

Attachment 7

Referral Agency Comments



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.

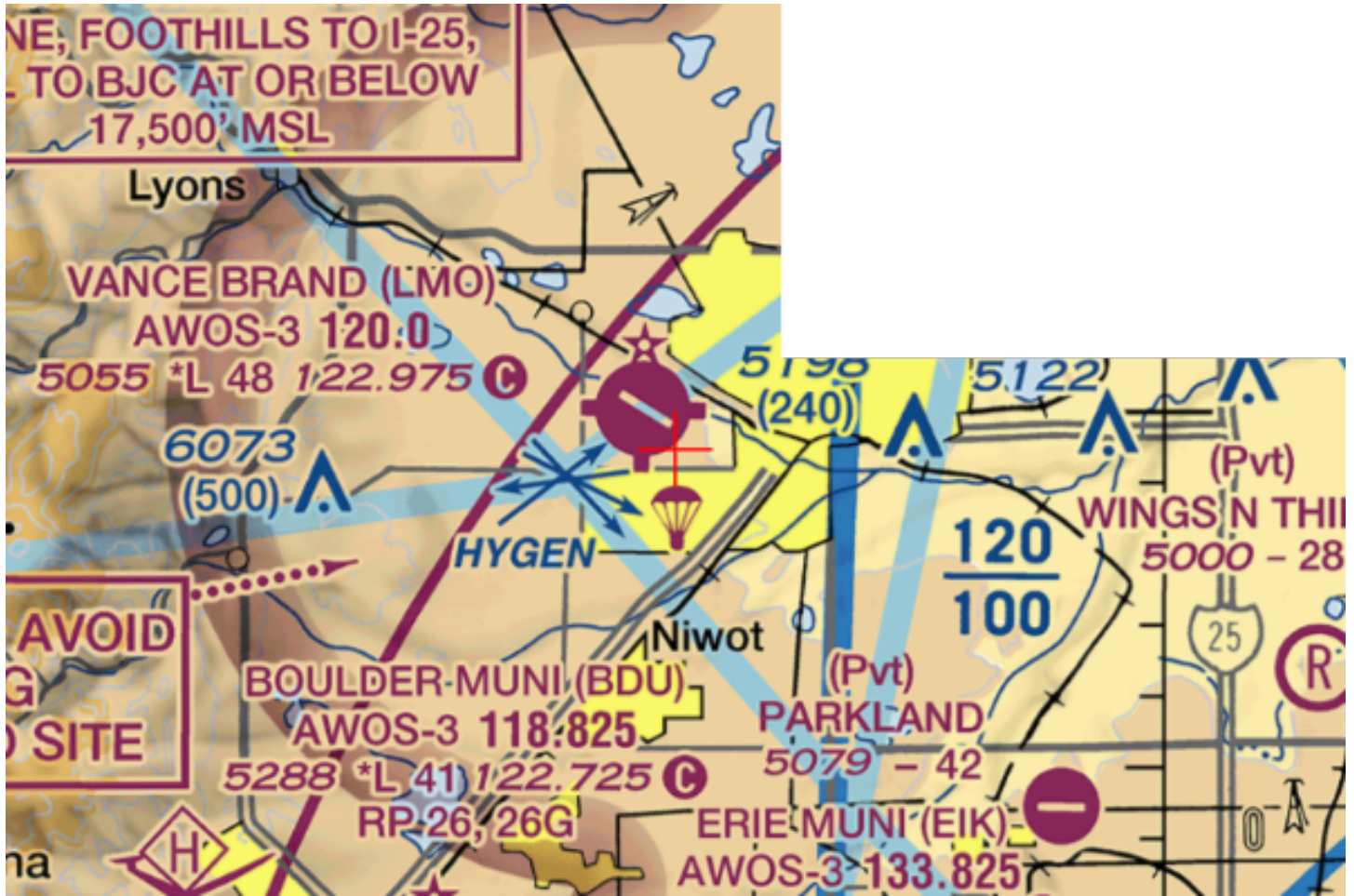
If we can be of further assistance, please contact our office at (404) 305-6430, or kelly.r.nelson@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-ANM-3435-OE.

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: [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