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December 30, 2022

Via E-Mail Only

Chairwoman Phyllis Randall
Supervisor Juli E. Briskman
Supervisor Tony R. Buffington
Supervisor Caleb A. Kershner
Supervisor Kristen C. Umstatt

Vice Chairman Koran T. Saines
Supervisor Michael R. Turner
Supervisor Sylvia R. Glass
Supervisor Matthew F. Letourneau

Re: Brambleton Community Association's Objection to the proposed amendments to the Airport Impact Overlay District

Dear Chairwoman Randall and Members of the Board of Supervisors:

I am writing this letter to you on behalf of our client, Brambleton Community Association, to voice its objection to the proposed amendments to the Airport Impact Overlay District (AIOD). Enclosed is a detailed letter prepared by the Association outlining the basis of its objections and its proposed next steps.

Of most pressing concern is the fact that, as of now, the Board of Supervisors has the proposed amendments to the AIOD scheduled for consideration on January 17, 2023. More time is required to ensure that the valid concerns of the Brambleton residents, and other impacted residents, are considered by County staff and the Board of Supervisors. **Therefore, we request that the Board, at its January 3, 2023, meeting, vote in favor of tabling the proposed amendments to the AIOD for 90 days.** This action will allow the stakeholders to further discuss the amendments to the AIOD and find ways to ameliorate its negative impact on County residents.

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We look forward to working with you, your fellow Board Members, and County staff on this issue.

Sincerely,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.



Michael J. Coughlin
Chairman, Eminent Domain
and Inverse Condemnation Practice Group

Enclosure: Letter from Brambleton Community Association

cc: ***Via E-mail Only***

Josh Peters, Loudoun County Planning and Zoning
Daniel Galindo, Loudoun County Planning and Zoning
Rick Stone, General Manager of Brambleton
Ravi Balaram, Brambleton Board Member
Rosemarie Linder, Brambleton Board Member
Iain Ronis, Brambleton Board Member
J. Randall Minchew, Esq.
Dennis B. Boykin, IV, DB4 Consulting, LLC



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Re: Airport Impact Overlay District (AIOD) legislative initiatives (CPAM-2021-0011, ZMAP 2021-0011, and ZOAM-2021-0002

Dear Madame Chair and Members of the Board of Supervisors:

I am writing this letter to you on behalf of the Brambleton Community Association (BCA), the largest homeowner association in Loudoun County to express our grave collective and individual concerns regarding the proposed Loudoun County Airport Impact Overlay District (AIOD) legislative initiatives proposed by the Board of Supervisors on its own initiative in CPAM-2021-0011, ZMAP 2021-0011, and ZOAM-2021-0002. We would ask that this letter be accepted as part of the official public record for these AIOD legislative initiatives and that the Board consider this letter in advance of its forthcoming January 3, 2023 business meeting.

BCA supports economic development in and around Dulles International Airport (IAD) but believes a fact-based, holistic, comprehensive, and data-driven approach is necessary when revising Loudoun County's Airport Impact Overlay District (AIOD). Loudoun County is considering revising its AIOD to align its zoning with IAD's flight path changes over the last several years. These AIOD legislative initiatives are occurring apparently at the sole request of the Metropolitan Washington Airports Authority (MWAA), which is attempting to fast-track their approval. BCA cannot think of another Board-initiated Comprehensive Plan amendment, Zoning Ordinance text amendment, or Zoning Map amendment that was conceived and directed for the benefit of an outside governmental authority against the landowners in Loudoun County. We would also note that the MWAA allegations of exigency that gave rise to these AIOD legislative initiatives were recently found unpersuasive by the Fairfax County Board of Supervisors.

No other stakeholders have been involved in this process until recently. Additionally, this request is based on a 'maximum-capacity' study which does not appropriately reflect the current operational situation, nor does it account for the fairly drastic change in operational procedures on the west side of the airport.

Brambleton Community Association
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Loudoun County's proposed AIOD revisions impact 47,000 property owners, including every one of the privately-owned residential properties within Brambleton. BCA supports smart economic growth of IAD, but not at the expense of existing residential property owners. We oppose the revised AIOD because poorly written legislation unnecessarily impacts existing residential property in numerous ways. For these reasons, and many others as explained at <https://brambletonhoa.com/1595/Airport-Impact-Committee>, the BCA Board believes it is in the best interest of our community to oppose this new district.

The AIOD legislative amendment, as presented are, quite frankly, not ready for primetime. These initiatives impact future and existing Brambleton homes, including property rights (due to the possibility of property condemnation for aviation easements or a requirement for an uncompensated dedication of an easement), required and costly noise mitigation measures (which will be borne by the property owners in the current plan, rather than the FAA, MWAA, or County), and disclosure requirements when selling your home. A significant part of this proposed legislation is the future requirement for HOA's to provide disclosure to homeowners related to the AIOD – a requirement that deviates from the disclosure requirements of the Virginia Code. In addition, many of the issues center around the changes to the noise impact areas from Runway 30 at Dulles, which are a result of FAA operational changes that were not formally communicated to Loudoun County until very recently. We believe these issues can be addressed in a cooperative manner, given sufficient time to do so, but approving this new district in its current form is not appropriate.

The BCA Board of Directors formed the Airport Impact Committee at their meeting on December 6, 2022. The purpose of this Executive Committee of the Board is to establish a roundtable of stakeholders to establish a comprehensive and holistic approach to County, State, and Federal policies and legislation that reduce IAD's impacts on Brambleton and other impacted residential communities, while supporting future economic growth at Dulles - but not at a cost to its current property owners and residents.

The BCA Board has also hired outside legal representation and an aviation consultant in order to protect our member's interests. We support Supervisor Turner's outstanding research and work on the AIOD, and we fully support his concept to delay action and initiate a "Roundtable" with the FAA & MWAA prior to finalizing the district map. We believe this Roundtable process, supported by the County with aviation specialists working for all concerned, is the appropriate solution.

Therefore, BCA requests that the Board of Supervisors take the following measures:

- Defer action on these AIOD legislative initiatives for at least ninety (90) days;
- Prior to taking action on these AIOD legislative initiatives, require the formation of a Community Roundtable pursuant to FAA recommendations when airports are initiating operational updates, with the Roundtable comprised of BCA, other community representatives, one or more County staff members, MWAA representatives, and FAA representatives. More information on the Roundtable process can be found here:

https://www.faa.gov/air_traffic/community_engagement/media/Elements_of_Part_150_and_Community_Roundtables_Info_Sheet.pdf



The BCA Executive Committee and the Brambleton Community support working with the County, MWAA, and the FAA on a Roundtable to discuss improvements to operations. We appreciate your time and review of the concerns coming from the Brambleton Community Association. We ask that you slow the process, involve impacted stakeholders, and seriously consider the impacts on your current and future constituents.

Thank you for your time and serious consideration of our request to delay this action for at least 90 days, pending further advancement of a cooperative approach to a Roundtable with the FAA and MWAA.

Most Sincerely,

A handwritten signature in black ink, appearing to read "Brian Viola", is written in a cursive style.

Brian Viola, President
Brambleton Community Association

cc: Mr. Tim Hemstreet, County Administrator
Leo Rogers, Esq., County Attorney
Daniel Galindo, Director, Department of Planning and Zoning
Josh Peters, Project Planner, Department of Planning and Zoning