

Date of Meeting: May 10, 2017

#4 ADDENDUM

**BOARD OF SUPERVISORS
PUBLIC HEARING
STAFF REPORT**

SUBJECT: CPAM-2016-0002, Silver Line Comprehensive Plan Amendment

ELECTION DISTRICT: Ashburn, Broad Run and Dulles

CRITICAL ACTION DATE: At the pleasure of the Board

STAFF CONTACTS: Christopher J. Garcia, AICP, Department of Planning and Zoning,
Ricky Barker, AICP, Director, Department of Planning and Zoning

PURPOSE: The purpose of this item is to present the Planning Commission's recommended Silver Line Comprehensive Plan Amendment for public hearing and the Board's action.

RECOMMENDATION: The **Planning Commission** (Commission) forwarded (8-0-1, Sisley absent) CPAM-2016-0002, Silver Line Comprehensive Plan Amendment (Silver Line CPAM), as amended at the April 14, 2017 Planning Commission Work Session to the Board of Supervisors (Board) for consideration and action.

Staff generally supports the Commission recommendations but cannot support the Commission's recommended Mixed-Use, Medium Buildings designation on the eastern side of the proposed Loudoun Gateway Station. Staff can support retaining the Route 28 Business Land Use designation as previously recommended by the Board.

Staff can support retaining the recommended Noise Exposure Study and new Noise Exposure Mapping project as a future implementation step. This would allow for further evaluation of timing, cost and continued discussion with MWAA, which must be a partner in the project.

CONCLUSION: During the briefing on the Silver Line CPAM at the May 2, 2017 Board Business Meeting, staff was asked to determine the conditions under which a Noise Exposure Study could be initiated. This addendum provides information about development of Noise Exposure Maps and specifically the conditions under which a Noise Exposure Map or Map Update can and must be undertaken and the requirements associated with the studies. Staff consulted Chapter 14, Chapter I, Subchapter I, Part 150 of the Code of Federal Regulations, Title 49 of the U.S. Code and MWAA staff in responding to the Board question.

Staff found that the County may conduct a land use compatibility project, as defined by the FAA, subject to certain standards and with the cooperation of MWAA. Federal funding may also be available for such a study. The study could take several years and may delay development in the Plan area if landowners wait for potential results. Further, Federal assistance may also be tied to the purpose of the study, which in this case could be interpreted as increasing the potential for noncompatible uses closer to the Airport. However, staff does support a reevaluation of the Airport Impact Overlay Zoning boundaries to reflect the most recent airport noise compatibility study or a future study associated with any airport operations or facilities change. Alternatively, new noise maps may be necessitated by changes to airport operations or in delays to current projects. A study at that time would appropriately reflect Airport operations and would be conducted by the Airports Authority.

BACKGROUND: Part 150 studies identify forecasted non-airport compatible land uses to prevent non-compatible uses or to reduce them. There are no specified limits on who may conduct such studies but there are standards outlined in Part 150 prescribing the procedures, standards, and methodology governing the development, submission, and review of airport noise exposure maps and airport noise compatibility programs if they are to be accepted by the FAA. Part 150 also identifies those land uses which are normally compatible with various levels of exposure to noise by individuals and it provides technical assistance to prepare and execute appropriate noise compatibility planning and implementation programs.

Part 150 Noise Exposure Studies are voluntary, and state and local governments near “Medium or Large Hub Airports” may sponsor compatible land use planning efforts. The 1993 Noise Exposure Map was conducted at the County’s request for land use planning purposes and looked at planned buildout to assess impacts. An airport operator is required to submit a revised noise exposure map to the FAA when:

1. Any change in the operation of the airport would create any “substantial, new or increased noncompatible use. A change creates a substantial new or increased noncompatible use if that change results in an increase in the yearly day-night average sound level of 1.5 dB or greater;
2. Any change in the operation of the airport would significantly reduce noise over existing noncompatible land areas by a yearly day-night average sound level of 1.5 dB or greater in a land area which was formerly noncompatible but would be made compatible; and
3. If the FAA subsequently disapproves assumptions that went into the forecast map, a revised map must be submitted if revised assumptions would create a substantial, new noncompatible use not indicated on the original forecast map.

While not limiting who may prepare or revise a Noise Exposure Map, any such effort will require participation of the airport operator. Federal funding may also be contingent on the purpose and anticipated effect of the study and the typical multi-year timeframe could slow development in the Silver Line area should landowners choose to wait for the results. The following airport aviation operations information and airport conditions are required:

1. A map of the airport and its environs at an adequately detailed scale (not less than 1 inch to 2,000 feet) indicating runway length, alignments, landing thresholds, takeoff start-of-

roll points, airport boundary, and flight tracks out to at least 30,000 feet from the end of each runway;

2. Airport activity levels and operational data which will indicate, on an annual average-daily-basis, the number of aircraft, by type of aircraft, which utilize each flight track, in both the standard daytime (0700-2200 hours local) and nighttime (2200-0700 hours local) periods for both landings and takeoffs;
3. For landings—glide slopes, glide slope intercept altitudes, and other pertinent information needed to establish approach profiles along with the engine power levels needed to fly that approach profile;
4. For takeoffs—the flight profile which is the relationship of altitude to distance from start-of-roll along with the engine power levels needed to fly that takeoff profile; these data must reflect the use of noise abatement departure procedures and, if applicable, the takeoff weight of the aircraft or some proxy for weight such as stage length;
5. Existing topographical or airspace restrictions which preclude the utilization of alternative flight tracks;
6. The government furnished data depicting aircraft noise characteristics (if not already a part of the computer program's stored data bank); and
7. Airport elevation and average temperature.

A Revised Exposure Map may also be required should the Airport expand airport –related operations to the “western lands” acquired by the Airport and alter operations (such as increased nighttime cargo flights).

The Federal Department of Transportation may make grants to States and units of local government for development and implementation of land use compatibility plans and land use compatibility projects resulting from those plans for the purposes of making the use of land areas around large hub airports and medium hub airports compatible with aircraft operations. The Secretary of Transportation may make a grant for a land use compatibility plan or a project resulting from such plan only if:

1. The airport operator has not already submitted a noise compatibility program or has not updated such program within the preceding 10 years; and
2. The land use plan or project meets the requirements of U.S. Code Title 49.

In order to receive a grant Title 49, the County must:

1. Have the authority to plan and adopt land use control measures, including zoning, in the planning area in and around a large or medium hub airport;
2. Enter into an agreement with the airport owner or operator that the development of the land use compatibility plan will be done cooperatively [emphasis added]; and
3. Provide written assurance to the Secretary that it will achieve, to the maximum extent possible, compatible land uses consistent with Federal land use compatibility criteria under section 47502(3) and that those compatible land uses will be maintained.

The County would be required to provide assurances that the land use compatibility plan or a project resulting from such plan:

1. Is reasonably consistent with the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses;
2. Addresses ways to achieve and maintain compatible land uses, including zoning, building codes, and any other land use compatibility measures under section 47504(a)(2) that are within the authority of the County to implement;
3. Uses noise contours provided by the airport operator that are consistent with the airport operation and planning, including any noise abatement measures adopted by the airport operator as part of its own noise mitigation efforts [emphasis added];
4. Does not duplicate, and is not inconsistent with, the airport operator's noise compatibility measures for the same area;
5. Has been approved jointly by the airport owner or operator and the County; and
6. Such other assurances as the Secretary determines to be necessary to carry out this section.

The Federal Environmental Impact Statement (EIS) process, governed by the National Environmental Policy Act (NEPA) would also require a noise impact study to assess impacts of proposed airport uses on existing development. In the case of the 2005 EIS for Dulles' new runways, the forecast examined aviation activity occurring from 2005 to 2025 and whether the proposed runways will impact any existing homes located around the Airport. If the Dulles Airport fifth runway is not under construction before 2025, or other changes to airport-related facilities affecting operations are proposed on the western lands, a new EIS would be required before construction could begin.

SUGGESTED MOTIONS:

1. I move that the Board of Supervisors **forward** CPAM-2016-0002, Silver Line Comprehensive Plan Amendment to the June 6, 2017 Board of Supervisors Business Meeting for action.

OR

2. I move that the Board of Supervisors **forward** CPAM-2016-0002, Silver Line Comprehensive Plan Amendment to the May 12, 2017 Transportation and Land Use Committee meeting for further discussion.

OR

- 3a. I move that the Board of Supervisors **suspend the rules**.

AND

- 3b. I move that the Board of Supervisors **endorse** CPAM-2016-0002, Silver Line Comprehensive Plan Amendment, recommended by the Planning Commission on April 13, 2017 with the following changes:
- a. Remove the Commission's recommended land use change to Mixed-Use, Medium Buildings on the eastern side of the proposed Loudoun Gateway Station; and
 - b. Revise wording to the implementation section to allow for revisiting the CPAM if a new noise study supports a change to our current Airport Noise Overlay District.

I further move that the Board of Supervisors **direct** staff to forward the CPAM-2016-0002, Silver Line Comprehensive Plan Amendment to the Virginia Department of Transportation for review and evaluation of the associated transportation system and model as required by the Code of Virginia.

OR

- 4a. I move that the Board of Supervisors **suspend the rules**.

AND

- 4b. I move that the Board of Supervisors **endorse** CPAM-2016-0002, Silver Line Comprehensive Plan Amendment with Board directed revisions and direct staff to forward CPAM-2016-0002, Silver Line Comprehensive Plan Amendment to the Virginia Department of Transportation for review and evaluation of the associated transportation system and model as required by the Code of Virginia.

OR

5. I move an alternate motion.