



Resolution Regarding Countywide Comprehensive Plan Amendment Proposal 2020-CW-3CP Updating the Airport Noise Policy

Whereas, the Fairfax County Board of Supervisors (the “Board of Supervisors”) authorized consideration of an amendment to the Policy Plan and Area Plan sections of the Fairfax County Comprehensive Plan (the “Proposed Amendment”) (the “Comprehensive Plan”) to allow residential uses between the DNL 60 and 65 dBA airport noise contours when there are development conditions to noise mitigation measures, notification requirements, and construction techniques for such uses; and

Whereas, while the Proposed Amendment is styled as a Countywide amendment, due to where the DNL 60 and 65 dBA noise contours fall for the three airports in or adjacent to Fairfax County (Dulles International Airport, Reagan National Airport, and Davison Army Airfield) the primary practical implications are currently near to and the majority of the Proposed Amendment focuses on Dulles International Airport (“Dulles”); and

Whereas, the County Staff requested community input, including from the McLean Citizens Association (MCA) on the Proposed Amendment; and

Whereas, Staff briefed the MCA’s Planning & Zoning Committee (the “P&Z Committee”) on the Proposed Amendment at the Committee’s meeting on February 22, 2022; and

Whereas, modeling of noise generated by an airport under its future, maximum buildout is a key component of the Comprehensive Plan; and

Whereas, current noise levels are relevant to the Comprehensive Plan, now and in the future, only to the extent that such levels are used to anchor the engineering models and the results of such models are adopted by the Board of Supervisors; and

Whereas, the P&Z Committee, sent a letter dated April 2, 2022 to the Fairfax County Department of Planning and Development (the “Letter”) (the “DPD”) outlining potential concerns with the Proposed Amendment based on the County’s briefing to the P&Z Committee and its online documentation, and asking for clarification of certain technical issues related to the Proposed Amendment; and

Whereas, key issues raised in the Letter related to:

1. Quality of life for new home owners who buy in the 60 to 65 DNL region;
2. Utility of the policy change in context of broader policy objectives;
3. Technical issues related to the interplay between noise modeling and the legal framework proposed; and
4. Potential economic impacts to the County; and

Whereas, the Staff Report for the Proposed Amendment was released on April 27, 2022, including information related to some but not all of the concerns raised in the Letter; and

Whereas, the Staff Report references a report from Johnston Aviation (the “Johnston Aviation Report”) dated March 15, 2020, which was commissioned by Fairfax County to peer review an earlier study Ricardo & Associates from 2019 (the “Ricardo Report”), which was commissioned by the Metropolitan Washington Airports Authority (“MWAA”); and

Whereas, the Johnston Aviation Report generally finds the technical work from the Ricardo Report to be consistent with standard industry practices, the Johnston Aviation Report also recommends consideration of different metrics, compares Dulles to other hub airports, and provides four specific recommendations; and

Whereas, the Staff’s support for the Proposed Amendment appears to rest heavily on three factors, namely:

1. “Most international airports in the United States are located within areas with significant existing development and most jurisdictions with international airports permit residential uses within the 60-65 DNL” (Staff Report, page 23);
2. Noise abatement is assumed to provide adequate mitigation for residential uses in these areas; and
3. “The FAA has adopted DNL 65 dBA as the threshold for significant noise exposure” (Staff Report, page 11) with references to 14 CFR Part 150; and

Whereas, the Staff Report comparison of Dulles to “most international airports in the United States” does not address the Johnston Report analysis that Dulles is one of only two “green field” airports built in the last 60 years so that “Dulles is in a unique position that is envied by most airports in that they were able to establish effective land use controls many years ago that most airports do not have the opportunity to pursue” (Johnston Report, page 18); and

Whereas, the Johnston Report discusses the other green field airport, Denver International Airport, including specific examples of how development around the airport has created new conflicts between the airport and surrounding uses and undermined some of the advantages that Denver sought when it moved its airport away from the city; and

Whereas, in consideration of Denver as a comparable for the appropriateness of noise abatement conditions, it should be noted, as stated in the Johnston report, that noise abatement was initially a defensive measure for land already entitled near the airport, that the local jurisdiction encourages agricultural use within the 60 DNL contour, that for the areas within the local “Noise Overlay Zone” that covers the areas initially anticipated for higher noise the “programs have worked to date and no new residential rezoning has taken place within the 60 DNL contour”, and that further disclosures for new development became necessary due to expansion of the 65 DNL contour outside of the Noise Overlay Zone as airport use evolved; and

Whereas, while the Staff Report asserts that new residential development could be an economic driver for the airport, the Johnston Report notes that in Denver, with respect to developer demands for residential development near the airport, “new development also has the potential to limit the ultimate build-out of the [Denver] Airport when needed due to the close proximity of non-compatible land use development in the area” (Johnston Report, page 32)

Whereas, 14 CFR Part 150 includes a table that lists residential uses as “compatible” between the 60 and 65 DNL contours, as noted both by Staff and the Johnston Report, the full text of the provision makes clear that the 65 DNL level is not a federal standard to be adopted by local jurisdictions but rather a threshold at which certain federal resources become available to supplement local jurisdictions, including, e.g., grant money for the acquisition of and repurposing of existing residential uses near airports (14 CFR Part 150 and 49 USC 47501 et seq.); and

Whereas, in any process for which 14 CFR Part 150 would apply, the noise contour maps relevant would be those submitted by the airport operator and

accepted by the FAA, not the maps legislatively adopted by the Board of Supervisors, to the extent that they differ now or in the future; and

Whereas, the Proposed Amendment leaves in place noise contour maps dated March 1993; and

Whereas, the Staff report states that there are 3,117 acres of land within the 60-65 DNL contours but notes that 92% of this area is already developed or subject to other previously approved plan amendments, which is consistent with concerns raised in the Letter that the Proposed Amendment has limited potential for positive impacts with respect to broader County policy objectives; and

Whereas, the Staff Report and the text of the Proposed Amendment does not provide definitive, specific disclosure requirements that would be imposed on new residential development within the 60-65 contours while the MCA holds the concern stated in the Letter that any such provisions, which are tied to a model of a future build of the airport, maybe be difficult or impossible for new buyers to assess and yet may trap those buyers into undesirable housing when airport operations eventually expand.

Now, therefore be it resolved that, in balance of the evidence, the McLean Citizens Association opposes the Proposed Amendment because the Proposed Amendment offers few potential benefits to the County at large while not addressing important concerns, introducing unnecessary economic risks to the airport, and creating potential harms to future County residents.

Approved May 4, 2022 by the Board of Directors of the McLean Citizens Association

McLean Citizens Association, P.O. Box 273, McLean, VA 22101

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