



December 1, 2005

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Gwen Wright, Acting Chief *GW*
Countywide Planning Division

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SUBJECT: Request for Statement of No Significant Impact of Proposed Actions on Parkland near Montgomery County Airpark and Discussion of Mitigation for Obstruction Removal and Transfer of Park property (1.5 acres) to Montgomery County Revenue Authority.

RECOMMENDATION

1. Provide the Revenue Authority with a no significant impact of proposed actions on parkland resulting from the proposed development actions at the Montgomery County Airpark. This statement shall be conditioned upon:
 - a. No extension of the runway.
 - b. Planning Board approval of mitigation measures (to be determined).
 - c. Planning Board approval of a Preliminary Forest Conservation Plan.¹ Proposed mitigation must be consistent with the Preliminary Forest Conservation Plan.
2. Instruct the staff to enter into negotiations on Memoranda of Agreement and explore potential land exchange or conveyance options. All draft agreements will be returned to the Planning Board for review and comment prior to execution.

¹ The NRI/FSD (#4-06078) was approved on 11/21/05. The Preliminary Forest Conservation Plan has not yet been submitted.

SUMMARY

The Montgomery County Airpark ("Airpark"), operated by the Montgomery County Revenue Authority, is located near Woodfield Road between two park properties; Muncaster Recreation Park (undeveloped) on the east and Cabin Branch Stream Valley Park, a part of the Lois Y. Green Conservation Park, to the west.

Continued funding of the Airpark depends on compliance with Federal Aviation Administration (FAA) requirements set forth in Advisory Circular 150/5300-13, Airport Design, for both navigational safety and the protection of people and property on the ground. In order to comply, the Montgomery County Revenue Authority ("Revenue Authority") is proposing certain work and improvements, some of which will affect parkland owned by Montgomery County and M-NCPPC. This work ("the Work") is limited to:

1. Obstruction Removal -
Obstructions² include permanent building structures, trees, and terrain as identified in a comprehensive obstruction study completed during the Airport Layout Plan Update, 2002. Obstructions on parkland are limited to trees.
2. Lowering Access Road and Parking Lot –
Access road and parking lot are located off Woodfield Road, directly across from the southern end of Lindburgh Drive. Both are privately owned.
3. Install Holding Position Signage and Markings
4. Install Precision Approach Path Indicators (PAPI) Runway 14

The Revenue Authority has requested the statement of no significant impact on parkland at this time in order to complete the Environmental Assessment process under the National Environmental Policy Act. The Revenue Authority wants to allow sufficient time for the negotiation of agreements, mitigation planning and Forest Conservation Plan review to take place without delaying the NEPA process and critical Airpark capital funding. Because all mitigation options have not been explored and agreed upon, staff is recommending that the Board's statement be conditional upon, among other things, its future approval of mitigation measures and the Forest Conservation Plan.

Although the Revenue Authority has advised staff that FAA prefers to acquire all property in a Runway Protection Zone (RPZ) in fee simple, the Advisory Circular referenced above suggests that a property interest less than fee simple is acceptable if land use is compatible and the Washington Airports District Office approves such lesser property interest. Staff is recommending, in lieu of transfer of certain parkland, that the Board retain ownership and enter into an agreement that will provide the Revenue Authority with sufficient property interest to satisfy FAA requirements.

² Obstructions to the threshold siting surface, primary surface, runway object free area (ROFA), Part 77 approach surfaces (such surfaces are identified in Federal Regulation Title 14, Part 77), and 7:1 transitional surfaces for both Runways 14 and 32. The protected surfaces are required to accommodate certain aircraft on non-precision instrument approach procedures having visibility minimums greater than ¾ mile for Runway 14, and visual approach procedures for Runway 32. The airport was designed to accommodate such aircraft and the proposed safety changes are to comply with federal requirements.

The Revenue Authority originally requested that it acquire all the affected park property (almost 12 acres) consistent with FAA direction. Based on staff's objections, the Revenue Authority is currently requesting that 2.5 acres be transferred (see attached letter on circle page 1). Staff proposes that only the most essential area in the Runway Safety Area and Runway Object Free Area (1.5 acres) be transferred. The Revenue Authority has informed staff that without the transfer of the 1.5 acres and agreements as described below, the Airpark utility will be greatly diminished and it will no longer be able to secure capital funding from the FAA to support the facility.

DISCUSSION

FAA requires the airport owner (Revenue Authority) to control Runway Protection Zones ("RPZ") to protect people and property on the ground. Control involves maintaining "sufficient property interest" to allow clearing RPZ areas (and maintaining them clear) of incompatible objects and activities.

Property transfer and/or agreements between the Revenue Authority and the Planning Board will be conditioned on no extension of the runway. Some additional growth in the number of operations is expected within the existing capacity of the current runway.

The graphic below illustrates the relationship of the RPZ with the Airpark property boundary, parkland boundaries and features on the ground. Additional illustrations are attached showing more detail.



Muncaster Recreation Park

Muncaster Recreation Park is a 116-acre M-NCPPC-owned property consisting of fields, forests and streams. There is currently no approved park master plan for the park, although it is intended for some active recreation.

The Revenue Authority seeks to purchase in fee simple approximately one acre of M-NCPPC parkland within the RPZ of Runway 32 (see area 2 on circle page 5). The Revenue Authority proposed to give M-NCPPC an easement to use the property for parkland. Staff proposes instead to retain M-NCPPC ownership and enter into a MOA with the Revenue Authority that limits parkland development on that part of Muncaster Recreation Park in ways that 1) will not cause congregation of people within the RPZ and 2) prohibit obstructions that present hazards to air navigation within this area. Potential park uses for a portion of this area would include portions of an access road and parking. Both these uses are permitted in the RPZ but outside the ROFA. About half the area is further restricted because it is part of the extended Runway Object Free Area (ROFA). No uses are permitted in this area.

Cabin Branch Stream Valley Park

Cabin Branch Stream Valley Park ("Cabin Branch SVP") is owned by Montgomery County as parkland. This part of Cabin Branch Stream Valley Park is included in the approved master plan for the Lois Y. Green Conservation Park. Access to the Conservation Park is via the adjacent Webb Tract along the boundary of the Cabin Branch SVP. A reforestation area and trail access is planned for the area (see master plan graphic on circle page 11). These activities were planned taking into account the proximity of the Airpark and in staff's view the proposed work should not appreciably affect park users. Noise levels will gradually increase as the number of flights within the existing capacity of the Airpark increase (see circle pages 7-9). However, the increase is not associated with the proposed action, and as discussed below the increases are not substantial.

The Revenue Authority proposes that most of the property in the RPZ (9.41 acres shown as area 10A on circle page 6) remain as parkland in Montgomery County ownership. To retain ownership, the Commission would need to execute a Memorandum of Agreement that limits the use of the area (similar to that for the Muncaster Recreation Park) and allows removal or trimming of any trees that have grown tall enough to present hazards to air navigation. This MOA will include appropriate replacement within other areas of the stream buffer for trees and other vegetation affected. The area where trees are removed as well as any newly planted areas must be maintained to manage invasive species.

The Revenue Authority is required to own the property within the Runway Object Free Area at the end of Runway 14 (1.5 acres shown as area 10B on circle page 6). This area is in the Runway Object Free Area and the Runway Safety Area and must be kept clear at all times. The location of the natural surface trail shown on the park master plan is schematic and can be adjusted to avoid the Runway Object Free Area. A small reforestation area can be modified to avoid hazards to air navigation. No other park activities are proposed in this area of the Lois Y. Green Conservation Park master plan due to its proximity to the end of the runway and the steep slopes in this area. Much of this area is currently fenced off from the rest of the park as part of an arrangement in the late 1990's to provide a safety buffer area in compliance with the FAA regulations applicable at that time.

Statement of Insignificance and Mitigation

The standards for determining significant impact according to FAA Order 1050.1E, Par. 6.3, include establishing that there is:

- More than a minimal physical use of the park property
- Or there is a “constructive use” substantially impairing the park property

In staff's opinion the “physical use” of the property is minimal in that only the removal of approximately 10 trees will be required. These trees present hazards to air navigation and have been trimmed in the past to keep them below the surfaces. While continued trimming is an option, the park arborist advises that it may be more appropriate to remove the trees and replace them with native species that will not grow to a height that impedes the airspace.

The issue of “constructive use” relates to activities on the airpark property that “substantially impair” park uses beyond that which currently exists. Factors to be considered include noise, air pollution, loss of aesthetic value, harm to wildlife, and/or defoliation of vegetation. The noise may increase, but not substantially and will not change the potential for planned uses of parkland within the noise-influenced area (see circle pages 7-9). FAA regulations for land use compatibility state that parks are compatible with noise levels up to 75 decibels (yearly day-night average) and nature exhibits and zoos up to 70 decibels. The area subject to 70 decibels (yearly day-night average) extends only into the Runway Safety Area on the existing airpark property at full capacity (2010). This area is proposed to be conveyed to the Revenue Authority as discussed previously. The removal or trimming of the trees (even with replanting of shorter species) will result in a noticeable variation in the height of the stream buffer vegetation that will be visible from the park entry road. The planned reforestation area can be moved away from the flight path or restricted to shorter native species. It is staff's opinion that this will not significantly affect the overall aesthetic value of the parkland. Wildlife will experience only a slight variation in their habitat by the reduction of height of trees. Activities associated with gaining access to remove the trees may cause some impact on wetlands, but this can be minimized by the method used. Air pollution will not change significantly.

Staff finds that there is no significant impact on parkland and is recommending that the 1.5 acres of property requested for transfer at the end of Runway 14 be replaced with land on a 2:1 basis and be of acceptable recreational value. Staff has been informed that the 2:1 replacement may be difficult for the Revenue Authority to meet considering the funding limitations imposed on this project. The Planning Board may want to hear from the County about their concerns and give staff direction on guidelines for the agreements relating to replacement property that will be brought back to the Board.

Mitigation is also requested for any vegetation affected as part of the removal of trees on parkland. Replacement would be in the form of native tree and shrub plantings in accordance with recommendations of Park and Planning staff preferably in the Lois Y. Green Conservation Park consistent with the Preliminary Forest Conservation Plan. Exact specifications and amount will be negotiated as part of the MOA.

Public Involvement

During the planning process (2001-2003) for the Airport Layout Plan Update meetings were held with the Airpark Liaison Committee, Airport Layout Plan Technical Steering Group, and

community groups. Member lists for the Liaison and Steering Group have been attached (see circle pages 12-14).

The Revenue Authority has also held several Environmental Assessment Public Coordination meetings:

- August 17, 2004 - Public Workshop #1
- August 18, 2004 – Airpark Liaison Committee
- August 31, 2004 - Montgomery Village Foundation Workshop
- March 23, 2005 - Public Workshop #2
- March 23, 2005 – Airpark Liaison Committee
- July 19, 2005 - East Village Homes Corporation Workshop
- July 20, 2005 - Public Workshop #3

The Revenue Authority has informed staff that the only significant concern raised by communities was that these actions not allow expansion of the Airpark. In addition, the Revenue Authority has contacted all adjacent property owners. Park and Planning Staff have notified the community organizations within a one-mile radius of the airpark of this agenda item.

CONCLUSION

This action is in the public interest, as it will allow the Airpark to continue operations into the future. It establishes sufficient property interest as required by the FAA without significant impact to parkland, provided the conditions are met and the Planning Board finds the subsequent agreements acceptable. The staff recommends that the Planning Board supply the Revenue Authority with a conditional statement of no significant impact of the proposed actions on parkland, so that the Environmental Assessment process may proceed.

MD:WG:ss
Attachment