

**County of Fairfax, Virginia
Planning Commission Meeting
April 24, 2019
Verbatim Excerpt**

PA 2018-III-DSI – COMPREHENSIVE PLAN AMENDMENT (DULLES SUBURBAN CENTER, LAND UNIT J) – To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the Code of Virginia, Title 15.2, Chapter 22. Plan Amendment 2018-III-DSI concerns approx. 1156 ac. generally located to the east and west of Route 28, bounded to the northwest by Old Lee Road, to the northeast by Walney Road and to the southwest by Braddock Road, to the south by Stonecroft Boulevard and to the southeast by Poplar Tree Road. The subject area is located in Tax Maps 43-2, 43-4, 44-1, 44-2, 44-3, and 44-4 in the Sully Supervisor District. The area is identified as Land Unit J of the Dulles Suburban Center in the Comprehensive Plan and is planned at the baseline for office, conference center/hotel, industrial flex and industrial use at an average intensity of 0.50 FAR, with options. The amendment will consider new land uses within the overall baseline intensity of 0.50 FAR, including new residential use (the addition of approximately 4250 units) and the addition of approximately 200,000 SF of retail use. Conditions relating to consolidation, impact mitigation, design and the flexibility to allow residential uses currently not envisioned by Comprehensive Plan policies related to airport noise may be recommended. Recommendations relating to the transportation network may also be modified. (Sully District)

During Commission Matters

(Decision Only) (Public Hearing on this application was held on February 27, 2019; Decision Only from March 14, 2019; Decision only from April 3, 2019)

Commissioner Tanner: Thank you, Mr. Chairman. I want to begin tonight by thanking everyone for their well wishes for the health of my daughter. She is a tough kid and doing quite well now.

Chairman Murphy: Good.

Commissioner Tanner: I also want to thank the planning staff, particularly Leanna O'Donnell and Marianne Gardner. Both have spent significant time responding to a multitude of questions from the Commission. I also want to make sure that I thank Amber-Lee Leslie and Laura Floyd, who have worked tirelessly to make sure that we address the needs and concerns of our district. The weeks – the weeks of dialogue and subsequent additions have been made this plan amendment reinforce my decision to move for its approval tonight. The language we that have before us in this plan amendment represents nearly three years of community outreach and staff support in a process that was anything but rushed. Originally, Land Unit J was studied under the Dulles Suburban Center Area Study that occurred between 2016 and 2017. At that time, the Westfields Business Owners' Association submitted a proposal designed to ensure the future economic success of its 1,100 acres through mixed-use development. The model that they proposed is one of live, work, play. We, as a Planning Commission, have seen time and again that the old model suburban office park is no longer attractive for business owners and their employees. Mixed-use development that thoughtfully balances commercial and residential uses furthers the County's goals that to bring people closer to their employment centers, while simultaneously addressing our housing needs and traffic issues. By pulling Land Unit J out of the Dulles Suburban Center study, Supervisor Kathy Smith acknowledged that the sheer economic size, economic development potential, and potential noise contour policy impacting Land Unit J necessitated a separate County review. Supervisor Smith established a nine-member task force, two of which

were actually members of the Fairfax County Airports Advisory Committee. The task force met five times between October 29, 2018 and January 9, 2019. And if you recall during our public hearing on this case on February 27, 2019, the task force unanimously supported the staff recommendation to allow residential uses subject to the appropriate noise mitigation strategies explicated in the text. Staff has devised a strategy to protect future communities from the impacts of excessive noise. These measures include noise studies, voluntary aviation easements, interior noise attenuation, and extensive notifications regarding proximity to an international airport in marketing materials and land records. This strategy closely aligns with Loudoun County policies, as it relates to residential development near Dulles Airport. Furthermore, the proposed language aligns with FAA residential noise compatibility guidelines and the Fairfax County Zoning Ordinance. I also want to note that a fellow commissioner requested an analysis of how others in the Commonwealth currently handled noise in the 60 to 65 noise contours. The results of that research concluded that no one else in Virginia prohibits residential in the 60-65 noise contour. No one. I want to make clear that the role of the Commission, and eventually the Board of Supervisors, is to balance competing interests. The proposed language proves that the Commission does not have to make a zero-sum choice between the success of Dulles Airport and the vitality and success of Westfields and western Fairfax. Making it a zero-sum choice means that you do not care about the economic success of Sully. This plan amendment does not change existing Fairfax Countywide policies relating to aircraft noise or noise contours. Rather, this plan amendment creates a reasonable exception to allow residential use within the 60-dBA noise contour within Land Unit J because the staff has identified and included strategies to mitigate noise impacts. If you recall, this Commission recommended approval of a similar exemption of countywide noise policy in Reston where the transit noise exceeded 75-dBA, but economic development opportunities warranted flexibility. I take issue with the manner in which this Commission has given outsized attention to the concerns of the Metropolitan Washington Airports Authority. From the beginning of this process, we have emphasized the economic importance of Dulles Airport to Fairfax County. We have spoken with MWAA and asked what measures they recommended and have implemented each of them in the revised language. But right now, I want to take a moment to similarly acknowledge the economic importance of the Westfields business park. Westfields business park, which encompasses a majority of Land Unit J, is the 4th largest employer in Fairfax County. It employs between 30,000 and 35,000 people and is a significant driver of revenue that places Sully District fourth out of nine in allocation of total taxable base for the 2019 real estate assessments. The future growth and success of Westfields business park is equally important to that of the airport. And as I mentioned earlier, the choice to balance these interests is not a zero-sum proposition. The airport and business park can operate synergistically, and I believe that the residential use in Land Unit J is an appropriate addition to leverage future success for both Sully District assets. You have all received the numerous support – letters of support from business owners that recognize the value of mixed-use development in attracting and retaining employees. Smart growth advocates similarly recognizes the value of mixed-use development in reducing negative environmental traffic impacts. And in spite of the controversy that has recently derailed a very considerate and organized process, I support this plan amendment because of the potential to make a substantial impact in Sully District. The plan amendment includes strong language relating to affordable and diverse housing, contributions to public schools, parks and open space. I thank staff for creating the necessary framework for us to review specific rezoning applications on a case-by-case basis in the future. We have to move towards policies and practices that allow room for flexibility in considering the appropriateness of different land uses, in this case residential, as economic conditions change. As the Sully District representative from this body, my job is to make choices

that I think will help my district. If you live in Sully, you know that the airplanes flying over are a way of life. My daughter loves to marvel at the planes go by often waving to them, as if they can see her. I know that some of you wish to wait until the County adopts updated noise contours. That process has historically taken years of feedback from the community, staff, and the Board, and likely require extensive review, if the Board of Supervisors decided to pursue it. Let me remind you that, despite being placed in the Countywide Policy Plan, noise contours exist primarily in Sully District. A sliver of the noise contours fall within Dranesville District and would preclude the residential development of another case that we are actively reviewing. To assert that the County should restrict residential development within newly-drafted noise contours is to basically deny residential development and redevelopment in Sully. It is to deny the potential to maintain Sully District's future economic viability. Over the past two months, I have worked closely with you all to address your concerns to modify the plan amendment where appropriate and I firmly believe that the amendment, as proposed, is not only the right thing for Sully District, but also the right thing for Fairfax County. I ask that you support this plan amendment as well as the Sully District and vote to recommend its approval. The proposed changes have been sent out and my proposed changes to the staff recommendation are noted in bold italics and highlighted in yellow. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A PLANNING COMMISSION ALTERNATIVE TO THE STAFF RECOMMENDATION FOR PLAN AMENDMENT 2018-III-DS1, AS SHOWN ON TONIGHT'S HANDOUT DATED APRIL 24TH, 2019.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. I won't be able to support the motion and I'm – I'm sorry for that. And I – I respect very much Commissioner Tanner's efforts to get us to a consensus. At the same time, I think this application presents us, once again, with a classic conflict between environmental policy and economic pressure for development. It's not the first time we've had that tension before us and I think as the County continues to approach buildout and there are fewer places left for development, we're gonna continue have – to have environmental policy conflict with pressure to do development. In this case, the question presented is should we relax our existing environmental policy to facilitate residential development for economic reasons? There're good things in the application and I think we all want Westfields to succeed economically. At the same time, this is not the way to do an amendment like this. We shouldn't be doing it piecemeal. We shouldn't be creating site specific exceptions to an existing policy without evaluating the policy first. In this case we're also making changes over the objection of the airport authority. I think if we had looked at the policy in toto, we might have come up some additional criteria. I think EQAC sent us a memo suggesting that this is not the way to do it. Again, if we have an environmental policy we ought to be looking at the entire policy first. Commissioner Cortina had pointed out, I think, that there may be a distinction between multi-family units and townhouses, for example, in the context of airport noise. And that multi-family units have less surface or less area on the exterior surface of

the building and those in some places might be more protected from impacts of airport noise. I think that the airport also has pointed out some concerns they have particularly with the areas directly beneath the flight path. More importantly, I think doing this type of amendment piecemeal and out of sequence before we've adopted the new map, unfortunately creates a loophole which is contrary to our existing policy. Environmental Objective 4 is a Countywide principle in the Policy Plan. It has provided for decades that we will not have new residential development between the 60 and 65 DNL contours and served us well for decades. We have tonight in front of us what's a major policy shift and that would be we would allow for the first time, at least in Land Unit J, new residential under certain criteria between 60 and 65. This is though – although we have not vetted, we have not gone through the existing policy. Maybe that policy is obsolete or maybe Fairfax County has been too strict on environmental regulations. Maybe we need to relax our policy or back off the protection of citizens from noise. But if we were going to do that, I think we ought to be doing it in the context of the new map. We are adopting an amendment to the – to the Comprehensive Plan which refers to noise contours, but because we're not changing the map, we're referring to the contours from 25 years ago. And unfortunately, the land rush is on. Once the new map was unveiled in January, at least three applications for residential or mixed-use with residential were filed in Land Unit J. One of those applications is actually within the 65 contour for 100 and some townhouses. Technically though, these applications all will be evaluated under the old map because they were filed under the old map. And if we relax the Plan, if we relax the restriction on development between 60 – in the 60 to 65 contour, the area that's in the new 65, under the new map is eligible for residential because it's technically 60 under the old map. That will facilitate the approval of townhouses residential within the 65 contour, which is something nobody has overtly advocated. That's an unfortunate loophole that was created by doing this type of thing out of sequence. I don't think its - that there's any emergency been presented, requiring an immediate vote by the Board, although time is up for the Commission. There's no emergency presented by this amendment and there will be nothing wrong with the Board trying to sync those two back up together, moving with all deliberate speed to sync up the new map with the new plan. The airport is objecting to this. The airport is concerned about the flight paths. They send us a request last week. I think everyone on the Commission saw it. Saying please, please, Fairfax County, don't make any land use decisions in this area until the new map has been adopted. We know that the airport has spent a lot of time and a lot of money using scientific techniques, I would assume, to come up with their projections. We know that the airport is expanding. We know that it's going to be noisier. They're telling us that the noise contours are moving south. I don't think it's unreasonable to suggest if we're going to adopt new text that refers to the noise contours that we use the best information that we have. The most updated material that they can give us about their scientific and technical expectations about what areas are going to be too noisy. It's too late for us to do that, but I think that the Board – the Board can do what it can to get those two back on track. We can, I think, also suggest to the Board that they do that. We talked about the loophole. There's been criticism, I think, also of the new map that perhaps MWAA, that they're nervous worry warts that this is all speculative. We don't know what the future may bring, and I think that's true, but we historically deferred to their technical expertise on this and I think again, to the extent we're changing the Plan, it would be better to incorporate the current Plan based on the current study that they just sent to us and sent to us again rather than to tie it to an outdated Plan from 25 years ago. It's illogical to amend the Plan to refer to those contours without updating the map. I think tonight's vote may be forgotten by the time folks move into these townhouses, or whatever happens in this area and the airport has expanded. There'll be different politicians in office to complain to, perhaps. But that doesn't mean that in the exercise of our advisory role to

the Board, that it isn't appropriate for us to comment on this and say, hey wait a minute, this is the wrong way to do it. If we're gonna do this, if we're gonna bust an environmental policy, we ought to not do it piecemeal. We ought to be looking at that policy. We ought to be using the current data to do it. We ought not be creating this loophole for townhouses in a 65. There's no emergency here and I think it's reasonable for the Board to try and put those things together. So, I won't be supporting the motion. Thank you.

Chairman Murphy: Further discussion? Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. First, I align myself completely with the comments of Commissioner Hart. The public policy question for Fairfax County must be prospective and planning for the future. In my opinion, it would be the epidemic of poor planning to allow the construction of more dwelling units directly under the known flight paths of a thriving international airport. In regard to the economic development, I consider the entire region. I will quote from a letter dated today, from the Northern Virginia Chamber of Commerce, and I quote, "Dulles International Airport is a vital component of current and future economic success in Fairfax County and Northern Virginia as a whole. Dulles connects our region to goods and services from across the globe and enables our member companies to conduct business with global partners." The letter later continues "County leaders have an important role in Dulles' continued success." Despite what may or may not be on an approved, if outdated, noise contour map we know where the planes are flying currently and will increasingly fly. We know where the noise is occurring currently and will increasingly occur. A question Fairfax County must answer is how to mitigate this noise impact. The best options I see are one, not build any more dwelling units in Land Unit J or two, not to build dwelling units under the – where the most noise occurs. That is directly under the arrival flight paths or under the newly-released and now known, if not certified by the County, 65 dB noise contour. An ounce of prevention is worth a pound of cure and I will vote no on this proposal.

Chairman Murphy: Further discussion? Ms. Cortina. Oh, I'm sorry. Mr. Tanner. Do you wanna...

Commissioner Tanner: [Inaudible].

Chairman Murphy: Okay. Mary.

Commissioner Cortina: Thank you, Mr. Chairman. The question is will mitigation for inside noise and an easement stop people who live within the concentrated arrivals plus or minus 200-foot flight path. With this next generation of FAA navigation system, we have GPS landing at the airport. And so, the arrivals will be very narrow, and we have received a map that shows where they will come in. And to put townhouses or other residential directly under that flight path when we know it's coming, when we know that those flight paths are concentrated, and then expect that those people will not complain and demand the politicians of the future restrict either airplane equipment types, hours of operation, or other changes that would negatively impact the airport, is not realistic. The entire County strategy with regard to the airport has been to put it out in that area precisely to avoid the noise problem in the first place and that is called abatement. And mitigation is what you do after you have a problem. Abatement is trying to prevent it in the first place. And MWAA's entire strategy has rested in large part with the land use which went with developing the airport out there in the first place. So, the abatement strategy is on the Board of Supervisors. It is a local matter. The federal government cannot tell us what to do there. The

State cannot tell us. This is a local matter and Land Unit J is a small part of the overall region. In Land Unit J, one developer within a land unit can also not take the entire region hostage, so to speak, with this particular land use. I understand the predicament that they're in, but those flight paths were oriented that way precisely for the land use conditions that Fairfax County committed to over decades and a condition that's always run with the land in that area. The economic success of the region has in large part been due to Dulles Airport. And especially as we diversify our sectors beyond the Federal Government, a robust international airport is – hub is critical to that success. And so is it reasonable to jeopardize our region's domestic and international transportation hub to give additional property uses to a few property owners. And that's really the crux of it for me. And I do respect the Planning Commissioner's time trying to sort this through. If we had some more time to be able to carve out perhaps areas directly under the flight path or figure this out in a more collaborative way working with MWA, I would be more likely to support it. But at this time, I cannot. Thank you.

Chairman Murphy: Mr. Tanner and then Mr. Sargeant.

Commissioner Tanner: Thank you. Mr. Chairman. There are a few things I wanna address. And the first of which being, it's in our best interest in Sully to make sure that the airport stays viable and is allowed to grow the way they perceive they were going to grow. Now if you look at the – the noise contours, and the estimations from 1992, they've only hit fifteen percent of their estimated goal. So right now, even now, it seems like it's an over estimation. But even if they did hit their numbers, it would actually benefit Sully District as well. And Westfields Business Park actually agrees with that. When I moved to Sully, I moved there because it was close to the airport and I travel a lot and I wanted to make sure that I was able to get there quickly in times of need. What I also know is that I used to fly and when I flew, the one thing that I'd always knew is that flight paths will always change depending on weather. There is no set path, even with GPS technology. You can't control the wind. So, the flight paths in estimations is just that. It's just an estimation. Right now, the current noise levels have not exceeded 65. In fact, they've been closer to 45. And again, we're still talking about mitigation, we're still talking about addressing it and wanna make sure that we let everybody know what they're doing. Also, the contours themselves are only in Sully with the exception of the small bit that goes into Dranesville. So, this is not a countywide impact. The airport will continue to grow, we want it to continue to grow, and have the language we have in this Plan amendment will not prevent that. This isn't a rezoning. This isn't a change in policy. All we are trying to do is have the opportunity to review applications on a case-by-case basis and at that time, especially since we are in an exempt area, we can have those conversations and request more mitigation strategies, request all things we're talking about right now. Finally, when we talk about the noise contours themselves, the new noise contours, the process itself has not even begun. That's not what we were tasked to do, that's not what we were asked. Instead, we were asked to consider different opportunities for residential growth within the Sully District, Land Unit J. Now if we say – say we start the process now. It will still take two to five years before it goes to process and that's assuming that it will pass. Loudoun County has already rejected that. So, when we start looking at what we are going to do going forward, again, the language itself will still apply if new noise contour maps are adjusted. We will still want to talk about the 60 to 65 dBA. That's all we're talking about. And if the new noise contours are adopted in a few years, then fine. But we can't sit here and say that we're going to prohibit growth because of what may happen in the future. We know what's in front of us right now. And that's the point that we're trying to make, we just want the flexibility to have the conversation for future growth here in Land Unit J. Thank you, Mr. Chairman.

Chairman Murphy: Thank you. Mr. Sargeant.

Commissioner Sargeant: Thank you, Mr. Chairman. While I will not be supporting this motion, my vote should not be construed as opposition to the vision created by the Sully District citizens and County staff working together for the future of the Dulles Suburban Center, Land Unit J. Let me also acknowledge Supervisor Kathy Smith and Commissioner Tanner on – for making this decision more difficult with their cogent arguments as well as their leadership and advocacy on behalf of the future of their district. Instead, my vote is cast in recognition of the unresolved issue of airport noise contours which has been articulated by my fellow Commissioners. This issue hangs like a cloud over this amendment. It requires input and guidance by the Board of Supervisors to move this vision forward in a timely manner. Therefore, I will not be supporting this motion. Thank you, Mr. Chairman.

Chairman Murphy: Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. Frankly, I'm somewhat ambivalent. I recognize that by MWAA having come into the party a little bit late, but coming in with new information following FAA guidance as to how they develop that information, could have a direct effect on Land Unit J. And is something that the County can't ignore. And that the County is going to have to figure out how it wants to deal with the new map and the new contours. And is going to have to consider its current policy, which I agree recommends against residential development below 65 – in the 60 to 65 dBA category. And – which is a number of other places allowed residential development in that range. I think the County is gonna have to step back and take a hard look at its current policy and decide what to do about the map. I agree that perhaps it a bit late in coming in and has had a significant impact on our thinking. But after reading all of the materials as well, I understand the dilemma that is faced by the – by Sully District, in particular the Dulles Suburban Center and Land Unit J and the Westfields area in terms of where they are in terms of potential development, redevelopment, and the needs that they have to try to get something going in an area that been basically stuck. And because I see – and what they're proposing in this case is consistent with the policy that the County has adopted with the expansion of the Silver Line, and so on, to go into more mixed-use development approach as a way to jump start areas that need some redevelopment and new development and would fit within the approach that Fairfax County is now taking with its land use. But because I am feeling ambivalent, I'm going to abstain in this case.

Chairman Murphy: Is there further discussion of the motion? Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I have a couple of questions that I need for clarification, if I could. I think I appreciate the argument that Commissioner Hart is making. I do have a question, though. Commissioner Hart, just where – what is the action that will get us to the point where the new contours are addressed by the Board?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: My understanding, and I think staff could probably address this, is two things have to happen. The Board has to authorize for advertising two items. One would be an

amendment to the Comprehensive Plan and one would also be an amendment to the Zoning Ordinance to the – to the ANOID section. And that those two items probably need to be done together. I think Mr. Selden might be able to address that. I don't know that we know how long that would take. I don't think it's gonna be an instantaneous thing, but it requires Board action to authorize the two items and – and to go forward.

Fred Selden, Director, Department of Planning and Zoning: Fred Selden, Planning and Zoning. That's correct, Commissioner Hart. You need both actions and authorization to look at changing the Comprehensive Plan as well as an authorization to look at modifying the Zoning Ordinance. And the modification to the Zoning Ordinance would actually be a rezoning of those properties because it's a Zoning Ordinance overlay.

Commissioner Niedzielski-Eichner: Thank you, Mr. Hart, for your response and Mr...

Commissioner Hart: One other thing, I'm sorry. It would be my intention as it – whether it's a follow-on motion or something else that we make that suggestion to the Board that with all deliberate speed, they initiate the process to do that. Whatever that is.

Commissioner Niedzielski-Eichner: And I'm – I guess I'm not aware. Is there a follow-on motion planned?

Chairman Murphy: It's up to you.

Commissioner Hart: Well, we haven't finished this yet.

Chairman Murphy: We haven't finished yet.

Commissioner Hart: If we get to that point, I think so.

Chairman Murphy: Mr. Tanner.

Commissioner Tanner: Mr. Chairman. I've talked to several Commissioners about that very point earlier. And I've often displayed, I am open to that follow-on motion that we recommend that we look at new noise contours. However, I don't think the two applications, or at least that follow-on motion is relevant to what we were asking you on this application. But I am open to actually hearing the follow-on motion to that one and would support it.

Commissioner Niedzielski-Eichner: So, I just want to go back to Mr. Selden. So, Mr. Selden are you aware of any initiative on the Board's part to pursue this – these two actions that you – you said need to be taken?

Mr. Selden: I was in a meeting this afternoon with the Chairman and I believe that the Chairman is looking at making – having a Board matter that would address the issue of updating the noise contours.

Commissioner Niedzielski-Eichner: Alright. And Mr. Tanner, well maybe, this is probably directed toward staff, but Mr. Tanner you might wanna weigh in. What is the consequence of – of a Comprehensive Plan amendment that makes the changes that are being – that are included in

this motion and that speaks to this, the question of the 65 decibel range being permitted at least in or not because the Comprehensive Plan doesn't permit, it just advises. But if – if we do – will we have the circumstance potentially where we will be changing the Comprehensive Plan and – and then have the decibel change to the point where we could have – have potential housing in an area that is even higher than the 60 to 65 above the 65-dB range?

Commissioner Tanner: Mr. Chairman, if I may.

Chairman Murphy: Yes.

Commissioner Tanner: It's a good question and one that we considered as we were talking about this plan amendment. And our thought was, even though right now, there – the noise is nowhere near the levels that the noise contours estimate that they will be in full buildout. We also considered that we should have noise studies at the time of the application to make sure that the noise that we are taking about still – still remain in the lower levels we're – we at least aspired to. In terms of a consequence, so to speak, it's something that we do all the time and as mentioned earlier, we just – we just did it in Reston. But for some reason, we treated the road noise different than we do the airport noise. And again, that's why we're here. We're here to deliberate, look the actual individual applications, look at the individual area – make sure that we are planning and thinking about all aspects of it and kind of weight the balances for it and make a recommendation to the Board. So even in that case, I don't believe there is any real consequence, especially when you look at the rest of the Commonwealth. Everybody else permits within 60 to 65 and they seem to be doing just fine.

Commissioner Niedzielski-Eichner: But you're acknowledging that there's – there's a potential for not 60 to 65, which is what we're – you're advocating, but the 65 and above – could – could be a consequence for an already – already considered Comprehensive Plan – so that the amendment is made to the Comprehensive Plan, we have a rezoning request and that rezoning request is specific to an area that we allow because it's in the 60 to 65 range, but then the new contours come in and we find out it's 65 or above.

Commissioner Tanner: And again, those are – a question that I think that Commissioner Hart alluded to earlier in a sense that it may happen, it may not. But again, we don't know what's going to happen years out. We don't know what the contours are gonna be (inaudible) adopted at the time. But at the time of application, at least the time they come before us, I do believe that where they fall with the contours, depending which maps are adopted, that's what we go with. And they are only talking about the 60 to 65.

Commissioner Hart: Mr. Chair?

Chairman Murphy: Mr. Hart.

Commissioner Hart: On that point, I – I think that's exactly the wrong answer. I think that the applications that are filed now have the benefit of the old map. If I – if I understand it, they are – they are evaluated under the ordinance, as it is, on the day the application is accepted. The – we – adoption of the new map doesn't fix the loophole where we have an application that's under the old 60 within the new 65, which we have one, at least, right now, for 100 and some townhouses.

But the old map will apply for that application because it was – already been accepted. Is that not correct?

Leanna O'Donnell, Planning Division, Department of Planning and Zoning: Leanna O'Donnell with the Department of Planning and Zoning. That's correct. We do – we are aware of one case that's been filed that's in the current 60 to 65 area and would be in the new 65 to 70. The others that we're aware of would fall under the new 60 to 65 so we do need to address that application.

Commissioner Tanner: Mr. Chairman, if I can...

Chairman Murphy: Yes, Mr. Tanner.

Commissioner Tanner: So, if I'm understanding you, Commissioner Hart, you're saying that we shouldn't pay attention to the Comprehensive Plan, as it currently exists, in terms of noise contours? We should wait and maybe one day see if they will change and until then, we don't accept anything else.

Commissioner Hart: No, I was...I was trying to answer Commissioner Niedzielski-Eichner's question. I think that issue has been prevented – presented squarely before us. We have an application that's in the old 60, new 65 – I mean what MWAA is telling us, they say this will be, as of January, they're saying this is what the new lines are. We have an application already that fits that hypothetical. It's above the 60. It's – it's in the 65.

Commissioner Tanner: But the new – the noise contours, as they are...

Commissioner Hart: Which the Board hasn't adopted yet.

Commissioner Tanner: Right. So, they – we haven't even had a question or even the consideration of the new noise contours, but what the noise contours at the extent of right now is what we are – really – why wouldn't we actually look at that one yet?

Commissioner Hart: The official map is what the Board has adopted, not what MWAA says it will be.

Commissioner Tanner: But even tonight, we're not actually reviewing those applications. We're reviewing this Comprehensive Plan Amendment.

Commissioner Niedzielski-Eichner: Mr. Chairman, if I...

Chairman Murphy: Yeah, I'm sorry.

Commissioner Niedzielski-Eichner: If I could just speak to my position on this, I think if any of my colleagues who have spoken more – most to specific to my position – my perspective, my challenge on this is, it's Commissioner Ulfelder. And I'm going to take one – a different tact than Mr. Ulfelder and I'm going to have to vote no on this. I am troubled by this last point. I do not want to have MWAA's – the uncertainty related to MWAA mitigate or prevent for an extended period of time – the ability for this Land Unit J to be developed. At the same time, we have an awareness of where MWAA's contours – revised contours are going to come to and I'm – I'm

concerned that we – we approve a Comprehensive Plan Amendment, we create this context potentially in which the development will occur and it will occur in a decibel level that is significantly higher and there's no way to mitigate against that. The residents will already be in place and it's a – I just see it as a potential risk that can be avoided if there's timely consideration of the MWAA's revised contours. And that's why I was asking about the matter of the Board taking this up. If the Board – my strong position is this is something the Board should take up and in the very near term and do – do so expeditiously as possible. And allow then for this to be considered – this Plan Amendment be taken up in the context of revised contours. Thank you, Mr. Chairman.

Chairman Murphy: Mr. Tanner.

Commissioner Tanner: Actually, the – Commissioner Niedzielski-Eichner, it's at – you bring up an interesting point and actually goes back to a question that Commissioner Hart asked. So, I'll ask the question of staff as well. Since we are considering the noise contours that are currently adopted in the Plan at the time of application – if we are also talking about at the time of application, since they applied before this even came to a vote, will they be subject to the old rules of the noise contours, thus eliminating the loophole?

Ms. O'Donnell: Leanna O'Donnell, DPZ, so the – an area that's now between the 60 and 65, if that were to change to 65 and 70, you know this Plan Amendment if it were to move forward as an option for residential use for Land Unit J, which is not there currently, so that would be an update to the Comprehensive Plan. But, if the lines remain in the Comprehensive Plan as they are today the existing lines would be used.

Commissioner Tanner: Okay. Thank you.

Chairman Murphy: Mr. Carter.

Commissioner Carter: There's an awful lot of ifs in this case and so I'll try this. Does this Comprehensive Plan Amendment fix the noise contours with where they are today? It does not. So, they can change at – at any time. And so, if there's a follow-on motion that – that recommends a change, I – I guess I'm in the minority here, but I'm probably gonna support this. I don't see the problem. The other – in terms of belts and suspenders, you've got a Zoning Ordinance and I wasn't sure what – what Fred Selden was saying about the – you've got a Zoning Ordinance change that's – that's required to put this into play. I'm I – did I hear that right?

Mr. Selden: What – Commissioner Carter, what I was referring to is the Comprehensive Plan refers to ANIOD, which is the Airport Noise Impact Overlay District, which is a zoning district. And if you were to adopt new noise contours that – that ANIOD would also need to be changed, which is in effect a change to that overlay district and the properties that are within it and without it – and outside of it.

Commissioner Carter: It seems like it's a – it's a timing issue of how quickly you would – you would make this – this change.

Mr. Selden: Again, because it is in effect a rezoning of a lot of parcels, I don't that's something that could be done quickly. And there are properties, quite frankly, that may be coming out of ANIOD, as well as properties, a few properties that may be going into ANIOD. So, again that's a rezoning of those properties and I've – I seem to recall the last time we did this, there was a lot of public outreach. We had to have maps, we had to be prepared for individual property owners to be able to see exactly how their property was being affected by a change to these noise contours. Which is – which is a much more detailed process than just changing the contours that we use in the Comp Plan to make decisions as to whether or not to encourage or discourage residential use within an area.

Commissioner Carter: Okay.

Chairman Murphy: Further discussion?

Commissioner Migliaccio: Mr. Chairman.

Chairman Murphy: Yes.

Commissioner Migliaccio: I'm just gonna – I seconded the motion and I'm gonna vote for this. And Commissioner Ulfelder made a good point – a valid point. Commissioner Tanner I agree with what you had said earlier. I'm gonna take a slightly different tact that we have tonight. We have a severe housing shortage in this County that's impacting our economic development long-term. I do not believe that this Plan Amendment is gonna severely impact Dulles Airport and it's growth long-term. We're gonna end up, I think, forward looking. We're gonna change our noise contours for the whole County because we're not in line with anywhere else in the Commonwealth of Virginia where the 60 and 65 and we are lacking space for housing. And I think we need to take a look at this. We have mitigation language in this Plan Amendment and I think that's the path that we should go down on this one and I'm gonna support Commissioner Tanner's motion.

Chairman Murphy: Further discussion? Yes. Mr. Tanner.

Commissioner Tanner: Mr. Chairman, just – just one final point. There – there seems like the biggest disagreement here is whether or not we're gonna adopt new a noise contours prior to voting on this one. And, again, since it's not even start of the process, I – I don't think that should be a factor in terms of how we vote on this one. However, I do agree that yes, we should make a recommendation that the Board will look into that one and push this forward. Especially if that helps ease you're – you're concerns about adoption of the new noise contours. But I do thank you for lively discussion and I – I appreciate your inputs on this. And hopefully going forward, we will be able to understand a little bit more about what we're talking about in terms of noise contours and address noise, not just for the airport but also all noise and treat them all equally. Thank you.

Commissioner Niedzielski-Eichner: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Niedzielski-Eichner: I – I do – I think Mr. Migliaccio points are extremely well taken and so, I – this is where my – where my struggle has been. But I do think it's a process issue and the Board – I do want the Board to – to consider the revised contours before we amend the Comprehensive Plan to – that will then get locked in – where these contours will then be locked into our Comp Plan. But Mr. Migliaccio point is very well taken that's why I think this has done in a timely way. And I strongly encourage to get that done urgently by the Board. Thank you.

Chairman Murphy: Further discussion? All those in favor of the motion to recommend to the Board of Supervisors to adopt PA 2018-III-DS1, Comprehensive Plan Amendment, Dulles Suburban Center, Land Unit J, as articulated by Commissioner Tanner, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners: Nay.

Commissioner Ulfelder: Abstain.

Commissioner Hart: Division.

Chairman Murphy: Alright. Division. Mr. Clarke.

Commissioner Clarke: Yes.

Chairman Murphy: Ms. Cortina.

Commissioner Cortina: Nay.

Chairman Murphy: Nay. Mr. Ulfelder abstains.

Commissioner Ulfelder: Abstain.

Chairman Murphy: Mr. Sargeant.

Commissioner Sargeant: Nay.

Chairman Murphy: Nay. Mr. Hart.

Commissioner Hart: Nay.

Commissioner Migliaccio: Aye.

Chairman Murphy: Aye. Ms. Hurley.

Commissioner Hurley: Nay.

Chairman Murphy: Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Nay.

Chairman Murphy: Mr. Carter.

Commissioner Carter: Aye.

Chairman Murphy: Mr. Tanner.

Commissioner Tanner: Aye.

Chairman Murphy: And the motion fails.

Commissioner Migliaccio: Four to five with...

Chairman Murphy: And the Chair abstains, actually.

Commissioner Migliaccio: Four, five [inaudible].

Chairman Murphy: I – I wanna make it clear why I'm doing that. I – I agree with Mr. Ulfelder. I – as we listen to this argument, the one thing is obvious to me this – this piece of swiss cheese have more holes in it than we should have in a – in an application we send to the Board. And it is – it is confusing, but it is very important that the package is correct as far as I'm concerned. As the Planning Commissioner who was involved in the first Plan Amendment and the rezonings in this area, in Westfields, I had the – the honor and the privilege being in the Springfield District and there was no Sully District then. And this parcel of land was – was by a Board's own motion zoned as I-3. Because the Board at that time felt with Dulles airport coming in, we needed industrial parks out in that area of Fairfax County to service this cargo and so forth that would be coming in by the aircraft and land at Dulles. And that didn't pan out. So we were able to change the I-3 designation, which would have been medium to heavy industrial, to this rezoning we have before us this evening. And so it's very, very important in my estimation that we do this right. And I think all the arguments here for one side or another were very valid, but it just shows how far apart we are on what we should have as – as a final determination to make a motion on the Plan Amendment and any future rezoning that's gonna depend upon the planning – planning process. So, will – Mr. Clarke voted yes. Ms. Cortina – we did the – okay. Motion fails five to two.

Commissioner Sargeant: Five to four.

Commissioner Cortina: [Inaudible].

Commissioner Hart: Four-five-two.

Chairman Murphy: Four-five-two. Okay. I wanna complement Mr. Tanner. It was a valuable argument – valuable. And the staff for persevering in this. Mr. Hart, did you have something?

Commissioner Hart: I did. Before we leave this. I don't – I don't wanna jump the gun if Commissioner Tanner's got another motion. Okay. Let me – let me suggest, Mr. Chairman, that I WILL MOVE THAT THE COMMISSION RECOMMEND TO THE BOARD THAT THEY PROCEED AS EXPEDITIOUSLY AS POSSIBLE TO DIRECT STAFF TO PREPARE FOR AUTHORIZATION AND ADVERTISING AN AMENDMENT TO THE COMPREHENSIVE PLAN AND AN AMENDMENT TO THE ZONING ORDINANCE TO INCORPORATE THE NEW – TO STUDY AND INCORPORATE A NEW MWAA MAP AS SOON AS THAT IS AVAILABLE.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion?

Commissioner Hurley: Mr. Chairman?

Chairman Murphy: Mr. Ulfelder and then Ms. – yes Mr. Tanner and then Ms. Hurley or whatever.

Commissioner Tanner: [Inaudible].

Chairman Murphy: Okay. Ms. Hurley and then Mr. Tanner. Go ahead.

Commissioner Hurley: Thank you, Mr. Chairman.

Chairman Murphy: Well, I – Ulfelder came first.

Commissioner Ulfelder: I – I think that I would – I support – I would support that motion. I think that – that would be a first step. I think that the County should also be taking the broader look at its current aircraft noise policy as illustrated in the Area III Plan, the Dulles Suburban Center Area Plan, the Bull Run Section Plan, the environment of the Policy – the environment section of the Policy Plan and the land use section of the Policy Plan as well. All of which to varying degrees and various ways address the current policy about anything over 60 dBA. And that would be something that I think that needs to be looked at as well in connection with the adoption of the new map.

Chairman Murphy: Mr. Hart.

Commissioner Hart: Mr. Chairman to that point. I – I don't disagree with that. I think maybe that's the second motion. I just didn't necessarily wanna tangle up one with the other...

Commissioner Ulfelder: Okay. Okay.

Commissioner Hart: One is a little more time sensitive perhaps. But that's certainly consistent with what I think the Board ought to be doing.

Chairman Murphy: Ms. Hurley then Mr. Tanner.

Commissioner Hurley: Thank you, Mr. Chairman. I'd like to add a friendly – I supported the motion, but I'd like to add a friendly amendment to also consider the flight paths, which I – as I understand it, would give a lot more space to build houses as long as they're not directly under the flight path. The flight paths are far more narrow than the noise contours are. So, I – to consider the noise contour map, yes, but also in conjunction with the actual flight paths, which is where the concentrated noise is which is there're getting all of the – most of the complaints from regular airport is because of the narrow flight path.

Commissioner Hart: Mr. Chairman, I think that could be part of the second motion the things Mr. Ulfelder has suggested. I think the flight paths are not necessarily part of the ANIOD. So I don't know if I would want it in the first motion, but maybe we put it in the second motion.

Chairman Murphy: Mr. Tanner.

Commissioner Tanner: So, I'll actually will address Commissioner Hurley's point first. I'd like to go back to the first night we've had this discussion and one of the last things that Commissioner Ulfelder said was, as a Fairfax County, we use noise contours, we don't use flight paths, and we shouldn't change that right now because that's not what – that's not what the policy is.

Commissioner Ulfelder: I said that?

Commissioner Tanner: Yeah. You said that.

Commissioner Ulfelder: See, that was February?

Commissioner Tanner: Second...

Chairman Murphy: Yeah.

Commissioner Tanner: I wanna at least...

Commissioner Hart: [Inaudible].

Commissioner Tanner: Slow down a little bit because we talked about – making that recommendation to the Board, but according to email we got from staff this week, MWAA is has not finished their process yet. And to quote the email they're – "they're awaiting supporting information, including a final report so that staff can describe how the new noise contours were developed with the assumptions used in the model. Staff also needs formal documentation from MWAA as MWAA's endorsement of final action and any related FAA comments or actions." So I believe we should wait until MWAA finishes their process first before actually advising the Board to adopt noise contours that have not yet been finalized.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: My – my motion was to do it as soon as it's ready. And it – I – I think it's – it's either done or close. And I – my – I mean that was the wording I had intended. That as soon as it's available, the Board move forward with it. If it – if they're a hundred percent done, and I thought they was a couple days ago. But my – the spirit of my motion is, not to approve something that isn't ready. It's – as soon as we've got something from MWAA that's ready to go, we go with it.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Tanner: Abstain.

Chairman Murphy: Motion carries. Mr. Tanner abstains. Now we have another motion? Mr. Ulfelder, did you wanna...

Commissioner Ulfelder: You want me to make it?

Commissioner Hart: Please.

Commissioner Ulfelder: Please.

Chairman Murphy: Well, you were the one that...

Commissioner Hart: I had to do all the talking.

Commissioner Ulfelder: Okay. Yeah. Well, I think that's appropriate. The – I was suggesting that I – I understand the need to address initially the overlay district and the Zoning Ordinance as well as the changes in the Comprehensive Plan related to the noise contours map, which I agree is also of potential noise contours based on future growth Dulles Airport and the future of aircraft. And the – and how they handle aircraft at Dulles. But I also feel that based on the material that we received during the review of this particular Plan Amendment, that there clearly are differences in different places about how they look at the noise levels in connection with the potential residential development. And that a lot of areas, including maybe the FAA itself, don't have as big a problem with noise in the 60 and 65 dBA. Starting with 65 and going up that there's a real problem. And so my point was that I think that the Board should also, at the appropriate time, consider authorizing or requesting staff to look into and study, and perhaps bring to them something to consider in connection with current noise, aircraft noise policies relating to the areas that I outlined, which is Area III – which is, Dranesville and Sully, and the – which includes the Dulles Suburban Center District, as well as Bull Run. And – that are affected by aircraft noise and consider whether they want to make some changes in that policy going forward. But I think that's correct. It would be an action that would follow at some point, the initial action that Commissioner Hart motion calls for. And so, let's see. You want this in the form of a motion, right?

Commissioner Hart: You'll say it better than I will.

Commissioner Ulfelder: What?

Commissioner Hart: I say, you'll say it better than I will.

Commissioner Ulfelder: Mr. Chairman, I – I – I recommend that the – I would – I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT ASK STAFF TO PREPARE FOR A POSSIBLE AUTHORIZATION FOR FURTHER STUDY AND REVIEW, AND POSSIBLE REVISIONS TO THE CURRENT AIRCRAFT NOISE POLICIES FOUND IN VARIOUS PARTS OF THE COMPREHENSIVE PLAN FOR THE AFFECTED AREAS IN – AROUND DULLES AIRPORT.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded Mr. Niedzielski-Eichner. Discussion of the motion? Ms. Hurley.

Commissioner Hurley: Just to same comment. It's not just the noise. It's also the flight paths, if I may offer that friendly amendment.

Commissioner Ulfelder: It would be fine. The MWAA raised flight paths issues in connection with aircraft presentation and the materials and presentation of us. And that is an issue now because of the new – the new GPS systems is going to be used for landings at the airport. And I think it's part of what they should be – what they should ask staff to look at and see to what extent, if at all that is a factor that they should take – they can and should take into account in developing any revisions to the current noise policy.

Commissioner Niedzielski-Eichner: Mr. Chairman?

Chairman Murphy: Yes. Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: As the seconder to that motion, I agree with that. I recognized that historically that has not been a – incorporated in our policy, but I do think that technology is changing, and we have to be prepared to adapt to the changes that technology brings us. And this might just be one of those. I'm not saying it should, but I do think that staff ought to be looking at it.

Chairman Murphy: Mr. Tanner.

Commissioner Tanner: So, I just wanna clarify. You're just making a recommendation to look into it further, then later on there will be a decision made whether or not we should do it or not, right? Because I was with you until flight paths. Only because, again, flight paths change. It's not based on GPS, it's based on weather. So, if it's – if the only goal is just to look into it and see if that's a possibility, then I understand.

Commissioner Ulfelder: I'm just – I'm suggesting that – I think Commissioner Hurley is raising the issue that the MWAA said that because of the tight – because of the ability to plan – land planes more efficiently, and safely at the same time and that the airport plans include the

potential for using three – three runways at a time and maybe four, and eventually five. In other words, you could land up to three, four, or five planes at the same time at Dulles airport, that it – it reflects a narrow pipe – narrow flight paths. And therefore, we can look at what those kind of flight paths are going to be as a – fairly specifically. And meet – and the question is whether we need to factor that into our consideration of any revisions to current noise policy. But I – you're it's just – it's a – it's a general reflection, a general suggestion.

Commissioner Tanner: Understood. But just to clarify your point. There will never be an instance where flying planes land at the same time because the runways are oriented differently.

Commissioner Ulfelder: Well, I understand, but it could be up to four for sure. Because that's a long – I agree it's a long way off. And I think that's – that's one of the problems we are wrestling with here. Is that we're dealing with predictions of future potential traffic and use at the airport not just for passengers, but for cargo. And it's – so it's difficult to know when it's all gonna happen. If it's – if it's gonna happen, if so, when it's going to happen. And – but we do know based on the current configuration of Dulles airport we have a pretty good idea of what those flight paths will be.

Commissioner Tanner: Understood. Thank you. I will support the motion. I just want to make sure we're clear on the – the actual flight...

Commissioner Niedzielski-Eichner: Mr. Chairman?

Chairman Murphy: Yes. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Again, one more time on this. This is a Comprehensive Plan question. I recall being – visiting, well actually not visiting – I worked in Washington, DC for as an intern in my younger days and was given the opportunity to ride out to Dulles Airport in a car and all I could on either side of the ride was a tunnel with trees. There was just nothing out there except Dulles Airport. So, this airport was called the folly by a lot of people. It's never – how's it gonna serve the community? But somebody had vision and said this is to how we should put – this is where we should put this airport. I – our job is to think long term and so, I think it's prudent that to think in terms of what are the implications of technology on flight paths, on noise levels, on the operation of a – of an economic center for our community. I think that's the Planning Commission's job. So, I – I don't want to – to use today's knowledge and only limit ourselves to today's knowledge. I want us to be thinking in terms of what is the longer-term prospects and – and then let the zoning and the housing and everything else follow that longer-term vision. But I don't want us to limit ourselves at this point in time. Thank you.

Chairman Murphy: All those in favor of the motion, as articulated by Commissioner Ulfelder, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The first motion failed by a vote of 4-5-2. Commissioners Niedzielski-Eichner, Hart, Sargeant, Hurley, and Cortina voted no. Commissioners Murphy and Ulfelder abstained from the vote. Commissioner Strandlie was absent from the meeting.

The second motion carried by a vote of 10-0-1. Commissioner Tanner abstained from the vote. Commissioner Strandlie was absent from the meeting.

The third motion carried by a vote of 11-0. Commissioner Strandlie was absent from the meeting.

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