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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](mailto: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

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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](mailto:brad.schuster@aopa.org) or by phone: 202-851-7502.

Sincerely,



Brad Schuster, AOPA  
Northwest Mountain Regional Manager

ATCH:

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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