure that this development meets the compatible use clause, they must not approve it.

Respectfully,
Ronald Scott Hathcock
1124 Chestnut Dr.
Longmont, CO 80503

From: [Jennifer Hewett-Apperson](#)
To: [Shirley Williams](#)
Subject: RE: [External] Modern West 2
Date: Wednesday, July 31, 2024 9:26:00 AM

Thanks for reaching out. I am less than a mile from the easternmost voluntary evacuation zone for the Alexander Mountain fire, so it's definitely been a nail biter.

You are correct that the proposed ModernWest 2 project is not an annexation per se. The application under review is a concept plan amendment, which is tied to the original annexation agreement for the property. So while the application is not technically an annexation, it is related to the original annexation, which I suspect is the cause of the mix up. The staff report and presentation to Council will clearly reference this.

Thanks,

Jennifer Hewett-Apperson, AICP

Principal Planner | she, her, hers

Planning and Development Services Department | City of Longmont

—

OFFICE 303-651-8439 | **MAIN** 303-651-8330

From: Shirley Williams <shirleylunani@gmail.com>
Sent: Wednesday, July 31, 2024 8:48 AM
To: Jennifer Hewett-Apperson <jennifer.hewettapperson@longmontcolorado.gov>
Subject: [External] Modern West 2

Hello Jennifer, I have heard that you are living in or near the fire zone. I hope you are doing ok and are safe. I am writing to you because Mayor Peck keeps referring to Modern West2 as an annexation. She made this error twice during the Open Forum last night and once at the last Council Meeting on July 23. I hope you can correct this as I would not want the public record to reflect this error. As far as I have heard, Modern West2 is a Concept Plan Amendment. Thank you for all you do and be safe, Shirley Williams

From: [Marcia Martin](#)
To: [Ron Secrist](#); [Jennifer Hewett-Apperson](#)
Subject: Re: [External] Sky Diving Operations
Date: Friday, July 26, 2024 8:44:22 AM

The zoning is not settled, and a related matter is currently slated to come before Council in its quasi-Judicial role. So I can't discuss that, but please send any communications you wish to get on record to Jennifer H-A, whom I have added to this email.

Thanks for your interest.

Marcia

From: Ron Secrist <rvsecrist@comcast.net>
Sent: Thursday, July 25, 2024 6:58 PM
To: Marcia Martin <Marcia.Martin@longmontcolorado.gov>
Subject: Re: [External] Sky Diving Operations

Thank you for your prompt reply and providing additional context to the matter. I'm not pursuing a campaign. Just interested in the subject. The aspect that I find most confounding however, is the City's main response to airport related complaints is, the federal FAA oversees airport use thus giving the impression that there's little that can be done. Yet, the City uses its zoning powers to allow residences within proximity to the airport. So, in essence, the City makes its airport more of a nuisance to neighbors, but then exclaims it has little authority to affect operations. The primary use of the airport likely causes tolerable impacts. After all, people know they are living near an airport and made the choice to do so. It's the ancillary uses that cause the most distress—the constant and repetitive noises. So, in conclusion, I believe a more forthright approach to complaints and issues is merited and if there's really little that can be done, then don't exacerbate the issue with local zoning policies and practices.

Thanks for listening and again for the response. Sincerely, Ron Secrist

Sent from my iPhone

On Jul 25, 2024, at 10:32 AM, Marcia Martin
<Marcia.Martin@longmontcolorado.gov> wrote:

Ron, you are correct that Mile-Hi's premises lease and business license are matters of contract with the City. Airport Manager Levi Brown can provide you with details - the contracts are matters of open record.

The FAA does scrutinize the airport's business dealings to ensure that we are not discriminating among aviation-related enterprises, though. Mile-Hi's proprietor is very much aware of his rights in that regard. So it's not a matter of just denying an

existing business a contract extension because people don't like the sound or frequency of the traffic it generates. Again, Levi can tell you more, and more accurately, than I can. The City has successfully enforced against egregious rules violations by Mile-Hi, and that reduced the number of trips somewhat. However, his remaining in Longmont after losing that dispute probably means that the business is lucrative enough that it will remain even when forced to follow the same standards as other airport businesses.

I hope this is helpful to you.

Regards, Marcia Martin

From: Ron Secrist <rvsecrist@comcast.net>

Sent: Thursday, July 25, 2024 12:11 PM

To: Marcia Martin <Marcia.Martin@longmontcolorado.gov>

Subject: [External] Sky Diving Operations

I'm assuming the sky diving operation at the Vance Brand Airport is regulated by contract. If so, how long is the contract and when is it up for renewal? Thank you.
Ron Secrist, 4517 Angelina Circle, Longmont.

Sent from my iPhone

From: [Aidan Sesnic](#)
To: [Jennifer Hewett-Apperson](#)
Subject: [External] Comments on Modern West 2 project
Date: Sunday, August 4, 2024 8:41:01 AM

Aidan Alexander Sesnic
8012 Mukilteo Speedway #118
Mukilteo, WA, 98275
aidansesnic@gmail.com
4 August 2024

Longmont City Council
350 Kimbark Street
Longmont, CO 80501

Dear Members of the Longmont City Council,

I am writing to express my serious concerns regarding the proposed ModernWest 2 housing complex, planned to be located adjacent to Longmont Vance Brand Airport. As someone who learned to fly at this airport and holds it dear as the starting point of my career in the aviation industry, I feel compelled to voice my opinion regarding the hazards this development poses to aviation safety, despite having personally moved away from the Longmont area.

I work as a Flight Deck Design Engineer at Boeing Commercial Airplanes, specifically on the 737. My professional experience includes designing, evaluating, and certifying flight deck systems to ensure they meet the highest standards of safety and hold up to the most rigorous regulatory scrutiny. With a B.S. and M.S. in Aerospace Engineering from the University of Colorado - Boulder, as well as a Private Pilot's License, my background equips me with a thorough understanding of aviation safety, aircraft performance, and our national airspace system.

The proposed complex, standing at four stories tall, is situated within a mere 2200 feet of the end of a runway. This proximity constitutes a genuine hazard to the numerous aircraft that utilize Vance Brand Airport. Specific risks include, but are not limited to:

1. **Engine Failure Hazards:** In the unfortunate event of an engine failure, an aircraft may have no alternative but to collide with the development, as this proposed structure displaces what is otherwise a suitable field to land an airplane in an emergency. The close proximity of such a tall building significantly increases the likelihood of a catastrophic incident.
2. **Climb Performance Issues:** Aircraft may struggle to climb quickly enough to clear the proposed building at a safe altitude, especially in the high-density-altitude conditions common in Colorado, which significantly worsen an airplane's climb performance.
3. **Instrument Approach and Landing Hazards:** This proposed structure sits along the extended centerline of runway 29. When aircraft are following the standard 3-degree glide slope, they will clear the proposed structure by only about 100 feet - approximately three wingspans. This is way too close for comfort, especially considering the risk of unexpected descent during windshear events, which are quite common in summertime. This runway also has several instrument approach procedures guiding pilots to a safe landing even in the case of high cloud cover and limited

visibility. The existence of instrument approaches here makes this proposed obstacle all the more hazardous.

Furthermore, approving this development contravenes the requirements set forth by the Federal Aviation Administration for municipalities that receive federal funding for airport improvement projects. These requirements mandate that the city maintains the area surrounding the airport in a manner conducive to ongoing aviation activities. The FAA has already determined that this development likely breaches the agreement, highlighting the severity of the issue. This item alone should be sufficient grounds for the City to reject this proposal.

Local airports like Vance Brand Airport provide immense benefits that cannot be overlooked. They are critical training grounds for future pilots and other aviation professionals. The men and women in our industry ensure the safety and efficiency of our global aviation infrastructure and contribute well over a trillion dollars to the US economy. As an engineer at the country's largest exporter, my journey began at this very airport. The skills developed at such local airports benefit everyone, from those receiving overnight shipments, to individuals flying in absolute safety to their vacation destination, and even to communities protected from Colorado's wildfires by aerial firefighting capabilities.

In light of these significant safety concerns and the broader value that Vance Brand Airport provides, I strongly urge the City Council to deny the development request for the ModernWest 2 housing complex. Prioritizing aviation safety and compliance with FAA requirements is paramount to maintaining the high level of safety aviation is known for.

Thank you for your attention to this critical matter.

Sincerely,

Aidan Sesnic

From: [Chris Pankratz](#)
To: [Jennifer Hewett-Apperson](#)
Subject: [External] Longmont Airport
Date: Friday, August 2, 2024 6:25:36 PM

Hi Jennifer,

I'm writing to express my concern over the city's planned development immediately east of the Longmont airport, which undoubtedly will have harmful affects on the future of the airport. Please include me in the information you will be providing to the city council.

Thanks,
Christopher Pankratz
N7028, based at KLMO

From: [Isaac Reynolds](#)
To: [Jennifer Hewett-Apperson](#)
Subject: [External] Opposition to the ModernWest 2 project
Date: Saturday, August 3, 2024 5:02:47 PM

Hi, Jennifer,

I won't be able to attend the city council meeting in person due to business travel, but I'd like to make a comment per the process [here](#).

I've been a hobbyist pilot for almost 7 years, and as I've moved around the country I've called several airports "home". I've been flying exclusively from Vance Brand Airport for the last 6 months or so, after spending a year and a half flying from Rocky Mountain Metropolitan Airport in Broomfield.

In total, I spend about \$17,000 per year at small businesses located at the airport. My dollars:

- Support local flight instructors who are themselves still in training to become airline pilots.
- Support the local operator (Elite Aviation) purchasing fuel and aircraft storage (tiedowns).
- Support the local flight school business (Aero-Sphere).
- Support a community that has organized flyovers, pancake breakfasts, and car shows just in 2024 with hundreds of attendees.

If the airport would allow additional development, I'd like to purchase a newly-built hangar for \$100,000 - \$150,000. I would like all of this money to stay in Longmont rather than alternative airports because it's the community where I live. Also, the instructors and operations at Longmont are safer and higher-quality than the "pilot mill" at Rocky Mountain Metropolitan in Broomfield where I was once a member.

The ModernWest 2 project would put at risk the dollars I – and many other pilots – put into Longmont back into other neighboring communities because:

- The FAA may reduce federal funding that keeps Vance Brand operating today.
- The buildings encroach on the safe path to landing, which make the airport less usable in hazy, foggy, smoky, or cloudy conditions that are becoming so much more common.
- Over half of all small-airplane crashes happen immediately around the airport, especially right before landing, and these crashes might harm bystanders at ModernWest 2 instead of only the pilots.
- The buildings encroach on a safe zone around the airport where pilots may land if there is an emergency immediately after taking off.
- It may eliminate or modify the "instrument" approach to the runway certain flights require.
-

It creates additional noise conflict between the longtime airport community and other Longmonsters.

All of those make Vance Brand a less useful, less safe airport that will bring fewer dollars to local businesses and their employees.

I hope you'll consider an alternative: encourage the development to move north or south, not directly lined up with the runway. I moved to Longmont because, unlike community horror stories like Seattle, LA, and San Francisco, there's enough empty space here that we can expand and improve Longmont without having to harm or even delete existing communities. Flying an airplane is a very precise business, and even moving the development a few hundred yards could make a huge difference in safety and usability.

Even mandating that there is a long, wide, clear park in the middle of ModernWest2 aligned with the runway might do that.

Thanks for considering my comments.

Thanks,
Isaac Reynolds
2413 Tyrrhenian Cir Longmont CO 80504
(206) 794-7356

James Macintosh
229 Airport Road, H-73
Longmont, CO 80503

August 7, 2024

Jennifer Hewett-Apperson, Planning and Development Services
City of Longmont, Colorado

Dear Jennifer and the Longmont Planning Team,

I am writing to voice my strong objection to the approval of the Modern West-2 project.

By way of introduction, I am a business owner, father, and pilot with a hangar at Longmont Airport from which I fly for business, personal, and community service purposes. I am a volunteer for Veterans Airlift Command, which provides free air transportation to combat-injured veterans; Patient AirLift Services, which provides free air transportation to medical treatment for patients unable to fly commercially; and Pilots n Paws, which provides free air transportation for rescue animals from overcrowded shelters to loving homes. These nonprofit organizations have enabled me to extend the benefits of aviation to positively impact lives and communities in Longmont, the rest of the Front Range, and many communities beyond... all from the wonderful resource that is the Longmont / Vance Brand Municipal Airport.

Approval of the Modern West-2 project would be a shortsighted blunder with significant unintended consequences for not only the safety but also the very existence of the Longmont Airport. The Federal Aviation Administration (FAA), the Colorado Department of Transportation (CDOT), and the Aircraft Owners and Pilots Association (AOPA), have all objected to this project (see most recent letters dated 7/2/24, 7/25/24, and 7/2/24, respectively) alongside numerous concerned citizens and businesses. There are three primary reasons for these objections:

1.) Safety: A development of this nature in such close proximity to the approach and departure path of a runway poses an incontrovertible safety risk to the citizens of Longmont on the ground, as well as to pilots and passengers in the air. The Modern West development would be placed immediately in the path of landing and departing aircraft. Aircraft by necessity would fly directly towards or descend directly over the development. On a good day, this would result in aircraft routinely skimming over the rooftops with less than 100 feet of clearance. On a bad day, even just a slight glitch in aircraft performance could result in aircraft colliding with the development, with tragic consequences for those both on the ground and in the air. The location being proposed for development has already been the site of several aircraft emergencies over the past few years, which would have had far worse outcomes if the Modern West development had been in existence at that time. Furthermore, in low visibility conditions, just a slight deviation from the protected glideslope on an instrument approach would result in similarly disastrous consequences. I urge the Planning Team to consider why there are all those bright marker balls on the power lines along South Fordham Street southeast of the airport, which is almost twice as far from the runway as the proposed Modern West development. If the development proceeds, it is simply not a

question of “if” there will be a disaster; but “when”. The Planning Team has a clear responsibility in this regard.

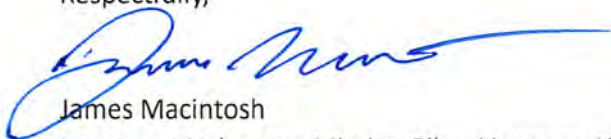
2.) Economics: Both federal (FAA) and state (CDOT) agencies have formally notified the City of Longmont that they view the proposed development as an “incompatible land use” due to its proximity to the Longmont Airport. The Modern West development, if approved, would be in violation of grant assurances with these agencies, which could result in the revocation of existing grants to the City, termination of eligibility for future funding at both the federal and state level, and potential liability of the City to repay 20 years of past grants. If the City of Longmont were to approve the Modern West development, it would be willfully discarding future (and potentially past) federal and state airport grants, and in doing so would be crippling the existence of the Longmont Airport and the economic benefits that it brings to the city (estimated in a 2020 CDOT study at \$68 million per year, with enormous potential for growth).

3.) Community Value: Giving up eligibility for federal and state grants and creating a dangerous safety hazard off the end of the runway would ultimately lead to the closure of the Longmont Airport. If this were to happen, the community of Longmont would permanently lose an invaluable resource. As the father of a student at Niwot High School who loves to visit Longmont Airport and has recently been inspired by the aviation offerings at St. Vrain Valley Schools Innovation Center, I have seen firsthand how a municipal airport can foster enthusiasm for STEM academics and careers. I know of numerous students from the Innovation Center who are continuing their real-world education by pursuing pilot licenses at the Longmont Airport. Longmont has a rare ability to marry the availability and accessibility of its airport with the Aerospace, Engineering, and Astrophysics offerings of both the Innovation Center and the Front Range Community College. This opportunity to create productive pathways for our youth should not go wasted. There are numerous other benefits of the airport to the Longmont community, both tangible and intangible:

- Next-generation transportation: electric aircraft, drone, and next-gen air taxi infrastructure
- Interconnectedness for both businesses and nonprofit organizations: convenient location for many local, regional and national companies and nonprofit organizations
- Research and development operations
- Flight training for future military, public safety, and airline pilots
- Wildfire fighting, medevac, and other public safety missions ([a Times-Call article](#) notes how Longmont’s Vance Brand Municipal Airport was instrumental in the life-saving evacuations that were ordered during the devastating 2013 flood)
- Employment from the numerous businesses already operating directly on the airport

I strongly urge the Longmont Planning Team to take into consideration the above consequences, and to protect and preserve the value of our airport for generations to come, by denying the approval of the Modern West-2 development.

Respectfully,



James Macintosh

Longmont Volunteer Mission Pilot: Veterans Airlift Command; Patient Airlift Services; Pilots n Paws

August 3. 2024

Jennifer Hewett-Apperson, Principal Planner Modern West 2 Development

City of Longmont

Dear Ms. Hewett-Apperson,

I am offering my comments for the record on the proposed Modern West 2 Development. I would like to speak to the consequences to the airport, residents, and airport users.

The proposed development should be denied due to the incompatible land use in the extend runway area.

First, I would like to speak to the improper notification in the approval process. The purpose of notification is for interested persons who might be impacted by a proposal, to give them some agency. No one would be impacted more in this case than the airport hangar owners and airport users; none of whom were notified. Without this involvement the city and the developers have created an incompatible land use. I did watch the June 26 Planning and zoning meeting, and there were no FAA regulators, planners, or pilots to answer safety questions for the commissioners.

The FAA publishes Advisory Circular 150/5190-4B which is the DOT FAA document about Airport Land Use Compatibility Planning. This document was dismissed in the June 26 meeting as having no value in helping with the compatibility issue. There is a wealth of information in this and other documents on how to ensure the land near the airport remains compatible. One of its purpose statements is "airport-compatible land uses are defined as those uses that can coexist with a nearby airport without constraining or restricting the safe and efficient operation of the airport or exposing people living or working nearby to potential negative environmental or safety impacts."

This development most certainly constrains and restricts the safe and efficient operation of the airport and exposes the many people who will be living and working in this development to negative environmental and safety impacts.

I was a professional pilot for 43 years and have been a licensed pilot for 50 years. Mitigating risk is something all aviation professionals keep in mind at all times. When at low altitude particularly during take-off and landing, I am always looking for options should I have a controllability issue.

On approach and landing, aircraft will be passing by the tops of the residences by about 50 feet leaving little room for error due to mechanical, environmental, or experience concerns. Take off is a critical time for an engine failure. The only option is to fly straight ahead and make an emergency landing. With structures and people in the area the chance of injury and loss of life will dramatically increase. There have been several

single engine planes end up in the area of this proposed development. Many twin engine airplanes have very poor if any climb capability if one engine fails. These aircraft would not be able to clear the proposed four-story buildings, or maneuver around them. With the Modern West 1 approval process ahead of this one there would be multi story buildings on both sides of the runway centerline.

As the Advisory Circular says, "The number of people concentrated in an area near the airport is the land use characteristic most closely tied to the consequence of aircraft accidents." The 306 units already in approval process, doubling down on will increase the probability and consequence of accidents.

The most obvious and easily understandable concern for compatibility is the impact of noise on those living and working with airplanes repeatedly flying unimaginably close to their homes and workplaces. We know all too well how much negative impact noise complaints have on airport viability. Creating high density housing in the runway approach area seems insane. Housing this close to a stream of aircraft will reduce quality of life, create stress, and mental health problems. Placing low-income housing in such a dangerous and stressful location seems cruel. Mitigating these problems before construction is much easier and costly than after the fact. The best way to mitigate the problem is to leave the runway approach area free of residential housing.

There will certainly be litigation if this flawed development continues. The DOT, FAA, and Colorado DOT have a stake as they have contracted to make Vance Brand Airport a part of the safe and efficient national and state transportation system. The effected residents will be outraged, and likely join other groups opposing airport noise. The airport users, business owners, employees, and tenants will all be financially affected. This area should have been left in agriculture zoning or bought for open space, not zoned Multi Use/Employment, and approved for high density residential apartments.

The Longmont airport is an economic driver in many seen and unseen ways. There are many studies depicting how much affect a vibrant airport has on the economy of the local municipality. This proposed degradation of safety and the consequence of the noise impacts will cause investment and the safe operation of aircraft to dwindle. The city could lose a valuable asset.

The "FAA expects the Airport Sponsor to take all available steps available to establish and exercise zoning controls necessary to prevent any new incompatible land uses". In our case the city owns and runs the airport and has control of the land use.

Respectively,

Jay D Gleitz

1632 Sherman Way, Longmont, CO 80501

From: [jeffrey stuffings](#)
To: [Jennifer Hewett-Apperson](#)
Subject: [External] Modern West 2 Development
Date: Tuesday, August 6, 2024 3:07:42 PM

Jennifer Hewett-Apperson, AICP
Principal Planner
Planning and Development Services Department | City of Longmont

Subject: Modern West 2 Development, Longmont Airport.

Good afternoon Jennifer,

I am a retired airline Captain from a major U.S. company with thousands of flight hours and experience of heavy jet flying worldwide.

I currently base my own aircraft at the Longmont Airport, KLMO.

The most dangerous phase of flight either heavy jet airline or small general aviation aircraft is in the landing or takeoff regime. This phase

Is where over 95% of accidents happen. Because of this the Federal Aviation Agency "FAA" has learned over many decades to be very

proactive in the name of public safety. One of the ways the FAA does this is the establishment of rules pertaining to land development/zoning

and therefore protecting the public in airport/runway departure and arrival transition zones . It becomes a "contract" with the city municipality

to receive Federal grant monies for their respective airport as the city of Longmont has done to this point.

As we all now know including the city of Longmont City Council members is the approval and permitting of the Modern West 2 housing

project, as "currently planned", is in violation of the Federal Aviation Rules & Regulations and therefore will loose all grant monies going

forward and most likely be responsible to refund approximately seven million dollars of grant monies from past years.

Possibly a "win, win", for the city, public safety, airport and Modern West 2 developer is a compromise to the proposed development and

zoning in the Longmont Airport runway 11/29 departure and arrival transition zones.

Sincerely,

Jeffrey Stuffings



ENDLESS FRONTIER ASSOCIATES LLC

JOHN MACE GRUNSFELD PhD

President/CEO

229 Airport Road, H-11, Longmont, CO 80503

3 August 2024

Jennifer Hewett-Apperson, Planning and Development Services
City of Longmont, Colorado

Dear Jennifer and the Longmont Planning Team:

These are my comments for the record strenuously opposing the approval of the Modern West-2 Concept Plan Amendment that was presented at the June 26, 2024 Planning and Zoning Commission meeting. For reference, I am the owner of a small aerospace business located at the Vance Brand Longmont Airport. My background is as a physicist, astronaut, NASA senior executive, and a recognized expert in aviation safety.

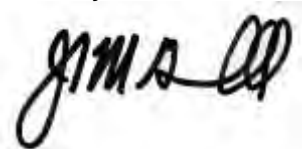
1. On 26 June 2024 I attended the Longmont Planning and Zoning Commission meeting to hear the Modern West-2 Amendment plan briefing. While the project is meritorious for Longmont, it is an incredibly bad idea at the current location. In fact, it would be a disaster for the city, the airport, and for the Modern West development group and future residents. I made these comments to the Planning and Zoning Commission explaining why this development represents a significant risk for aviation, the future of the airport, and the potential loss of a valuable community asset in the airport. I also pointed out the deep flaws in the comments the attorney made representing the developer with respect to the Federal Aviation Administration (FAA). The Commission approved the plan for forwarding to the City Council for Approval. No one representing the airport from the city or from the FAA was in attendance at the meeting to advise the Commission on impacts to the airport. The fact that these two groups were not represented is a flag that the decision to move forward is deeply flawed.
2. The property in question is across Airport Road on the extended centerline of the runway and just a couple of thousand feet from the end of Runway 29/11. Numerous times over the course of the history of the Longmont airport aircraft have landed with mechanical problems in the field that is the target for Modern West. Other local airports have had similar off airport landings: this is why the land is special and protected by the city as required by the FAA. Building the Modern West development in that location is simply not safe, in fact it's crazy. Based on the last 10-years of accident data for aircraft that have had emergency landings in the field where this development is proposed (3 accidents) there is a 95% chance of 1 or more accidents to occur in the same place in the next 10-years and 99.7% in the next 20 years. For a small multi-engine aircraft typical of traffic at the Longmont Airport, an engine failure on takeoff would prevent the aircraft from climbing high enough before it would encounter (crash) into the Modern West buildings at a height about the third floor. Quite simply, from a safety perspective the Modern West Development is an accident waiting to happen with great certainty. At the very least, if the council wants to go forward with the Modern West project, the city should

commission a comprehensive safety study before any approval is issued. I'm confident the result of such a study would convince the council and all parties not to proceed with the project. I've attached at the bottom of this letter a diagram of the airport traffic area and an elevation of the proposed Modern West development. What can be seen in the figures is a veritable 50-foot-tall wall that poses great risk to aircraft and the residents. While there may be some openings between the buildings, and between the Modern West 1&2 developments, the pilot of an aircraft with control problems would not have an option to thread the needle.

3. The airport is an integral part of the Longmont and Front Range community. It provides great economic benefit to Longmont, contributing over \$68M/year to the local economy according to CDOT (2020). It provides opportunities for young people to learn about aviation and aerospace to become future pilots, mechanics, and aerospace leaders. The airport is a gateway for business users to come to Longmont and work with local businesses. It provides recreation for thousands of users, both from the local area and nationally. It is a home for many businesses from corporate aircraft operations, a flight school, skydiving, maintenance operations, and scientific research companies. The job of the city and the city council is to protect and foster this critical resource. If instead of developing the land in the aviation easement area the city was to protect that land and invest in the airport (keeping in mind that the FAA and State of Colorado typically fund 95% of developments at airports through grants) the economic contribution from the Longmont Airport could easily double in the next 10 years. The contribution of the Airport over the next 10-years to the Longmont economy would be \$1B or more. All that is at risk if the City Council approves the Modern West development.
4. The FAA is our nation's steward for aviation. I've worked with them for many years including my time at NASA Headquarters. We are incredibly lucky in this country to have such an effective FAA with dedicated and talented staff. They work tirelessly 24 hours a day, 365 days a year to ensure efficient, effective, aviation and aviation safety. As a result, we have the safest airspace system in the world. The FAA operates a major air traffic control facility in the city of Longmont. They also provide the bulk of the funding for our nation's airports as part of the national airspace system, including the Longmont airport. When they provide us guidance on land use near the airport we should listen very carefully and follow their guidance without prejudice. The FAA has clearly stated in two letters to the City of Longmont that the Modern West-2 development is an inconsistent land use with the airport (i.e. not safe). The Longmont Airport is a part of the National Airspace System. If the City Council decides to go forward with the Modern West development, sacrificing the airport in the bargain, it affects aviation across the Front Range and the Nation. This is a big decision that needs more deliberation and consideration with a broader community, especially more engagement with the FAA.
5. At the Planning commission the presentation did not consider the safety issues of locating the Modern West development at that location. In fact, the attorney for the development misled the Commission indicating that FAA approved of the development which is completely incorrect. The FAA doesn't approve developments. The fact is that the FAA has sent multiple letters to the city specifically telling the city that the Modern West development is an incompatible land use with the airport. As often occurs, the dollar signs a developer sees outweighs all other considerations including other impacts to the community and even safety of the people who would occupy the development. To that point, the packet presented to the board, but not at the meeting shows that aircraft could fly over residences as low as 6 feet above the building height (40:1 protected area), meeting the obstacle identification surface on a routine basis. Clearly this is not reasonable for a new housing development. Aircraft departing runway 11 will be seen out the windows of residences of the development approaching at eye level from just a few hundred feet away with normal operations all day long. Frightening at the very least.

6. If the Modern West development is given approval to proceed this is what I predict will be the result:
 - a. The FAA will stop airport funding as a grant assurance violation (contract with the city). That includes the sustaining funding, and pending grant applications.
 - b. As an enterprise zone, the airport will be forced to cease operations; i.e. airport closure.
 - c. The FAA at their discretion might sue the city for repayment of 20 years of past grants due to the violation.
 - d. The users and lease holders at the airport will sue individually, and collectively for violating lease agreements and damages for property value and loss of business use.
 - e. Once residents move in, if the airport is still operating, they will sue the city for approving the development so close to the airport and the developers for mis-representing the risks (the developers will be long gone) due to a variety of threats. Acknowledgement of the airports proximity will make no difference as we've seen in Jefferson County. NOBODY WINS, in fact it would be a disaster for the City of Longmont, with crippling lawsuits and financial liability beyond what the city could reasonably bear.
7. Future Longmont residents will condemn the city leaders if the airport goes away due to this or other developments. Longmont will miss out on the next revolution in transportation which is upon us now. This includes sustainable aviation, electric aviation training and regional transportation, and urban air mobility with eVTOL (electric vertical takeoff and landing) aircraft which have already begun service in some regions. Future generations of youth will miss out on being able to participate in aviation and aerospace activities. Even now at the Tech center students are building aircraft and learning about aerospace engineering. Where will they fly if the airport is closed? Not Longmont. *Envision Longmont* specifically calls out the benefits of regional transportation that is the promise of aviation in the near future.
8. In the strongest terms I recommend that the City Council respect the protected area at the ends of the runways and disapprove the Modern West development at that location. Possible suggestions for the Council to resolve this would be:
 - a. Modern West can take their meritorious plan for mixed use development and implement at another location that is not at the end of the runway. In spite of the claim at the planning meeting that this is the only available land in Longmont, there actually are many other places they could acquire and build the project. Just nearby is a large acreage lot for sale, across Hover from the Boulder County Fairgrounds that would be a much better location for their development.
 - b. The city could extend an offer to trade appropriate city 'open space' (or negotiate with Boulder County) for the land at the end of the runway which would resolve the issue for now and the future.
 - c. The Council should Re-Zone the area back to agricultural or at least light industrial compatible use to be consistent with the airport.

Sincerely,



John Mace Grunsfeld

President/CEO Endless Frontier Associates

Astrophysicist/Astronaut



Figure 1 Vicinity of the Modern West development with respect to the runway and aircraft traffic. The development is a wall of building across the departure and arrival path of all aircraft at Longmont.



Figure 2 Proposed Elevation diagram for Modern West Development. Note the red line above the building. That is the bottom of the protected area by the FAA for aircraft (40:1) at 56 feet. Someone on the roof might have to duck when aircraft fly over. A Cessna 172 (typical aircraft at KLMO) and an Embraer Phenom 300 aircraft are overlaid for scale (largest based aircraft at KLMO) at the height that they could in principle cross over the development for landing and meet the FAA requirements.

From: [peter.fox](#)
To: [Jennifer Hewett-Apperson](#)
Subject: [External] ModernWest 2 development
Date: Thursday, August 8, 2024 6:39:23 AM

Hi,

This proposed development by the Longmont airport is in conflict with the airport. Why was this approved? I foresee once again people moving by an airport then complaining about noise. The airport is an asset to Longmont and needs to be given priority, rather than about development.

thank you,
Peter and Sandy Fox

From: [Richard Morrison](#)
To: [Jennifer Hewett-Apperson](#)
Cc: [jeffrey stuffings](#)
Subject: [External] Modern West 2 Development - it's a no for me
Date: Saturday, August 3, 2024 3:33:11 PM

Hello Jennifer,

Thank you for providing a mechanism to get comments to you.

I am an aviator and own 2 houses near airports and sit on the board of one private airport. Now is precisely the time to take action to PREVENT the inevitable of having a community near an airport rise up and put the city on defense. By deciding against the Modern West 2 Development, a project that is situated directly under busy arrival and departure runway, you may save lives.

I just recently lost a very good friend to an aviation accident that occurred near the approach end of steamboat airport due to a mechanical failure with the airplane. Four homes were total consumed by fire and thankfully no one was home at the time.

Unfortunately accidents are going to happen; not if but when.

Thank you again
Sincerely,

Richard Morrison

From: [Vance O. Harral](#)
To: [Jennifer Hewett-Apperson](#)
Cc: [Longmont Planning](#)
Subject: [External] Modern West 2 Development
Date: Saturday, August 3, 2024 11:09:51 AM

To: Jennifer Hewett-Apperson, Longmont City Planner, AICP
CC: Longmont City Council
Re: Modern West 2 Development proposal

Ms. Apperson,

Thank you for the opportunity to comment on the City of Longmont's consideration of the Modern West 2 Development proposal. I am writing to urge you and the city council to reconsider the preliminary approval of this development, for reasons explained below. Please include this letter in the packet given to Longmont City Council members at the upcoming meeting in consideration of Modern West 2.

I am a longtime commercial pilot and flight instructor who works at the Longmont airport. While this obviously makes me biased toward the interests of the airport and its users, I write for the purpose of ensuring you and the Longmont City Council fully understand the long-term implications of approving a development of this type, so close to the Longmont airport. In summary, approval of the current proposal is certain to cause divisive strife, significant cost to the city, and long-term frustration to the Longmont community, to a much greater extent than any benefit the development itself can achieve.

I am aware of a 5/22/23 letter from the FAA to the developer, stating that the development presents "no hazard to air navigation", but I am confident this letter has been – perhaps deliberately – misinterpreted. That letter does not say that the development is compatible with airport activity. Rather, it says that **no changes to air navigation procedures will be made if the development is built as proposed**. This inherently sets up a conflict between airport operations and the residents of the proposed development, a fact that is emphasized in subsequent letters from the FAA dated 6/13/23 and 7/2/24 to the Longmont Airport Manager, and the mayor, respectively. In these letters, the FAA asserts that the development as proposed is **fundamentally incompatible with the airport**.

Different people have different opinions about the value of the airport vs. the housing needs of the city, and I am not actually writing to express mine. Rather, I am writing to emphasize that we already know what will happen if Modern West 2 is approved as proposed: complaints by its residents about airport operations, strife and name-calling in the community, the press, and on social media, childish complaints on both sides about who was there first vs. who is a "fat cat", political controversy and accusations of malfeasance, and ultimately, costly and time-consuming lawsuits which benefit no-one. This is not just my biased opinion as an airport user, the historical record on such things is clear with even a modicum of research. A particularly notable example is the white-hot, ongoing conflict between the nearby Rocky Mountain Metropolitan airport, and the city of Superior, due to residential development approved by Superior despite the pleas of the airport community and assertions of incompatible land use by the FAA. That situation and others like it show that it's simply not a question whether major conflict will occur in Longmont if Modern West 2 is approved as proposed. Rather, that conflict is **guaranteed** to occur. Both the airport community and the residents of the development will dig in, and draw out the conflict over years and decades, again at a social and economic cost much greater than any benefit the proposed development can realize.

All of this can be avoided by denying or substantially redirecting the Modern West 2 development in favor of smarter solutions. I do respect that it's up to the city and its residents to decide the long-term fate of the airport. But whether that fate is status quo, expansion, or closure, it must be managed carefully and rationally, with a long-term view that minimizes the cost of time, money, and emotional strife in the community. Simply approving the development as proposed at this time and dealing with the fallout later, is guaranteed to maximize conflict and cost. This is not in the best interest of anyone, regardless of their opinion of the value of the airport.

Respectfully,

Vance Harral