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February 2, 2011

The Honorable Mike Haney
Town of Southern Pines
125 SE Broad Street
Southern Pines, NC 28387

Re: CU-02-10 Tyler's Ridge at Sandhills (PD Zoning) – CUP

Dear Mayor Haney:

The Aircraft Owners and Pilots Association (AOPA) represents the general aviation interests of 405,000 members, more than two-thirds of the nation's pilots – including 8,820 in the state of North Carolina. AOPA is committed to ensuring the future viability, safety and development of general aviation airports and their facilities as part of a national transportation system.

On January 19, 2011 we wrote to the Southern Pines Planning Board concerning the Conditional Use Permit referenced above, a copy of that letter is enclosed. The Board voted 4-2 to deny the request and now it is before the Town Council for your approval or disapproval. AOPA again respectfully requests that the permit be denied because it is a poor application of public policy to allow high density residential housing underneath the traffic pattern of a vibrant and thriving airport such as the Moore County Airport. The health, welfare and safety of the residents in the proposed development might be at risk from the Town's decision to allow a land use that is not compatible with normal airport operations.

There are many criteria that work in concert to ensure that an airport, its users and its neighbors are as safe as possible from height hazards. There are Federal Aviation Administration (FAA) airport design standards, FAA regulations governing objects affecting navigable airspace, instrument procedures criteria as well as local zoning ordinances such as the Town's Airport Hazard Overlay District.[1] What the FAA does not impose are specific requirements for compatible land use except to require airport sponsors at airports that have received Federal improvement grants to ensure compatible land use, to include zoning, as part of their grant obligations.[2] The FAA relies on the airport sponsor, in this case Moore County, to work out compatible land uses with the airport's neighboring communities.

The Town of Southern Pines implemented the Airport Hazard Overlay District and it is a good first step, but now it is time to take a look at the underlying zoning to ensure that it provides for compatible land uses within the Town adjacent to the airport. While the State of North Carolina provides for political subdivisions to create airport zoning regulations in Chapter 63 of the North Carolina Statutes, they do not give good guidance on ensuring compatible land uses around airports. AOPA recommends that the Town consider reviewing two publications from the Airport Cooperative Research Board (ACRP) that examine compatible land use and obstruction protection in greater detail than can be done in this letter.

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[1] FAA Advisory Circular 150/5300-13, "Airport Design" http://www.faa.gov/airports/resources/advisory_circulars/index.cfm/go/document.information/documentID/23182; Title 14 Code of Federal Regulations, Part 77, "Safe, Efficient Use, and Preservation of the Navigable Airspace" http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title14/14cfr77_main_02.tpl; FAA Order 8260.3B, "United States Standard for Terminal Instrument Procedures (TERPS)", http://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.information/documentID/11698

[2] FAA Airport Sponsor Assurance #21, Compatible Land Use - http://www.faa.gov/airports/aip/grant_assurances/media/airport_sponsor_assurances.pdf

The first report is ACRP Report 27, "Enhancing Airport Land Use Compatibility, Volumes 1-3" and it is available online at http://www.trb.org/Publications/Blurbs/Enhancing_Airport_Land_Use_Compatibility_Volume_1_163344.aspx. This report examines compatible land use planning across the United States and offers a discussion of Federal requirements, airport safety zones, how they are derived and includes sample zoning that can be used as a basis for a new Town airport compatible land use zoning ordinance.

The second report is ACRP Report 38, "Understanding Airspace, Objects and Their Effects on Airports" and it is also online at http://www.trb.org/Publications/Blurbs/Understanding_Airspace_Objects_and_Their_Effects_o_164477.aspx. In addition to a thorough treatment of how the FAA looks at objects and determines if they are or are not hazards to navigable airspace, the report shows the interaction of all the Federal obstruction criteria and provides case histories to show how communities worked to mitigate hazards and make their airports and their citizens safer.

If the Town of Southern Pines can craft a zoning ordinance that ensures compatible land use given the current zoning and uses, it will truly be protective of the health, welfare and safety of its citizens. Until then, we respectfully request that the Tyler's Ridge at Sandhills Conditional Use Permit be denied. Thank you for your consideration of our views on this issue, if we can be of further assistance please contact our staff at 301-695-2200.

Sincerely,

John L. Collins
Manager
Airport Policy

Enclosure

cc:

Mike Fields, Mayor Pro-Tem, Town of Southern Pines
David McNeill, Councilmember, Town of Southern Pines
Fred Walden, Councilmember, Town of Southern Pines
Chris Smithson, Councilmember, Town of Southern Pines
John Owen, Chairman, Moore County Airport Authority
Ron Maness, Executive Director, Moore County Airport Authority
Colin Webster, AOPA Airport Support Network Volunteer SOP