

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