

hazards, and expressed deep concern about the planned dense development directly in line with the runway at Freeway Airport. It may be that a negotiation could be commenced which would make it possible for some changes to be made in the planned development without a whole new approval process, in view of the overwhelming public interest in this matter. **THE RISKS TO RESIDENTS OF THE PLANNED SUBDIVISION IF FREEWAY AIRPORT CONTINUES TO OPERATE ARE SIGNIFICANT.**

**XIII. Suggested Policy Initiatives to Prevent or Discourage Future Incompatible Land Uses In General and As to Each of the Four Airports**

**A. Establish Recommended Compatibility Criteria, Airport Master Plan modification, or Zoning Ordinance, if Needed, to Define and Circumscribe "Safety" and "Noise Abatement" Boundaries.**

Beginning with the two "compatibility" charts on the Accident Potential Zones ("APZs") and noise contours, and looking at the land uses which are recommended under each category, along with viewing the "overlay" boundaries which both of these issues include, is a starting point. The charts can be further explained by a word description such as those accompanying the APZ and noise contours to give some rationale for why certain uses are assigned to the category they are in.

Draft such changes as are necessary in the zoning ordinance to recognize the approved uses and to prevent or strongly discourage uses that are not in concert with the two "compatibility" charts.

Then, create a metes and bounds description of each of the areas, making some modest adjustments for land ownership, natural watercourses, and man-made "boundaries" such as roads and power line. When that is done, and the maps and language are prepared to conform with the "compatibility" charts, then the ordinance or regulation is ready for presentation of the Commission and ultimately to the County Council.

**B. Implementation Strategies to Create Compatible Airport Land Uses in Prince George's County: A "Blitz" Program.**

Here is a sketch suggested from materials of the North Dakota Aeronautics Commission and contained in its Airport Manager's Manual as to how to get started in implementing a comprehensive airport land use compatibility program.

**Step 1:**

Establish an "aviation planning" group of citizens, elected officials, planning staff, others within the County to Review Airport Incompatibility Issues identified in this Report and decide it is time to address the issues.

**Step 2:**

Review Existing State Statutes, County Ordinances; and case law. Ask Legal Counsel to advise how positive action can be taken, consistent with the law.

**Step 3:**

Catalogue all Existing Incompatible Land Uses per FAR Part 77 (Obstructions); Part 150 (Noise), if any. Review boundaries of Accident Potential Zones per the William V. Cheek & Associates Report together with recommendations in the Report and the Potomac Airfield Report of 1999.

**Step 4:**

Create an overall aviation-oriented Land Use Plan for all existing incompatibilities and for those areas which are not presently incompatible but are potential problem areas around the existing airports or any land which could be a future airport location.

**Step 5:**

Review all possible actions with respect to all four of the airports, including "friendly persuasion," negotiated buy-out or condemnation; identify funds that might be available; consider resale of buy-outs.

**Step 6:**

Seek what political help is available from MAA, the State Legislature, the Governor, Members of Congress, local influential political figures, to help in the effort. Inform the public early and often.

**Step 7:**

Take the actions determined to be in the best interests of the citizens of Prince George's County, which could include: 1) restricting airport operations at the fields; 2) cutting trees and creating other safe-flying environment; 3) buy-out of aviation easements or the land itself; 4) closing one or more of the airports, as last resort.

**Step 1:**

**Establish an "aviation planning" group of citizens, elected officials, planning staff, and others within the County to review airport incompatibility issues identified in this Report, and proceed to address these important issues.**

With some knowledgeable citizens and officials working together, and with the assistance of some aviation people, the entire airport incompatibility problem should be put on the table. Prince George's County has some obvious airport incompatibilities in place, as identified in this Report. Additional ones are in the planning stages. With appropriate focus, it should be possible to

have the group create a policy initiative which calls for action to: 1) mitigate the current airport incompatibilities, and, 2) prevent or strongly discourage the creation of "new" incompatibilities.

- **Step 2.**

**Review existing state statutes, county ordinances, and case law; ask legal counsel to advise how positive action can be taken, consistent with the law.**

This Report does not constitute a legal opinion, but the following factors appear to be consistent with Maryland law (these conclusions should be reviewed and confirmed by local counsel):

There is sufficient legislative or case-law authority for the Commission and the County Council to:

- A. establish either a "new" airport zone, OR,
- B. establish an "aircraft hazard and aircraft noise" overlay district, recognizing that it could not be retroactive as to non-conforming uses as defined in that zone or district; OR,
  - i. create a series of "performance standards" which accomplish the same results (in the form and style of the *County Landscape Manual*), or regulations which accomplish the same result.

In addition:

- i. create an ordinance requiring restrictive aviation easements from time of passage as a condition to any Special Exception which might be granted for a new airport, or a revision to a previously approved Special Exception;
- ii. negotiate to buy or condemn property (or rights in property) in APZs 1, 2, 3, 4 and possibly 5 (exclude 6), either as a restrictive "aviation easement" or outright acquisition for current "non-conforming" uses when actual uses are compared with Land Use recommendation in this Report;
- iii. create an ordinance which limits or restricts aircraft operations at all General Aviation airports—such as hours of operation, number of based aircraft, restrictions on flight schools, tree or obstruction removal (if on airport property), and "run-up" locations and hours when "run-up" is allowed, etc.
- iv. buy out the airports themselves and establish different uses for the airport property
- v. create a new subdivision ordinance for the future which: restricts uses according to the Land Use chart in this Report or something similar; requires all sellers of affected land to fully disclose the facts concerning airport proximity; and, requires all buyers of affected land to sign acknowledgments and "hold harmless" agreements running in favor of the County and the airport operator nearby.

**Additional Step:** To the extent possible, some effort should be made at the legislative level to have the State: 1) Establish a program requiring local governments to create an Airport Land Use Compatibility Plan, and, 2) create a fund to assist counties in property or aviation easement buy-outs to conform to the Land Use plan. See discussion below.

- **Step 3.**

**Catalogue all existing incompatible land uses per FAR Part 77 (Obstructions); Part 150 (Noise), if any. Review boundaries of Accident Potential Zones per the William V. Check & Associates Report, together with recommendations in the Report and the Potomac Airfield Report of 1999. Let those listings and other incompatible uses which may be uncovered form the basis of Master Plan amendments.**

- **Step 4.**

**Create an overall aviation-oriented Land Use Plan for all existing incompatibilities and for those areas which are not presently incompatible but are potential problem areas around the existing airports or any land which could be a future airport location.**

- **Step 5.**

**Review all possible actions with respect to all four of the airports, including “friendly persuasion,” negotiated buy-out or condemnation; identify funds that might be available, at local, state, or federal level; consider resale of buy-outs with restrictions on subsequent use consistent with the Land Use Plan.**

- **Step 6.**

**Seek what political help is available from MAA, the State Legislature, the Governor, Members of Congress, local influential political figures to help in the effort of mitigating current incompatibilities and of preventing future ones. Inform the public early and often. Make public presentations and awareness sessions of aviation matters a part of the M-NCPPC public outreach.**

- **Step 7.**

**Take the actions determined to be in the best interests of the citizens of Prince George’s County. Refer to Step 2 as guidelines since almost all of the suggested initiatives involve matters with legal implications.**

- i. Dissemination of Relevant Information to Commissioners and Council Members, and Staff**

**Part of the on-going initiative is to have staff inform all Commission members and the Council of the matters and enlist their support.**

ii. **Zoning, Overlay Districts, Performance Standards, Regulations or Other Mechanisms**

Consider and draft appropriate materials for County Council action.

iii. **Work With Maryland Legislature to Effect Legislation Requiring Airport Land Use Control Studies, Etc.**

California took the lead in establishing a mandatory requirement that all cities and counties in which airports were operating create an Airport Land Use study. This helped focus the communities on the issues of compatibility. Review of dozens of these plans show that much thought and energy went into the studies. A couple of examples are the Appendices, and many more appear in the CALTRANS Airport Land Use Study, which creates a "handbook" or "how-to" guidebook for processing such a land use plan and gives rationale for the suggested approaches.

Maryland strengthened the hand of local governments when it Section 2, ch. 744, Acts 1998, codified as Sec. 5-4A-01, but it used the operative word "may" when it authorized the creation of airport districts, and things following that creation. See Appendix 3. While the statute goes a long way towards focussing attention of the local governments on airport issues, it would have been better, in the opinion of Consultant, if there had been a mandate requiring local governments to create Airport Land Use Plans which would be consistent with overall land planning, but which would be reviewed by MAA or some other qualified aviation experts. (See, for example, Appendix 8 which required the creation of an airport land use commission AND required it, in turn, to create a comprehensive land use plan).

iv. **Work With State and Federal Agencies**

It is further suggested that the "aviation planning" group seek to create closer liaison with MAA and FAA officials in connection with land use issues. Perhaps neither of the agencies fully recognize some of the issues highlighted in this Report, and need to be reminded of some of the facts. The fact that Consultant was somewhat surprised at what appeared to be a rather "laissez-faire" attitude concerning airport operations could be a function of limited staffing, lack of communication between that agency and the county, or a difference in how everyone sees the statutory mandate for MAA. The underlying reasons should be a focus of concern for any citizen/official planning group.

v. **Work With Local Airport Owners/Operators/Pilots**

Consultant was pleased with the way most of the airport owners/operators cooperated with it as it sought out some facts about the Prince George's airport situation. In several cases, after personal interviews, FAX messages were sent and responded to quickly. Several telephone conversations were had as well. Consultant believes that most the operators are concerned with safety issues and are running good operations.

Nonetheless, there is room for improvement. Some of the incompatibilities identified by Consultant are not within the control of the airport operators, but, rather, within the control of the Commission. It should move forward to make such changes as are necessary or desirable to