

PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: 7/23/2002

Reference No.: CB-51-2002

Proposer: Planning Board

Draft No.: 2

Sponsors: Shapiro, Hendershot, Scott

Item Title: An Ordinance defining and adopting land use regulations for Aviation Policy Areas; providing for designation of Aviation Policy Areas adjacent to public use, general aviation airports; establishing procedures; and making related Zoning Ordinance amendments.

Drafter: Craig Rovelstad, M-NCPPC
Wendy Irminger, M-NCPPC
Steve Gilbert, Prin. Counsel

Resource Craig Rovelstad, M-NCPPC
Personnel: Wendy Irminger, M-NCPPC
Steve Gilbert, Prin. Counsel

LEGISLATIVE HISTORY:

Date Presented: __/__/__

Executive Action: __/__/__

Committee Referral: 4/23/2002 C.O.W.

Effective Date: 9/1/2002

Committee Action: 1 4/23/2002 FAV

Committee Action: 2 7/2/2002 FAV(A)

Date Introduced: 5/21/2002

Public Hearing:1 6/18/2002 10:00 A.M.

Public Hearing:2 7/23/2002 10:00 A.M.

Council Action:1 6/18/2002 RECOMMIT

Council Votes: PS:A, DB:A, TD:N, JE:A, TH:A, TK:A; RVR:A, AS:A, MW:A

Pass/Fail: P

Council Action:2 7/23/2002 ENACTED

Council Votes: PS:A, DB:A, TD:A, JE:-, TH:A, TK:-; RVR:A, AS:A, MW:A

Pass/Fail: P

Remarks: _____

COMMITTEE OF THE WHOLE REPORT**DATE: 7/2/2002**

Committee Vote: Favorable as amended (8-0). (Absent: Council Member Estepp)

In June 2001, the Planning Board transmitted to the District Council a Manual of Proposed Regulations for Land Use Around General Aviation Airports. Detailed airport compatibility regulations had been recommended to the Planning Department in November 2000 by consultant William V. Cheek and Associates of Prescott, Arizona, recommendations based in part on a 1993 California Department of Transportation (CALTRAN) study of accident data at public and private general aviation airports. The Planning Board's June 2001 transmittal was based on the Cheek report, the 1993 CALTRAN study, and other studies and data collected by Community Planning Division staff, Craig Rovelstad and Wendy Irminger.

Because of the terrorist attacks in New York and Washington in September 2001, the Federal government closed all public use, general aviation airports in the County until early 2002. The Council did not consider the Planning Board's transmittal until February, March, and April, 2002, when it held C.O.W. work sessions on the Manual's major recommendations. Council and Planning Department staff then prepared Draft 1, which the Planning Board considered at a regular meeting in April. The Planning Board recommended no changes to staff's proposed draft, which became Draft 1 of the bill.

In Committee of the Whole on April 23, 2002, the Council approved the Manual's main regulatory recommendations. The Council introduced staff's Draft 1 on May 21, and it was taken to public hearing on June 18. After hearing, the Council voted to recommit the bill for further committee review

Committee of the Whole was reconvened on July 2, 2002, to review public hearing testimony and consider staff responses. Present were all Council members, Deputy Council Administrator Craig Price, Principal Counsel Steve Gilbert, Acting Clerk Ree Floyd, Planning Director Fern Piret, other Council and Planning Department staff, Associate County Attorney Colette Gresham, Maryland Aviation Administration representatives, Planner Joe Meinert from Bowie, City Planning Director Terry Schum from College Park, and interested property owners, owner representatives, and other members of the public.

Deputy Administrator Craig Price reviewed prior proceedings and explained that Draft 1 of the legislation had been prepared and introduced after several work sessions in Committee of the Whole. He added that staff was presenting a proposed Draft 2 of the bill, one based on public hearing commentary and meetings staff had after the hearing with interested parties, the "stakeholders" primarily affected by the legislation.

For the Planning Department, Craig Rovelstad summarized the public hearing testimony and indicated how staff was responding to proposals made by hearing participants. He reviewed questions about the size and design of the proposed Aviation Policy Areas and indicated staff recommended no changes. In response to Council member questions, Mr. Rovelstad said that the updated CALTRAN study, released in 2002, had more data points (i.e. statistics on accidents) for the same time period as the 1993 study, and he added that the 2002 data and analysis confirmed the validity of the 1993 CALTRAN recommendations. He said the 2002

CALTRAN data supported the 1993 report and the Council's defined APA geometrics and classifications, as defined in Draft 1 of the bill.

Mr. Rovelstad also reviewed testimony and proposed staff changes to the bill in the definitions of "small" and "medium" airports in the County. He said the definitions should be changed to reflect the government ownership and control of the College Park airport. He also summarized testimony and staff recommendations for the "open area" definitions, height restrictions, other hindrances or endangerments to private flights at the airports, notification to future purchasers of land within the APAs, and proposed changes to the process for amendment of APA regulations.

Finally, Mr. Rovelstad and other Council and Planning Department staff reviewed the "mitigation subdivision" technique, whereby a landowner with restrictions in one APA would be allowed to cluster the proposed development and move it to other property in that or another APA. This or a similar technique, it was explained, was potentially of importance to the Rouse-Fairwood project west of Bowie, where the developer might seek amendment of approved development plans, to capture more residential lots outside the restricted APA-2 and APA-3M areas. The Rouse-Fairwood managers sought an amendment to the bill applicable in the property's mixed-use zone, the M-X-C Zone, to permit amendment of approved development plans by an abbreviated procedure before the Planning Board.

In executive session called by the Committee to review potential litigation and consult with the Principal Counsel, the Council considered the impact of Draft 1 and proposed Draft 2 on affected property owners around some of the County's airports.

The Council then reconvened as Committee of the Whole. The Committee decided, after discussion led by Mr. Russell, with Mr. Dernoga dissenting, to allow the Rouse-Fairwood project developer to have development plans (PDP, CP and FDP) reapproved for airport compatibility purposes without full administrative review and District Council approval. Under this procedure, the Planning Board approves the M-X-C development plan amendments and appellate review before the Council is limited to the issue of compliance with air safety regulations.

The Committee approved unanimously (8-0, with Mr. Estep temporarily absent) a motion by Mr. Hendershot, seconded by Mr. Wilson, to adopt a modified Draft 2, with the M-X-C development plan approval process proposed by Mr. Russell.

It was then moved that proposed Draft 2's exemption for College Park APAs, to allow amendment of APA regulations and to prohibit Zoning Hearing Examiner review, should be deleted. After discussion, this amendment to proposed Draft 2, on motion by Mr. Dernoga, seconded by Ms. Scott, was approved 5-4 (Council members Shapiro, Russell, Estep, and Hendershot dissenting). By this action, the ZHE exemption for College Park properties was deleted from the bill.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

This legislation provides standards for land use in the areas surrounding public use, general aviation airports. It is a product of a M-NCPPC Planning Department project that examined safety and land use compatibility issues around the County's four public use, general aviation airports:

- Potomac Airfield in Friendly
- Washington Executive Airpark in Clinton
- Freeway Airport in Mitchellville
- College Park Airport in College Park

A portion of the County near Laurel is subject to overflights from another airport located in Anne Arundel County, Suburban Airport. This area is subject to some restrictions proposed by the legislation.

None of these airports has a runway that exceeds 3,000 feet in length, and they are suited only for flight operations by small aircraft. In 2000, approximately 400 aircraft were based at the four public use, general aviation airports in the County. Nearly all of the based aircraft were single-engine, fixed-wing airplanes; a few were twin-engine, fixed-wing airplanes, helicopters or ultra-light aircraft. The operators at the four airports reported a total of approximately 170,000 aircraft operations (either takeoffs or landings) in 2000. Subsequent to the terrorist attacks of September 11, 2001, general aviation airport operations in Prince George's County were suspended for a period of time. Recently, all airports have been allowed to resume operations with varying degrees of operational restrictions imposed by the Federal Aviation Administration.

The airport study project leading to these proposed regulations was undertaken in the interest of public safety and in response to concerns following several aircraft accidents in neighborhoods close to Potomac Airfield during the mid-1990s. To help explore the issues and risks involved at Potomac Airfield and the other airports in the County, the Planning Department engaged a team of aviation consultants to examine safety and land use compatibility issues around each airport, to research airport safety and land use policies in other jurisdictions, and to recommend state of the art approaches to address issues in Prince George's County.

The aviation consultant, William V. Cheek and Associates of Prescott, Arizona, conducted research and field study of areas around the County's four public use, general aviation airports during the summer of 2000. The resulting report, the Airport Land Use Compatibility and Air Safety Study for the Maryland-National Capital Park and Planning Commission, was submitted to the Planning Department on November 10, 2000. This report contains an overview of the regulatory environment affecting airports and land use planning, local and national airport compatibility issues, a risk analysis and an evaluation of existing and proposed land uses around each public use, general aviation airport in the County. According to data from the Federal Aviation Administration (FAA) and the National Transportation Safety Board (NTSB), the consultants observed that "most small aircraft accidents occur in the landing, approach or takeoff sequences, with pilots frequently unable to control the aircraft which will fall to the earth in a predictable pattern near the airport, endangering lives and property on the ground as well as the lives of those on board the aircraft." The consultant's report was the catalyst for the proposed regulations addressing land use in these areas.