



September 10, 2025

City of Longmont
Vance Brand Airport Advisory Board
350 Kimbark St
Longmont, CO 80501

TRANSMITTED VIA ELECTRONIC SUBMISSION

Re: Clarifying Distinction Between FAA Part 77 Airspace Review and Broader Airport-Related Land Use Compatibility Expectations

Dear Vance Brand Airport Advisory Board Members:

The Aircraft Owners and Pilots Association (AOPA) and Colorado Pilots Association (CPA) were recently made aware of some concerning statements allegedly made during the September 5, 2025, Longmont Chamber of Commerce Policy meeting suggesting that Federal Aviation Administration (FAA) Part 77-related correspondence---including that a finding of “Determination of No Hazard to Air Navigation” somehow implies, infers, or conveys an FAA endorsement of and/or approval for a given project.

The purpose of this memo is to inform airport, city, and developer audiences about the clear distinctions that exist between the fairly narrowly focused Part 77-related determinations and what the FAA and state of Colorado broader expectations are with respect to compatible land uses on/near public use airports.

For reference and awareness, AOPA is the world’s largest aviation membership organization representing the general aviation interests of hundreds of thousands of aircraft owners and pilots across the country. This includes well over 9,000 members from Colorado when combined with CPA members as well as over 300 associated with Vance Brand Airport (LMO) in particular.

- 14 CFR Part 77 is exclusively concerned with the safe, efficient use, and preservation of navigable airspace. There are three types of determinations that can be made, and they are listed below:
 - Determination of No Hazard to Air Navigation
 - Determination of Hazard to Air Navigation
 - Presumed Hazard

“Determination of No Hazard to Air Navigation” findings from the FAA only address a small aspect of FAA expectations for land use compatibility near airports. Further, such a determination **DOES NOT** constitute an FAA endorsement of/nor approval for a given project, rather a “Determination of No Hazard to Air Navigation” merely indicates that according to the FAA Office of Obstruction Evaluation Group (OEG) investigation and Part 77 criterion, a given project does not appear to be a threat to navigable airspace.

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On June 13, 2023, the Federal Aviation Administration (FAA) Denver Airports District Office (ADO) 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.***”

On July 2, 2024, in a letter to Mayor Peck, the FAA Denver ADO office reinforced the aforementioned position by stating “The Determination of No Hazard strictly relates to its impact to the FAA controlled airspace and **is not an approval of the development.**” FAA OEG letters providing the Part 77-related determinations themselves state the following:

“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.”

On September 17, 2024, in a letter to Mayor Peck, the FAA Denver ADO office further reinforced the aforementioned positions.

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...***”

While we fully support and understand the necessity for continued 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 wellbeing of aviators, future development users, and occupants, and minimize potential liability risks to the sponsor is to consider all Federal Aviation Administration (FAA), state, and other related guidance on compatible land use near airports. Good examples include (but are not limited to) [FAA Advisory Circular 150/5190-4B](#) (Airport Land Use Compatibility Planning) which focuses on comprehensive airspace protection from physical obstructions, land use compatibility around airports, zoning, planning, and development policies.

Finally, the Airport Cooperative Research Program (ACRP) also provides a wealth of information on how community leaders can ensure their airports remain safe for users and shield communities from potential lawsuits. Some ACRP resources on this subject include but are not limited to [ACRP 206 - Guidebook on Effective Land Use Compatibility Planning Strategies for GA Airports](#) as well as ACRP reports 27 (Vols I and II), 32, and 38. Our own [AOPA Guide for Airport Advocates](#) although 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 our collective organizations’ years of experience, we have seen countless well-intended developments built in close proximity to airports end up causing great community strife, conflict, and lawsuits for a wide range of reasons from aircraft incidents and accidents to legal proceedings over airport noise and other airport-related second order effects.

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In conclusion, while the FAA's Part 77 review is indeed required, a Determination of No Hazard to Air Navigation from the FAA does not replace the need for comprehensive planning and zoning analyses ensuring a given development is indeed one that is compatible with a given airport. To protect aviators, future occupants, and the community at large—and to mitigate liability risks—prior to any final planning and zoning development determination by the town related to this proposed development--we respectfully urge the Commission to:

1. Evaluate the proposed development through the lens of FAA guidance (e.g., AC 150/5190-4B), and
2. Review local zoning tools and model ordinances informed by Colorado Department of Transportation-Aeronautics Division, ACRP, and other related guidance

We hope you will take the above into consideration as doing so is in the best interests of the community, the airport users, and the city. Please consider reaching out to us for consulting services in this and/or other airport and general aviation-related matters.

Sincerely,



Brad Schuster, C.M.
Northwest Mountain Region Manager
Aircraft Owners and Pilots Association

///SIGNED///
Adrian Nye, President
Colorado Pilots Association

Atch:

1. 6/13/23 letter from FAA ADO Denver office RE: Compatible Land Use
2. 7/2/24 letter from FAA ADO Denver office RE: Compatible Land Use
3. 9/17/24 letter from FAA ADO Denver office RE: Compatible Land Use

CC:

Levi Brown, Vance Brand Airport Manager
FAA Airports District Office - Denver
Colorado Department of Transportation, Aeronautics Division