

CHAPTER 7

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SITE SELECTION AND EXPANSION OF AIRPORTS

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Article 1 General Provisions

7.101 Designation of Activity of State Interest

The following activity of state interest is hereby designated: site selection and expansion of airports. No person may engage in development, including site selection, construction, expansion, reoperation, relocation or other significant change in use of such activity, as defined herein, wholly or partially within unincorporated El Paso County without first obtaining a permit pursuant to these Regulations.

7.102 Purpose and Intent

- (1) The purpose and intent of these ~~Regulations contained in this Chapter~~ is to facilitate the administration of airport location and expansion by establishing requirements which must be met before an airport site may be selected or expanded. These Regulations are intended to assist the County in balancing the value of airports as vital transportation infrastructure with the impacts on and needs of the surrounding community.
- (2) Airport site selection or expansion shall be accomplished in such a manner as to minimize dangers to public health and safety or to property. ~~including dangers from aircraft crashes, aircraft noise, traffic congestion, and air pollution.~~
- (3) Airports shall be located and expanded in a manner which will minimize disruption to existing communities, will minimize the impact on existing community services, and will complement the economic and transportation needs of the state and the area.
- (4) Airport location or expansion decisions shall consider the type of development which will occur within the Airport Influence Area, as hereinafter defined, and the effects of such development on wildlife, historic sites, and the ability to provide services to such development.
- (5) These Regulations are intended in part to protect the land areas around commercial service airports, public airports and reliever airports as defined by 43-10-113, C.R.S. and 14 CFR part 77.

7.103 Definitions

For the purpose of this Chapter, the following definitions will apply:

- (1) *Accident Potential Zone I (APZ-1)* [~~Class AB Runway Accident~~] means an area 3000 feet wide extending 1500 feet either side of the centerline of the airport runway and 5000 feet long located beyond the ~~Runway Protection Clear~~ Zones at each end of the runway.
- (2) *Accident Potential Zone II (APZ-2)* [~~Class AB Runway~~] means an area 3000 feet wide extending 1500 feet either side of the centerline of the airport runway and extending 7000 feet beyond APZ-1.

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- (3) ~~*Aircraft or Airplane* means any FAA-certified vehicle used or designed for aviation or flight in the air, and includes helicopters means and includes all types of fixed-wing airplanes, including gliders. Powered lift (tilt-rotor) and helicopters are not included.~~
- (4) *Airport* means any municipal or county airport or airport under the jurisdiction of an airport authority. *Airport* includes an airport expansion and the associated Airport Influence Area. *Airport* also includes commercial, general aviation or reliever airports, and any area of land or water which is used or intended for the landing and takeoff of aircraft, any appurtenant areas which are used or intended for airport buildings or other airport facilities or rights-of-way, and all airport buildings and facilities, all with respect to its use for airport purposes. *Airport* does not include a personal airstrip as defined and regulated by Chapter 1 (definitions) and Table 5-1 (principal uses) of the El Paso County Land Development Code.
- (5) *Airport Influence Area* includes: (1) for Commercial Airports (CA): the Airport Noise Subzone, the Aircraft Navigation Subzone, and the Accident Potential Zones I and II, or, alternatively, similarly identified zones which are applicable to the airport in question. Such area and the Runway Protection Zone; (2) for all General Aviation Airports-Reliever (GA-R): the Runway Protection Zone and the conical surface, as shown on the FAA and/or County approved Airport Master Plan or Airport Layout Plan; and (3) for all General Aviation Airports (GA): the Runway Protection Zone and/or the conical surface shown on the Airport Master Plan or other zones comparable to the Airport Navigation Subzone, the Accident Potential Zones I and II, and the Runway Protection Zones used by Commercial Airports. The Airport Influence Area is included as a part of the designated activity and development thereof is controlled under these regulations because of natural or man-made physical features, relationships to airport access, effects of secondary impacts, or other special circumstances found by the Board of County Commissioners.
- ~~(6)~~ *Airport Layout Plan (ALP)* means a scaled drawing (or set of drawings), in either traditional or electronic form, of current and future airport facilities that provides a graphic representation of the existing and long-term development plan for the airport and demonstrates the preservation and continuity of safety, utility, and efficiency of the airport to the satisfaction of the FAA.
- ~~(7)~~ *Airport Master Plan* means the plan which represents the airport's blueprint for long-term development, including a graphic representation of existing airport features, future airport development and anticipated land use, as well as a schedule and financial plan for implementation of proposed development.
- ~~(6)~~~~(8)~~ *Aircraft Navigation Subzone (ANAV)* means an area indicated at and above the ground as depicted on the Commercial Airport District Map or other maps adopted by the County for other airports.
- ~~(7)~~~~(9)~~ *Airport Noise Subzone (ADNL)* means the area indicated by lines of increasing projected annual average noise exposure (DNL) from 65 DNL to 70 DNL, 70DNL to 75DNL, and 75DNL to 80DNL. The boundary of the ADNL reflects the 65 DNL line.

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~~(10)~~ Applicant means any person, including a municipality, special district or authority, or a state or federal entity, proposing to locate or expand an airport, in this jurisdiction and who applies for a permit under the provisions of this regulation.

~~(11)~~ Commercial Airport (CA) means a publicly owned airport that has at least 2,500 passenger boardings each calendar year and which receives scheduled passenger service. Passenger boardings refers to revenue passenger boardings on an aircraft in service in air commerce whether or not in scheduled service. Passenger boardings also includes passengers who continue on an aircraft in international flight that stops at an airport in any of the 50 states for a non-traffic purpose, such as refueling or for aircraft maintenance rather than passenger activity.

~~(12)~~ General Aviation Airport (GA) means any airport other than a commercial airport or General Aviation Reliever Airport. This category also includes privately owned, public use airports that enplane 2500 or more passengers annually and which receive scheduled airline service.

~~(13)~~ General Aviation Airport-Reliever (GA-R) means an airport which may be publically or privately owned, designated by the FAA to relieve congestion at commercial airports and to provide improved general aviation access to the overall community.

~~(8)~~ —

~~(14)~~ Clear-Zone/Runway Protection Zone (shown on some present mapping as "Clear Zone") means an area defined by Federal Aviation Administration (FAA) regulations that extends 3000 feet beyond the end of the runway, where the potential for aircraft accidents is considered measurable enough to warrant additional land use restrictions at ground level prior to the threshold or beyond the runway end to enhance the safety and protection of people and property on the ground.

~~(9)~~~~(15)~~ Site Selection means the process for determining the location of a new Commercial, General Aviation-Reliever or General Aviation airport or the expansion or relocation of an existing airport. Expansion of an existing airport also includes land acquisition, extension of runways and development or operational changes, and any development or operational change which allows, or is likely to lead to any of the following:

(a) Use of the airport by ~~larger or noisier~~ aircraft in a manner beyond that permitted for the airport by existing County studies or approvals;

~~(b)~~ — First time jet aircraft use;

~~(c)~~~~(b)~~ Creation, alteration or expansion of ~~the any~~ (i) Airport Navigation Subzone; (ii) Airport Noise Subzone; or (iii) Airport Accident Potential Zone or similarly identified zone(s) or, alternatively, similarly identified zones which are Influence Area applicable to the airport in question;

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- (dc) Any significant increase in air or ground traffic that is likely to disrupt the environment, or cause an impact on the services of existing communities; or
- (ed) Construction or alteration of runway lighting or marking that is not otherwise depicted on a FAA and/or County--approved Airport Layout Plan or Airport Master Plan, to the extent such actions allow or are likely to allow (a) through (dc) above, but not to include normal replacement of lighting or marking to conform to FAA requirements.
- (e) Site selection does not include increased, changed or expanded use of any airport by the U.S. Department of Defense.

7.104 Applicability

These Regulations shall apply only to the site selection and expansion of airports as defined at Section 7.102.

Article 2 Permit Application and Procedure

7.201 Application Submission Requirements

In addition to the materials listed at Section 2.303, applications for a permit for site selection or expansion of an airport shall be accompanied by the following information, maps, requirements and data in the number required by the Director. To the extent an FAA and/or County-approved Airport Layout Plan or Airport Master Plan contains this information, such plan may satisfy these requirements:

- (1) A plan (a/k/a airport layout or master plan) and related documents and studies, locating the proposed airport or expansion with respect to the following boundaries and physical features to the extent the same are located in the unincorporated County only:
 - (a) The boundaries of the Airport Influence Area and of any relevant subzones and airport zones therein;
 - (b) The location of existing or proposed airport facilities, including towers, lights, terminals, hangars, aprons, parking areas, taxiways, and runways.
 - (c) The location and nature of existing or approved developments and land uses within the Airport Influence Area;
 - (d) The elevation or contours of the ground and elevation of existing structures within the Airport Influence Area, as shown on current USGS contour maps at selected points to reasonably identify these features.
- (2) Flight-patternA map showing generalized arrival, departure and description local air traffic patterns proposed to occur within unincorporated areas of expected impact of El Paso County due to the new or expanded airport on existing or approved development within the Airport Influence Area.

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- (3) Description of potential public safety and property issues related to the airport ~~and possible plane crashes.~~
- (4) Description of how the airport or airport expansion will affect existing communities, the environment and existing community services. Attach or refer to any FAA required environmental assessment.
- (5) Description of how the airport or airport expansion will affect economic and transportation needs of the County and the area. A Finding of No Significant Impact (FONSI) from the Federal Aviation Administration District Office (FAA/ADO) may satisfy this requirement.
- (6) Description and copies of applicable FAA permits and approvals.
- (7) Description of how the proposed airport or airport expansion relates to existing airports. An FAA and/or County-approved Airport Layout Plan, Airport Master Plan, or FAA Form 7480-1 may satisfy this requirement.
- (8) ~~Adequate proof~~Description of measures taken and property rights acquired, which may include legally sufficient executed deeds, avigation easements and/or disclosures, to demonstrate that the proposed airport or airport expansion ~~will not result in a taking of private property rights, including invasion of airspace or air rights by glide paths of aircraft for take-off and landings~~has the legal authority to operate as proposed.

7.202 Review Criteria

A permit for the conduct of site selection or expansion of an airport shall be approved if the Permit Authority, or in the case of an Administratively Approved Permit, the Director, the application complies with the following criteria and the relevant criteria at Section 2.405. If the Permit Authority finds that the application does not comply, the application shall be denied or may be approved with conditions:

- (1) Site selection and expansion of airports shall be administered to encourage land use patterns that will separate ~~uncontrollable noise~~ originating sources from approved aircraft operations from residential and other noise-sensitive areas;
- (2) Site selection and expansion of airports shall be administered to avoid danger to public safety and health or to property due to potential aircraft crashes;
- (3) Airports shall be located or expanded in a manner that will minimize disruption to the environment, minimize the impact on existing community service, and complement the economic and transportation needs of the State and the County;
- (4) There is sufficient existing and projected need to warrant and support the airport or airport expansion;
- (5) The nature and location of the airport site or expansion complies with all applicable provisions of the State Aviation Systems Plan, and other applicable municipal, regional, state and national plans;

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- (6) The nature and location of the airport site or expansion is compatible with the existing and reasonably foreseeable economic and transportation needs of the County and of the area immediately servicing the airport, including mass transit facilities, trails, and stormwater infrastructure;
- (7) The nature and location of the airport site or expansion does not unduly or unreasonably impact existing community services;
- ~~(8) The airport site or expansion is not in an area with meteorological and climatological conditions which would unreasonably interfere with or obstruct normal airport operations and maintenance;~~
- (9)(8) The airport site or expansion is not in an area with unmovable obstructions which might interfere with any airport approach or Runway Protection Zone~~clear-zone~~, or assurances have otherwise been received that all removable obstructions will be eliminated from all airport approach or clear zones~~applicable obstacle identification surfaces~~;
- (10)(9) The benefits of the airport location or expansion outweigh the loss of any natural resources or agricultural lands rendered unavailable as a result of the proposed airport location or expansion, including development of the area around the airport;
- (11)(10) Adequate electric, gas, telephone, water, sewage, and other utilities exist or can be developed to service the airport site or expansion;
- (12)(11) Immediate and future noise levels in communities within the Airport Influence Area to be caused by the airport location or expansion and any anticipated future expansion will not violate any applicable local, state, or federal laws or regulations;
- (13)(12) Adequate mitigation measures have been proposed, including financial security to guarantee the same, to mitigate the identified adverse impacts of the airport site or expansion;
- (14)(13) The airport site or expansion will not place an undue burden on existing land uses in the area or on the communities of the region;
- (15)(14) The airport site or expansion is ~~designated~~designed to minimize the impacts of airport noise on nearby developments;
- (16)(15) The airport site or expansion will contribute to the orderly development of the airport area and the region;
- (17)(16) ~~The Adequate measures have been taken and property rights acquired to demonstrate that the~~ airport site or expansion, and uses and activities associated with or generated by it, ~~will not result in a taking of private property rights, including invasion of airspace or air rights by glide paths of aircraft for take-off and landings can be legally operated as proposed.~~

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