

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MAY 18, 2022**

PRESENT: John C. Ulfelder, Vice Chairman, Dranesville District
Timothy J. Sargeant, Secretary, Commission At-Large
Julie M. Strandlie, Parliamentarian, Mason District
Mary D. Cortina, Braddock District
John A. Carter, Hunter Mill District
Daniel G. Lagana, Lee District
Walter C. Clarke, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Evelyn S. Spain, Sully District
Candice Bennett, Commissioner At-Large
Andres Jimenez, Commissioner At-Large

ABSENT: Peter F. Murphy, Chairman, Springfield District

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The meeting was called to order at 7:31 p.m., by Vice Chairman John C. Ulfelder, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

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RZ 2021-SU-017/ PCA 78-S-063-012/ FDP 2021-SU-017 – K. HOVNANIAN AT GALLERY
PARK AT WESTFIELDS, LLC

(The public hearing on this application was held on May 4, 2022; Decision Only from May 11, 2022.)

Commissioner Spain MOVED THAT THE PLANNING COMMISSION TO RECOMMEND TO THE BOARD OF SUPERVISORS ON THE FOLLOWING:

- APPROVAL OF RZ 2021-SU-017 AND PCA 78-S-063-12, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED MAY 17, 2022;
- APPROVAL OF A WAIVER OF PRIVATE STREET WIDTH FROM 24 FEET TO 20 FEET IN FAVOR OF THAT SHOWN ON THE CDP/FDP; AND
- APPROVAL OF A WAIVER OF THE 600-FOOT MAXIMUM LENGTH OF PRIVATE STREETS IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

Commissioner Cortina seconded the motion, which carried by a vote of 10-0. Commissioner Murphy was absent from the meeting and Commissioner Sargeant recused himself from the vote.

Commissioner Spain MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2021-SU-017, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 17, 2022, AND THE BOARD OF SUPERVISORS' APPROVAL OF THE ASSOCIATED REZONING.

Commissioner Cortina seconded the motion, which carried by a vote of 10-0. Commissioner Murphy was absent from the meeting and Commissioner Sargeant recused himself from the vote.

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SE 2021-SP-00023 – CLEMENTINE TWIN LAKES, LLC D/B/A CLEMENTINE FAIRFAX

On behalf of Commissioner Murphy, Vice Chairman Ulfelder MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SE 2021-SP-00023 TO A DATE CERTAIN OF JUNE 8, 2022.

Commissioner Sargeant seconded the motion, which carried by a vote of 11-0. Commissioner Murphy was absent from the meeting.

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Commissioner Sargeant announced that on May 13, 2022, Planning Commissioners were emailed copies of the draft minutes for the meeting minutes for March 2022. He then announced his intent to move approval of these minutes at the Planning Commission meeting scheduled for June 8, 2022. He encouraged Commissioners to review the minutes and submit all corrections or edits to staff prior to this meeting.

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Vice Chairman Ulfelder announced that the Land Use Process Review Committee would meet on Thursday, May 19, 2022, at 7:30 p.m. in the Board Auditorium of the Fairfax County Government Center, located at 12000 Government Center Parkway, Fairfax, VA 22035. He added that agenda would include the Site-Specific Plan Amendment Retrospective to review with staff potential changes to the process and a presentation by the Zoning Administrator's office the Zoning Ordinance Work Program. He added that the meeting was open to the public and the materials for this meeting would be made available on the Planning Commission's website.

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ORDER OF THE AGENDA

Vice Chairman Ulfelder established the following order of the agenda:

1. PA 2020-CW-3CP – COMPREHENSIVE PLAN AMENDMENT (AIRPORT NOISE POLICY)

This order was accepted without objection.

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PA 2020-CW-3CP – COMPREHENSIVE PLAN AMENDMENT (AIRPORT NOISE POLICY) – Plan Amendment 2020-CW-3CP is a Countywide Plan Amendment that proposes to revise the Land Use and Environment Elements of the Policy Plan and Area III sections of the Plan to allow for consideration of residential uses between the 60 and 65 DNL airport noise contour with commitments related to noise mitigation measures, notification requirements and construction techniques. Dulles Airport is the only airport in Fairfax County with adopted 60-65 DNL airport noise contours. COUNTYWIDE. PUBLIC HEARING.

Corinne Bebek, Planning Division (PD), Department of Planning and Development (DPD) presented the staff report, a copy is in the date file. She stated staff recommended adoption of PA 2020-CW-3CP.

There was a discussion between Ms. Bebek, Joseph Gorney, PD, DPD, Kelly Atkinson, PD, DPD, Leanne O'Donnell, PD, DPD, Barbara Byron, Nick Johnson, Johnson Aviation, and multiple Commissioners on the following:

- Confirmation that the only area in Fairfax County impacted by airport noise contour was to the North and South of Route 50 surrounding Washington Dulles International Airport (IAD);
- Clarification on the impact of airport noise from Regan National Airport and Davison Army Air Field (DCA) on the South County region of Fairfax County;
- Confirmation that airport noise contour policies articulated in the proposed amendment did not affect the operation of DCA;
- The existing policy regarding noise and noise mitigation within the Zoning Ordinance;
- The general support by Commissioners of staff's recommendation to permit residential development within the 65/60 DNL airport noise contour area;
- The existing recommendations for development within the Comprehensive Plan for the areas located within the 60 to 65 DNL contours;
- Confirmation that future proposals within the aforementioned contours would go through a Plan Amendment process that was initiated by the Board of Supervisors;
- Explanation of the difference between the 1993 and 2019 airport noise contour data from the Metropolitan Washington Airports Authority (MWAA);
- Clarification that airport noise contour took into consideration the capacity of the airport and how its runways operate, but did not take into account the existing level of ground noise relative to the airport capacity;

- Explanation of the purpose of the noise study conducted in conjunction with the proposed 2019 noise contours;
- Explanation on why the revised 2019 airport noise contours had not been adopted and possible mechanisms for promoting the adoption of these contours;
- Justification of the existing DNL requirements in the Comprehensive Plan and Zoning Ordinance;
- Confirmation that each new development proposal within the airport noise contour would be subject to individual considerations for approval;
- Explanation on the use of noise studies during the review process for future residential development;
- Clarification on the consistency between the Comprehensive Plan and Zoning Ordinance in relation to airport noise contour area;
- Clarification that staff recommendation would be guided by the recommendations of Comprehensive Plan and the applicable standards of the Zoning Ordinance;
- Clarification on the average noise impact of aircraft following a general flight path on a residential area;
- The extent to which noise was considered by prospective homebuyers seeking to purchase a home on a site within the 60 to 65 DNL;
- Clarification on efforts to ensure noise mitigation coverage for all areas impacted by concentrated flight paths;
- Clarification on the extent to which Loudoun County had updated its airport noise contours map around Dulles International Airport and the extent to which that impacted potential development in certain areas;
- Explanation on noise mitigation strategies used for construction of residential units within a 60/65 DNL noise contour;
- Confirmation that the Metropolitan Washington Council of Governments (COG) determined the location of noise monitors for collecting noise study data;
- Explanation on the results of a Neighborhood and Environmental survey conducted by the Federal Aviation Administration (FAA);
- Clarification on noise level evaluation efforts conducted by staff within noise contour areas in relation to consideration proposed development within that area;
- Clarification on efforts to compare the 1993 and 2019 noise contour on land area with regard to potential residential development;
- The extent to which staff, the Commission, and the public supported the 2019 revised noise contours; and
- Clarification on the scope of staff's recommendation for adopting the proposed amendment and evaluating future residential development located within the 60/65 DNL noise contours.

The discussion resulted in no changes to the proposed plan amendment.

Vice Chairman Ulfelder called the first listed speaker and recited the rules for public testimony.

Jeffrey Parnes, P.O. Box 230042, Sully Station, VA, representing the Sully District Council of Citizens Associations and Joint Sully District Land Use and Transportation Committee. Mr.

Parnes spoke in opposition of the proposed plan amendment because it would permit residential development in areas that were subject to excessive noise generated by the airport. He then requested the following:

- Adoption and incorporation of the 2019 MWAA Noise Contour Map in the Comprehensive Plan and Zoning Ordinance;
- Implementation of aviation easements for any residential development approvals within noise contours of 60/65 DNL;
- Written disclosures for prospective buyers to include potential safety and health consideration and a legible diagram depicting flight paths in proximity to the development; and
- Denial of new residential developments in the portions of Land Unit J within the 65/70 DNL contour.

A copy of Mr. Parnes' written testimony is in the date file.

There was a brief discussion between Vice Chairman Ulfelder and Ms. Atkinson on Mr. Parnes' concern with approval of applications based on 2013 noise contour. Ms. Atkinson confirmed that the Stonebrook application was previously approved, and the land area falls within 65/70 DNL noise contour.

Adrienne Whyte, 6704 West Falls Way, Falls Church, VA 22046, representing Reclaim Fairfax, aligned herself with the previous speaker's concerns to the proposed plan amendment. Ms. Whyte voiced concerns related to the adverse effect of aviation noise exposure on the environmental health of the subject area.

Michael Cooper, 1 Aviation Circle, Washington, D.C., representing Metropolitan Washington Airports Authority (MWAA); accompanied by Richard Golinowski, Vice President of Dulles Airport, Gregg Wollard, MWAA; and Michael Jecht, MWAA. They gave a presentation in support of the proposed plan amendment. In addition, they advocated for the adoption of the 2019 Noise Contours and concurred with the following recommendations made by staff:

- Providing clear disclosures to new homeowners regarding the possibility of a noise impact from the airport;
- Providing for appropriate easements; and
- Provisions for enhanced interior home noise insulation.

A copy of Mr. Cooper's PowerPoint presentation is in the date file.

There was a discussion between Mr. Cooper, Mr. Wollard, Mr. Golinowski, Mr. Jecht, Ms. Bebek, Ms. Atkinson, Mr. Gorney, and multiple Commissioners on the following:

- Clarification on MWAA's determination regarding the impact of retaining the 1993 airport noise contours;

- The accuracy and validity of the data utilized to determine the proposed 2019 airport noise contours, as well as the methodology for gathering such data;
- The ongoing trends in traffic, operation, and usage at Dulles International Airport;
- Clarification on the discretion utilized by Dulles International Airport on managing nighttime operations to mitigate the impact on nearby areas;
- Clarification on MWAA's position on the types of noise mitigation measures that would be utilized for residential developments to mitigate the noise impact within the 60 to 65 DNL noise contours;
- Clarification on the policies of neighboring jurisdictions for determining noise contours near Dulles International Airport and mitigating the noise impact for development within the 60 to 65 DNL contours;
- Clarification on the number of noise complaints MWAA received from residents living near Dulles International Airport;
- Clarification on the current and planned flight paths for aircraft arriving and departing from Dulles International Airport;
- Clarification on the noise levels at which residents start to submit complaints;
- The benefits of adopting the revised 2019 airport noise contours;
- The extent to which MWAA's determinations mirrored those of surrounding residents;
- Clarification on the growth, operation, capacity, and expansion of Dulles International Airport;
- Clarification on trends in air traffic and noise contours since the completion of the proposed 2019 airport noise contours;
- Clarification on MWAA's efforts to continue tracking the trends in traffic, operations, and noise generation at Dulles International Airport;
- Clarification on the differences between noise generated by the operation of Dulles International Airport and the noise generated by major roadways;
- Clarification on whether the noise generated by major roadways was additive to the noise generated by aircrafts; and
- Clarification on the process for considering the impact of both aircraft noise and traffic from major roadways when evaluating an application.

The discussion resulted in no changes to the subject application.

Clyde Miller, 3436 Skyview Terrace, Falls Church, VA, representing Holmes Run Citizens Association, spoke in opposition to the proposed plan amendment. A copy of Mr. Miller's written testimony is in the date file.

There was a discussion between Mr. Miller, Ms. Bebek, and multiple Commissioners on the following:

- Clarification on the process for considering, reviewing, and adopting the revised 2019 airport noise contours;
- Clarification on the extent to which public participation was included in the process for adopting the revised 2019 airport noise contours;

- The extent to which previously approved residential developments located within certain noise contours were able to comply with existing noise mitigation policies;
- The extent to which existing noise mitigation policies for residential developments were enforced;
- The difference between noise generated by vehicular traffic and noise generated by aircraft;
- The noise levels at which residents began to complain about aircraft noise;
- Clarification on how noise levels were monitored at residential development located within certain noise contours; and
- The mechanisms for delineating and enforcing noise mitigation measures.

The discussion resulted in no changes to the subject application.

Michael Van Atta 1750 Tysons Boulevard, Suite 1800, Tysons, VA, representing Agape Property Management LLC on behalf of McGuireWoods LLP, spoke in support of the proposed plan amendment because it supported Fairfax County's objectives to increase the supply of housing to include both affordable and senior housing options. He added that the adoption of the proposed plan amendment would better align the existing airport noise policies with housing and economic development goals without impacting the continued viability of Dulles International Airport. He also indicated that the proposal adequately addressed noise mitigation provisions. In addition, he stated his support for adopting the revised 2019 airport noise contours. A copy of Mr. Van Atta's written testimony is in the date file.

There was a discussion between Mr. Van Atta, Ms. Bebek, and multiple commissioners on the following:

- Clarification on potential issues regarding the adoption of the revised 2019 airport noise contours;
- The accuracy, reliability, and utility of the revised 2019 airport noise contours;
- The process for evaluating, reviewing, and approving the revised 2019 airport noise contours;
- Clarification on the preferred noise mitigation measures for developers pursuing a residential development within the 60 to 65 DNL noise contours;
- Clarification on the process for approving a residential development within the 60 to 65 DNL noise contours under the proposed amendment; and
- Clarification of the impact of the proposed amendment and the adoption of the revised 2019 airport noise contours on existing property values.

The discussion resulted in no changes to the subject application.

Vice Chairman Ulfelder called for speakers from the audience.

James Perry, representing Elm Street Development, Inc., spoke in support of the proposed plan amendment. Mr. Perry identified the Westfields project as an example of how for-sale residential development within the 60/65 DNL could be successful.

Keith Meurlin, 44701 Propeller Court, Suite 100, Dulles, representing Washington Airports Task Force, spoke in support of the proposed amendment because it would support appropriate residential development around Dulles International Airport with adequate noise mitigation measures. However, he voiced concerns related to the Board of Supervisors' reluctance to adopt the 2019 Noise Contours and the recent push to approve resident development directly under flight paths to and from Washington Dulles International Airport. A copy of Mr. Meurlin's written testimony is in the date file.

There being no more speakers, Vice Chairman Ulfelder called for closing remarks from staff, who declined.

There was a final discussion between Commissioner Sargeant and Ms. Bebek on the following:

- Clarification on the possibility of the proposed amendment creating a precedent for previously approved residential development located within the 60 to 65 DNL noise contours; and
- Explanation of a past instance in which there was a follow-on motion that redirected future proposed plan amendments to be further evaluated as a policy perspective.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman Ulfelder closed the public hearing and recognized Commissioner Sargeant for action on this case.

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Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION TO DEFER THE DECISION ONLY FOR PA 2020-CW-3CP, TO A DATE CERTAIN OF JUNE 8, 2022, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Niedzielski-Eichner seconded the motion, which carried by a vote of 11-0. Commissioner Murphy was absent from the meeting.

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The meeting was adjourned at 11:15 p.m.
John C. Ulfelder, Vice Chairman
Timothy J. Sargeant, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 552, Fairfax, Virginia 22035.

By: Satabdi Samaddar
Approved on: September 28, 2022

Jacob Caporaletti

Jacob L. Caporaletti, Clerk to the
Fairfax County Planning Commission

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 30 day of September 2022, by

Daniel M. [Signature]
Signature of Notary

Notary registration number:

7114113

Commission expiration:

JANUARY 24, 2024

