

Airport Impact Overlay District (AIOD) Zoning Ordinance Proposed Changes

October 2022

About This Legal Notice

Enclosed in this mailing is a legal notice regarding Loudoun County's consideration of proposed changes to the county's current zoning ordinance and zoning map. These particular amendments would affect matters such as where future residential development can occur based on a study of forecasted noise contours by the Metropolitan Washington Airports Authority (MWAA). The proposed changes could affect your property based on proposed changes to the noise exposure boundaries. Virginia law requires the county to notify property owners any time there is a proposed zoning designation change that may affect their property.

You may recall previously receiving a similar notice from Loudoun County earlier this year. A second notice is being sent now because another public hearing is scheduled on November 9, 2022. This flyer explains the proposed changes to the ordinance and how you can provide feedback to members of the Board of Supervisors, who will be voting on proposed ordinance changes in the coming weeks.

What is the County Considering?

The Board of Supervisors is considering changes to the Loudoun County 2019 Comprehensive Plan (loudoun.gov/2019comprehensiveplan) and the Revised 1993 Zoning Ordinance (loudoun.gov/zoningordinance). The changes to the Loudoun County 2019 Comprehensive Plan consist of changes to maps within the plan that show noise contours and policy changes that will require disclosure statements as part of all subsequent sales of properties within certain noise contours and to allow previously approved residential rezonings to develop in accordance with their earlier approvals. The zoning ordinance changes also involve updated maps to reflect the new boundaries and zoning ordinance changes that amend the existing zoning regulations in accordance with the policy changes.

Why is the County Considering These Changes?

More specifically, the Airport Impact Overlay District (AIOD) is a zoning designation within the county's zoning ordinance that includes properties where airport noise at specified levels is expected. Properties within the AIOD are subject to certain land use regulations as generally described in the three impact areas described on the other side of this document.

The current AIOD was implemented by the Board of Supervisors in the early 1990s to prevent residential development in areas that would be affected by higher levels of aircraft noise and to mitigate impacts to prospective homebuyers. MWAA, which operates Dulles International Airport, updated the noise exposure maps for the airport in 2019 to incorporate changes in the aviation environment over the last 30 years and to prepare for future changes in airport use. As a result, the current AIOD is now outdated. The county is working now to update the boundaries of the overlay district based on updated maps of noise contours for Dulles Airport, as well as to update the county's related policies and zoning regulations.

Who is Impacted?

The proposed amendments to the AIOD that are under consideration by Loudoun County potentially affect more than 47,000 property owners around and near Dulles Airport.

Will the Proposed Changes to the Zoning Ordinance and Map Affect Property Values?

Loudoun County requested assistance from the Dulles Area Association of Realtors (DAAR) to understand potential impacts of zoning changes on existing property values. DAAR provided a number of studies that are posted on the county's website at loudoun.gov/airportdistrict. The most relevant studies indicate that property value impacts are more closely associated with actual noise levels rather than the related land use requirements, such as a disclosure requirement. More specifically, in the highest noise area (Ldn 65+) where new residential development would not be permitted, modest property value impacts are possible. In the lower noise areas (one mile buffer and Ldn 60-65) where residential development is permitted, no property value impacts were identified. The vast majority of affected homes are within the lower noise areas.

Public Hearing: Wednesday, November 9, 2022, at 6:00 p.m.

Earlier this year, Loudoun County notified property owners in advance of a public hearing held by the Loudoun County Planning Commission. The Planning Commission completed its public hearing on June 28, 2022. The Planning Commission's recommendation will be included in the meeting documents that will be published at least three days prior to the November 9, 2022, public hearing at loudoun.gov/meetings.

The proposed amendments, along with the Planning Commission's recommendation, will be considered at a public hearing held by the Board of Supervisors, which is the body that will ultimately approve any changes to the county's zoning ordinance and comprehensive plan. The Board of Supervisors public hearing is scheduled for Wednesday, November 9, 2022, at 6:00 p.m., in the Board Room at the Government Center, 1 Harrison St. SE, Leesburg.

To view the livestream of meetings, visit loudoun.gov/meetings at the time of the meeting. Meetings also can be watched on Comcast Government Channel 23 and Verizon FiOS Channel 40.

Members of the public may provide input to the Board of Supervisors for consideration prior to any vote on the proposed amendments. The public may provide comments to the Board of Supervisors by mail, email, and phone at any time. In addition, input can be provided in person or virtually during the November 9 public hearing. Instructions for providing input to the Board of Supervisors, including how to sign up in advance to speak at a meeting, are posted on the county's website at loudoun.gov/bos.

About the Airport Impact Overlay District

Loudoun County government cannot regulate airplane noise or control flight paths; however, the county can update its comprehensive plan policies and zoning regulations for the use of land around the airport. The AIOD is a zoning tool to regulate appropriate land uses in the areas where airport noise is known to occur.

There are three Aircraft Noise Impact Area designations within the AIOD that the county uses to indicate the level of impact. The designations indicate an approximate level of noise residents may hear from airplane traffic. The AIOD regulations prescribe specific land use rules for each designation, which aim to mitigate the impact of noise. The county refers to these levels using the symbol "Ldn," which stands for "yearly day-night average sound level." The designations are:

1. Ldn 65 or Higher: Properties located within this area are generally closest to the airport and experience the greatest noise levels caused by airplane overflights. New residential development is not permitted in this area.
2. Ldn 60-65: Properties located within this area are closer to the airport. Any residential development in this area requires disclosures at the time of sale; acoustical treatments for new residential construction and new additions to existing residences; and an easement established prior to construction of a new residence granting the right of overflight in the airspace above the property.
3. One-Mile Buffer: Properties located within this area are generally farthest from the airport while still being located within the AIOD. This designation requires a disclosure notice to be included with each sale of residential property.

To view an interactive map illustrating the current and proposed Airport Overlay Districts, visit loudoun.gov/airportdistrict.

The enclosed legal notice indicates the current AIOD designation(s) and the proposed AIOD designation(s) for the property identified at the top of the notice.

Next Steps

Following the Board of Supervisors' public hearing, the Board will consider any action it may take to update the county's comprehensive plan policies and zoning regulations. The Board may choose to adopt or decline to adopt the proposed updates. The Board may also choose to forward the discussion on the proposed updates to a future meeting for additional work and discussion.

Contact Us With Questions About This Legal Notice

Any questions about impacts to your property, future development or anything else in this legal notice should be directed to the Loudoun County Department of Planning and Zoning. Send an email to dpz@loudoun.gov or call 703-777-0246.

To learn more about the proposed changes to the Airport Impact Overlay District, including to sign up for email and text updates on the project, visit loudoun.gov/airportdistrict.