



February 17, 2009

Local Government Committee:

The City of Greeley and the Greeley Planning Commission strongly urge opposition to House Bill 09-1201.

Attached is a copy of the City of Greeley Resolution 12, 2009, opposing House Bill 09-1201, the City of Greeley Planning Commission Resolution 1, 2009 urging opposing to said bill and the City of Greeley Staff Analysis and Recommendations with a map of the proposed impact areas.

**CITY OF GREELEY
RESOLUTION NO. 12, 2009**

RESOLUTION OPPOSING HOUSE BILL 09-1201 CONCERNING A REQUIREMENT THAT LOCAL GOVERNMENTS ADDRESS THE ADVERSE EFFECTS OF DEVELOPMENT IN CLOSE PROXIMITY TO MILITARY INSTALLATIONS IN CONNECTION WITH LAND USE PLANNING BY THE GOVERNMENTS

WHEREAS, of the Greeley City Charter defines the manner in which local master plan and development matters are considered; and,

WHEREAS, the Greeley Planning Commission provides oversight and recommendations to numerous local land use matters including Comprehensive Plan development and Development Code standards which include subdivision, zoning, and related regulations; and,

WHEREAS, the Planning Commission strives to manage land use decisions in a thoughtful and proactive manner, balancing the interests of private land development with public and community welfare and forwards its recommendations to the City Council for its consideration in rendering decisions on and use matters; and,

WHEREAS, matters related to land use are best determined at the local level with the parties most closely affected by land use decisions, and,

WHEREAS, the City of Greeley and Weld County have a mutual interest in the successful development of the Greeley-Weld County Airport; and,

WHEREAS, the City and County are jointly involved in two sub-area studies which consider land use planning for areas proximate to and including the Greeley-Weld County Airport, and the Airport has been an active and constructive participant in those area studies; and,

WHEREAS, HOUSE BILL 09-1201 has been introduced to require local governments to increase certain master plan, zoning, and building code standards related to areas in and around Military Installations, and have included the Greeley Air National Guard Station and, by association, the Greeley-Weld County Airport, as such a military installation subject to the proposed standards; and,

WHEREAS, the standards proposed in HB 09-1201 conflict with local planning practices and standards do not adequately define the public benefit achieved at the expense of local land use management and control, and places potentially onerous and costly consequences for the City related to property rights, notification, and building code requirements related to sound attenuation.

NOW, THEREFORE, BE IT RESOLVED BY THE GREELEY CITY COUNCIL AS FOLLOWS:

1. The City Council hereby opposes HB 09-1201 and authorizes the City Attorney and City staff to testify on its behalf in opposition to HB 09-1201.
2. This Resolution shall become effective immediately upon its passage, as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED, APPROVED AND IN EFFECT THIS 12th day of February, 2009.

ATTEST:

GREELEY, COLORADO

Betsy D. Holder
City Clerk

By: [Signature]
Mayor

CITY OF GREELEY PLANNING COMMISSION
RESOLUTION _____, 2009

RESOLUTION URGING OPPOSITION TO HOUSE BILL 09-1201 CONCERNING A REQUIREMENT THAT LOCAL GOVERNMENTS ADDRESS THE ADVERSE EFFECTS OF DEVELOPMENT IN CLOSE PROXIMITY TO MILITARY INSTALLATIONS IN CONNECTION WITH LAND USE PLANNING BY THE GOVERNMENTS

WHEREAS, Article XIX of the Greeley City Charter the Planning Commission is established to advise the City Council on land use planning; and,

WHEREAS, the Greeley Planning Commission provides oversight and recommendations to numerous local land use matters including Comprehensive Plan development and Development Code standards which include subdivision, zoning, and related regulations; and,

WHEREAS, the Planning Commission strives to manage land use decisions in a thoughtful and proactive manner, balancing the interests of private land development with public and community welfare; and,

WHEREAS, matters related to land use are best determined at the local level with the parties most closely affected by land use decisions, and,

WHEREAS, the City of Greeley and Weld County have a mutual interest in the successful development of the Greeley-Weld County Airport; and,

WHEREAS, the City and County are jointly involved in two sub-area studies which consider land use planning for areas proximate to and including the Greeley-Weld County Airport, and the Airport has been an active and constructive participant in those area studies; and,

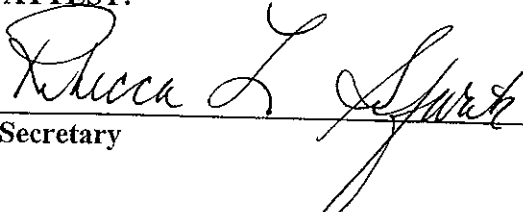
WHEREAS, HOUSE BILL 09-1201 has been introduced to require local governments to increase certain master plan, zoning, and building code standards related to areas in and around Military Installations, and have included the Greeley Air National Guard Station and, by association, the Greeley-Weld County Airport, as such a military installation subject to the proposed standards; and,

WHEREAS, the standards proposed in HB 09-1201 conflict with local planning practices and standards do not adequately define the public benefit achieved at the expense of local land use management and control, and places potentially onerous and costly consequences for the City related to property rights, notification, and building code requirements related to sound attenuation.

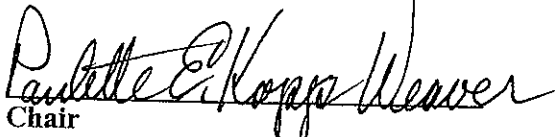
NOW, THEREFORE, BE IT RESOLVED THAT THE GREELEY PLANNING COMMISSION OPPOSE HOUSE BILL 09-1201 AS INTRODUCED AND URGE THE GREELEY CITY COUNCIL TO ALSO OPPOSE THIS PROPOSED LEGISLATION.

PASSED AND ADOPTED, SIGNED, APPROVED AND IN EFFECT this 10th day of February, 2009.

ATTEST:


Secretary

GREELEY PLANNING COMMISSION

By: 
Chair

STATE OF COLORADO
House Bill 09-1201

House Sponsors Labuda, Lambert
Senate Sponsor Spence

“Concerning a requirement that local governments address the adverse effects of development in close proximity to military installations in connection with land use planning by the governments.”

City of Greeley Staff Analysis & Recommendations

February 9, 2009

Background

The Greeley-Weld County Airport is located approximately 2 miles east of Downtown Greeley on SR 263, a location it has been at since 1944. The airport was initially developed as the Greeley Municipal Airport and was later joined by Weld County in 1963 in the ownership and operation of the facility. In 1978, the City and County created the Greeley-Weld County Airport Authority, thereafter functioning as an independent governing body. The City and County each have two board members on the 7-member Authority Board.

Regular improvements to the Airport have occurred, with its most substantial expansion taking place in 1996 with the construction of a new 10,000' runway and taxiway system, construction of a new terminal and administration building, and infrastructure improvements to enhance accessibility.

In 2004, the Airport adopted a 20-year Airport Master Plan which has also been adopted by the City of Greeley. The Airport reports its annual operations to include:

General Aviation Local:	84,500
General Aviation Itinerant:	59,500
Military	1,000

The Airport is located within the City of Greeley corporate limits and the City's Comprehensive Plan includes numerous policy references to the Airport and its operation (*see attached Exhibit B, 2060 Comprehensive Plan policies*). The Greeley Air National Guard Station leases a tract of land from the airport, located on its western border and adjacent to SR 263.

House Bill Summary

The attached House Bill 09-1201 (*Exhibit A*) was developed without consultation with local elected officials or the Airport Authority and would require:

- Within two years of the effective date of the legislation, each affected county or municipality within a specified distance of a military airport or installation that “includes property in a high noise or accident potential zone” to:
 - Amend its master plan to ensure that future development affecting property in the zone is compatible with the high noise and accident potential generated by the operation of military airport or installations;

- Amend its zoning or other land use regulations to ensure these standards are met;
 - Incorporate sound attenuation standards into any building code governing the development or use of property
- Notify any owner of property in the zone of any additions or changes to the master plan or zoning of other land development regulation of the local government that are applicable to property in the zone
 - Requires the master plan of the governmental entities to show the general location and extent of any military installation and indicate how the development of property within a certain distance of any military installation is compatible with the ability of the military installation to achieve its mission and not adversely affect public health or safety

Points of Contention

City of Greeley Community Development Staff offers the following observations and points of contention with this proposed bill:

1. The Greeley Air National Guard Station is specifically listed as a defined "Military Installation" but does not base an aircraft fleet from nor regularly use the Greeley-Weld County Airport, suggesting a **mischaracterization of the local airport** as one with "high noise or accident potential" per the proposed legislation.
2. The "high noise or accident potential zone" is defined as the area "starting 200' from the end points of the main runways and at a width of 3,000' and symmetrical about a centerline between the runways extending outward to a point 30,000 feet (5.68 miles) from the point of origin." This is in addition to the distances in "Accident Potential Zone One" (5,000' from the end of the Clear Zone, and extending 8,000' from the end of each runway), and "Accident Potential Zone Two" (picks up where Accident Potential Zone One leaves off and ends 15,000' from the end of each runway).

The attached map (*Exhibit C*) illustrates the impact area this will create for the City of Greeley, which stretches to 47th Avenue and is inclusive of the most densely populated portion of the community. **The area of impact protection is excessive and unnecessary.**

3. The bill suggests that "military operations are of particular importance to the economic well-being of the state, and the state is committed to protect land areas surrounding military installations from incompatible development." The staff asserts that **land use and development is a matter of local concern, and such regulations are best managed by those who will be most affected by its provisions.** The Bill goes on to suggest that urban development too close to these military installations could have adverse effects on those installations, and that while land use approvals are usually a matter of local concern, the "safety of residents statewide" requires uniform standards to avoid "the vagaries of local regulation."
4. The amendments to local codes are suggested as the state's "intent to promote careful land use planning." It appears, however, **that the actions required are borne not by the creator of the potential impact (Military Installation) but by the local governments.** Local governments then have the burden of "ensuring" that future development will be

compatible with the noise and accident potential generated by the military installation. **Unnecessary limitations on certain tracts of land within the overly large impact area could subject the governments to “takings” issues and potentially costly litigation or settlement.**

5. Governments are required to “notify any owner of property in the high noise or accident potential zone of any additions or changes” related to the master plan or zoning or other land development regulations that are applicable to property in this area. This notification must be provided in the newspaper and must be done within 30 days following the final approval of the land use action and must contain a reference to the property’s location in the high noise or accident potential zone. **This adds a provision to the typical notification process the City currently uses to notify land owners of land use regulation amendments; it is unclear what consequences the City would face if this notification was not provided as required, and the potential cost this notification might represent for the City over time.**

Conclusion

The staff finds that the proposed bill does not adequately define the public benefit achieved at the expense of local land use management and control and places potentially onerous and costly consequences for the City related to property rights, notification, and building code requirements related to sound attenuation. The inclusion of the Greeley Air National Guard Station as one of the defined military installations described in the proposed bill is out of character with the other facilities listed and the purported impacts associated with the defined “high noise or accident potential zone.” The military installations, due to their federal exemptions, have historically not been receptive to other land use management which would complement adjacent properties, such as with building and site design, landscaping, and so forth. It seems incongruous and a mischaracterization for the bill to suggest one of its purposes is to “promote careful land use planning at the local level.” Staff recommends opposition to this bill.

Attachments

- Exhibit A House Bill 09-1201
- Exhibit B 2060 Comprehensive Plan policies – draft
- Exhibit C Map of proposed impact areas
- Exhibit D Current Greeley-Weld County Airport influence areas

Excerpted from the Draft 2060 Comprehensive Plan

TR6 AIR TRANSPORTATION

- A Support the ability of the Greeley-Weld County Airport to reach its full potential in providing competitive air transportation services to the area
 - 1 Through this Plan, re-adopt the Greeley-Weld County Airport Master Plan to guide design, orientation and construction of runways, air traffic control and related support facilities
 - a Promote adoption of the Airport Master Plan by other area jurisdictions, such as Weld County, to unify the vision for the development of the airport and to direct area development to avoid land use conflicts with other adjacent properties
 - 2 Promote the Airport as an integral component of the Greeley area transportation system
 - 3 Coordinate with the Airport Authority in the implementation of an Airport Infrastructure Plan to install capital improvements needed to realize the full development of the airport as a regional air transportation facility
 - 4 Promote the development of ancillary airport property as a related business and industrial park to complement area economic development programs and opportunities (see also EC4A1)
 - a Promote a range of complementary land uses and services at the airport, such as restaurant, aircraft sale and service and other support functions
 - 5 Promote the existing and expanding programs for pilot, air traffic control and other related air transportation fields available through the Airport and area educational institutions, to support the community's image as a leader and resource in such education and training programs (see also EC2A9)
 - 6 Consider support for corporate or personal travel services that complement the range of flight choices available at the airport and offer viable shorter range trips
 - a Promote such alternate air transportation systems as a unique, viable option and attraction for Greeley travelers
 - 7 Support the capability of the Airport to support the existing and expanded use of the facility for complementary military purposes
 - 8 Support the Airport's capabilities to support promising advances in alternative and new air transportation means

- a Foster research and development of air transportation alternatives in such areas as transport, fuel efficiency, weather and climate devices, air traffic control, maintenance and service components, flight communication and safety program, medical and emergency air transportation services and related fields
 - b Reinforce Greeley's work toward leadership in education as it relates to air transportation
 - i Offer training and promotional linkages with area schools to promote science and math careers
 - ii Promote airport/business associations with hospitality accommodations, communication, and special programming
 - iii Facilitate the airport environment as an air transportation "laboratory" to provide learning opportunities for the community on this valuable community service and asset

- B Support the effective interface of air travel with other transportation systems to assure all movements to and from the community are safe, well understood, easily accessed, efficient, and effective
 - 1 Work with the Airport Authority, the Colorado Department of Highways, and Weld County government to assure that surface transportation to and around the airport is effective, adequate and maintained

 - 2 Enhance the main travel corridors used to reach and travel from the airport as key community entryways with special attention to way-finding signage, well-defined and complete roadway systems, and attractive landscaping, public art or other distinctive community features
 - a Particular attention should be paid to the improvement, appearance and function of the following road corridors:
 - State Hwy 263 (E. 8th Street), which should also be considered for expansion to meet the diverse and growing number of industrial users in the area
 - US Hwy 85
 - 8th Street from US Hwy 85 to Downtown
 - b Consider carefully the types of land uses in these corridors and promote those which provide compatible and complementary uses to the airport








 - 3 To the degree practical provide a trailhead or loop trail from the Poudre Trail Corridor to the airport

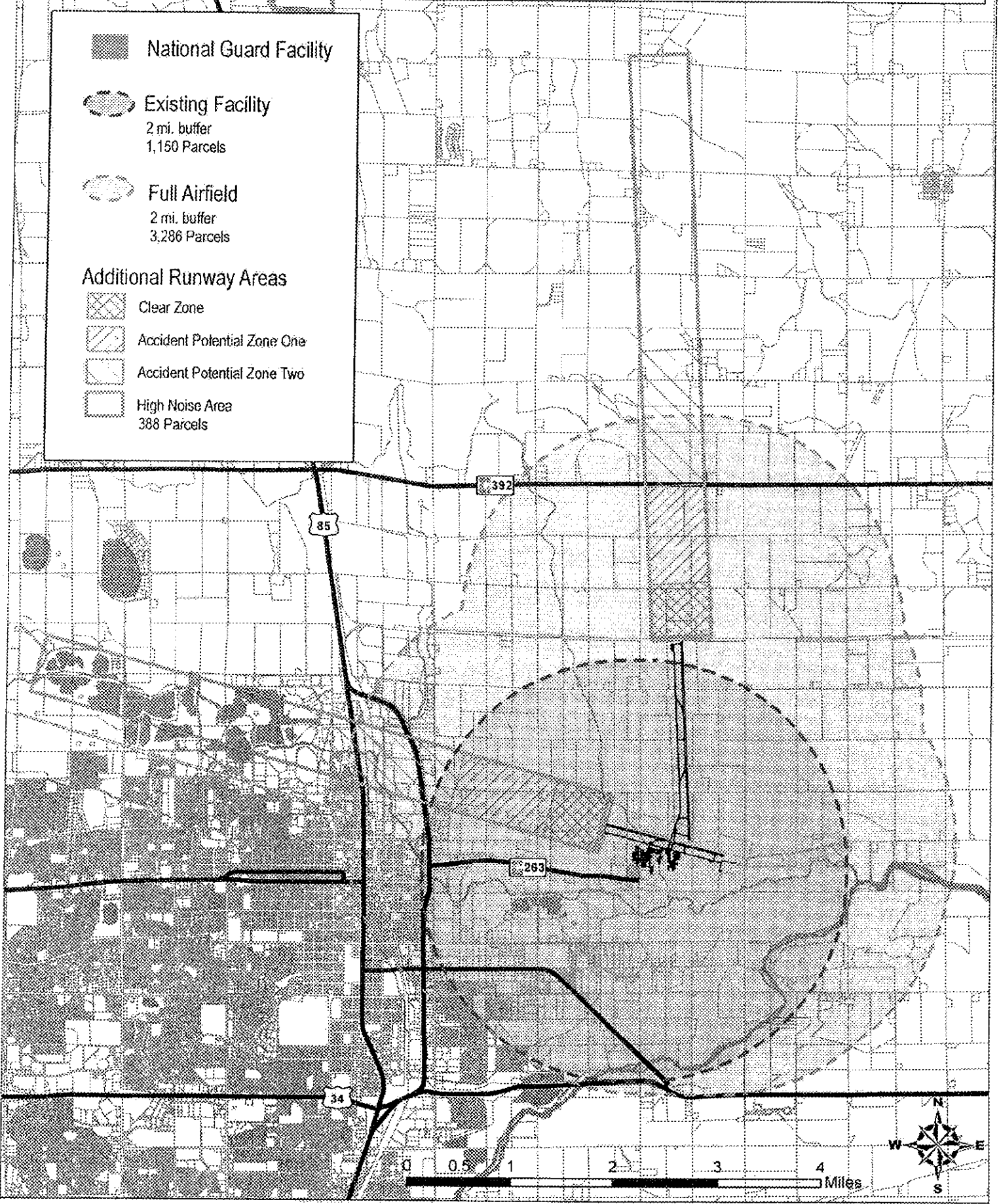
- C Promote land use compatibility in sensitive airport runway approach zones and in the airport flight patterns (see also LU2A7eii)
 - 1 When considering land uses in the vicinity of the Airport, use the Airport Master Plan to guide and promote the establishment of compatible development in areas prone to noise and air traffic impacts

- a Disallow uses which carry obvious incompatible uses to the airport such as residential
 - b Amend the City's Development Code to incorporate structure height limitations in restricted Airport Influence Areas as may be necessary
- 2 Continue to promote the Airport's "Fly Friendly" program which promotes pilots to follow air traffic patterns that minimize noise in populated areas of the community (see also EN3B2d)
- 3 Facilitate airport safety through development of the site with appropriate cautions related to fuel storage, design of vehicular patterns to and through the airport, effective air traffic, weather and emergency communications, and attention to homeland security matters
- a Consider options to locate a fire station on the Airport property to serve the surrounding area of the community with fire and rescue services, in addition to the airport itself

House Bill 09-1201 Impact Map

Exhibit C

-  National Guard Facility
-  Existing Facility
2 mi. buffer
1,150 Parcels
-  Full Airfield
2 mi. buffer
3,286 Parcels
- Additional Runway Areas**
 -  Clear Zone
 -  Accident Potential Zone One
 -  Accident Potential Zone Two
 -  High Noise Area
388 Parcels





East Greeley Study Area Airport Overlay Data



Area	Acres	Percent
LOI Study Area	5,708	100%
Critical Flight Zone	1,633	29%
Airport Influence Area	4,887	86%
Traffic Pattern Airspace	2,954	45%
Airport Overlay	5,503	96%

Legend

Critical Flight Zone



Airport Influence Area



Traffic Pattern Airspace



Airport Zoning Overlay District



Landowners should be notified of the area of each overlay. The WAPA 100% Overlay is a critical flight zone. The 29% Overlay is a critical flight zone. The 86% Overlay is a critical flight zone. The 45% Overlay is a critical flight zone. The 96% Overlay is a critical flight zone.

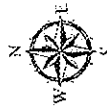
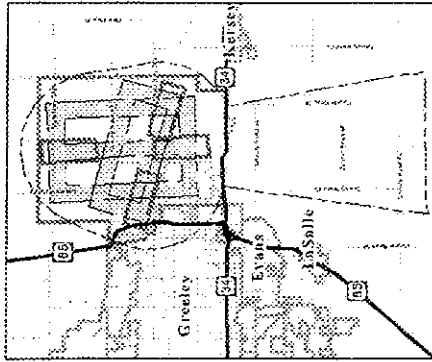
Property within the valley of the airport where the study area is a critical flight zone. The 29% Overlay is a critical flight zone. The 86% Overlay is a critical flight zone. The 45% Overlay is a critical flight zone. The 96% Overlay is a critical flight zone.

After approval of the Airport Master Plan, the airport traffic pattern will be established. The 29% Overlay is a critical flight zone. The 86% Overlay is a critical flight zone. The 45% Overlay is a critical flight zone. The 96% Overlay is a critical flight zone.

Future Airport Administration, development projects, and the Airport which establishes the airport traffic pattern to provide aircraft operations in accordance with the Airport Master Plan. The 29% Overlay is a critical flight zone. The 86% Overlay is a critical flight zone. The 45% Overlay is a critical flight zone. The 96% Overlay is a critical flight zone.

Date Source: 2004 Greeley-Weir County Airport Master Plan

Overview of Areas Affected by the Greeley-Weir County Airport



- Study Area
- City of Greeley
- School
- Park

File: AirportOverlayMap1717.Dwg
 Date: 3/19/2007
 Created by: GIS Program - acw
 Photographic Date: Summer 2005

