

Part 150: Records of Approval

Corpus Christi International Airport, Corpus Christi, Texas

Approved on 8/28/00

Statements within the program measures below summarize as closely as possible the airport operator's recommendations contained in the Noise Compatibility Plan (NCP). The statements within the summaries which precede the indicated Federal Aviation Administration (FAA) approval, disapproval, or other determination do not represent the opinions or decisions of the FAA. The page numbers in parentheses cross-reference the submitted document/addenda.

The approvals listed herein include approvals of actions that the City of Corpus Christi recommends be taken by the FAA. The approvals indicate only that the actions would, if implemented, be consistent with the purposes of Part 150. These approvals do not constitute decisions to implement the actions. Later decisions concerning possible implementation of these actions may be subject to applicable environmental or other procedures or requirements.

Recommendation # 1: Acquire Approximately 380 Acres of Land Forecast to be Exposed to Noise Levels of DNL 65 and Higher Under 2004 Conditions and Exposed to Noise Levels of DNL 70 and Higher with the Ultimate Airfield[Page 6-3]

This recommendation calls for the City of Corpus Christi to acquire approximately 380 Acres of land forecast to be exposed to noise levels of DNL 65 and higher under 2004 conditions. With the ultimate airfield development, this property would be exposed to noise levels of DNL 70 and higher. The areas, shown on Figure 6-1, are located adjacent to the existing Airport boundary and south of Bear Lane (approximately 85 acres) and north of Old Brownsville Road (approximately 295 acres). With the exception of one industrial land use, the property is undeveloped. Both land uses are compatible with the existing noise levels and those anticipated in 2004.

FAA Action: Disapproved pending submission of additional information to make an informed analysis.

These properties (shown on Figure 6-1) are identified as currently compatible. The NCP does not contain sufficient documentation to conclude that there will be a noncompatible land use situation in the future with respect to these properties. To the contrary, measures 3 through 7 of this Record of Approval include extensive, preventive land use controls that, if successfully implemented, will prevent the properties from being developed incompatibly. Should local controls prove insufficient to prevent noncompatible development and it becomes reasonably foreseeable that noncompatible development is imminent absent acquisition, the airport operator may provide supporting additional analysis to the FAA for reconsideration.

Recommendation # 2: Acquire Approximately 45 Acres of Land Forecast to be Exposed to Noise Levels of DNL 70 and Higher with the Ultimate Airfield [Page 6-6]

This recommendation calls for the City of Corpus Christi to acquire approximately 45 Acres of land forecast to be exposed to noise levels of DNL 70 and higher with the ultimate airfield development. The area, shown on Figure 6-1, is located adjacent to the existing Airport boundary

and west of Buckholt Road. The property is undeveloped and is not exposed to significant levels of noise under 2004 conditions.

FAA Action: Disapproved pending submission of additional information to make an informed analysis.

Acquisition of this property (shown on Figure 6-1) is based on impacts associated with the 20-year master plan for ultimate airport development. The property is presently undeveloped and could, therefore, be compatible with future potential noise levels. The reasons for disapproving Recommendation 1, above, apply also to this recommendation and are magnified because of the additional uncertainty introduced when noise contour expansion is related to future planning that has not yet been brought to fruition.

Recommendation # 3: Revise Land Uses Contained in the *Port/Airport/Violet Area Development Plan* to Reflect Planned Airfield Improvements Identified in the Master Plan Update [Pages 6-6 and 6-8]

This recommendation calls for the City of Corpus Christi to revise the *Port/Airport/Violet Area Development Plan* (PAV) to reflect planned airfield improvements identified in the master plan update. The existing PAV indicates an Airport Development Concept Area, based on the 1990 Airport Master Plan Update. The proposed changes are depicted on Figure 6-2.

This recommendation states two purposes. First, Policy Statement B.4 of the PAV states that the City of Corpus Christi "should acquire property within the Airport Development Concept Area as a major economic development tool to support the Airport." The land acquisition would include airport operations and proposed runways.

The second purpose is to ensure that the future land uses in the revised PAV are compatible with Airport operations, and would prohibit the development of noise-sensitive land uses within areas of the Airport Development Concept Area.

FAA Action on First Purpose: Disapproved for purposes of Part 150.

Land acquisition as a major economic development tool to support the airport is not directly related to Part 150 goals to reduce or prevent noncompatible land uses. This determination does not prevent the airport operator from pursuing this goal for other purposes outside the scope of Part 150 airport-land use compatibility planning.

FAA Action on Second Purpose: Approved in part for purposes of Part 150.

Prohibiting development of noise-sensitive land uses in the ADCA is approved within the DNL 65 dB noise contour, as depicted on the official noise exposure maps. The area depicted on Figure 6-2 includes an extensive area that is outside of the DNL 65 dB noise contour, including those contours for ultimate development from the 20-year master plan.

The Federal government has no authority to control local land use; the local government has the authority to implement this measure. This Part 150 disapproval for areas outside of the DNL 65 dB official noise exposure map contour does not prevent the local government from implementing this measure in full at the local level.

Recommendation # 4: Amend Existing Zoning Ordinance to be Consistent with the Revised Airport Development Concept Area [Page 6-8]

This recommendation calls for the City of Corpus Christi to amend the existing zoning ordinance to be consistent with the future land uses delineated in the Airport Development Concept Area, as depicted in the *PAV*. The current zoning districts surrounding the Airport allow heavy industrial, farm-rural and one-family dwelling districts and are shown on Figure 3-6. Amending the zoning ordinances to be consistent with the *PAV* would allow the Airport to exist with compatible land uses and prohibit the development of noise-sensitive land uses.

FAA Action: Approved. This local land use planning measure will ensure continued compatibility with existing and future airport operations. The Federal government has no authority to control local land use; the local government has the authority to implement this measure.

Recommendation # 5: Adopt a Noise Overlay District [Page 6-10]

This recommendation calls for the City of Corpus Christi to adopt a Noise Overlay District as a part of the City's zoning ordinance. The noise overlay district would be based on the Noise Exposure Map: 2004, Figure 5-2. The major benefit of such a zone would be to direct future land uses within the proposed noise overlay zones to be compatible with airport and aviation uses.

FAA Action: Approved.

Designation of areas in which to apply preventive compatible land use planning is encouraged by the FAA. The Federal government has no authority to control local land use; the local government has the authority to implement this measure.

Recommendation # 6: Amend Building Code Regulations [Page 6-10]

In order to achieve the noise reduction levels for land uses in the Airport Noise Overlay District, the City of Corpus Christi would amend the building code regulations to incorporate soundproofing standards.

FAA Action: Approved.

Designation of areas in which to apply preventive compatible land use planning is encouraged by the FAA. The Federal government has no authority to control local land use; the local government has the authority to implement this measure. The FAA discourages noncompatible development within the noise exposure map contours, even with sound attenuation.

Recommendation # 7: Require Dedication of Avigation Easements [Pages 6-10 and 6-11]

An avigation easement typically provides for (1) the right to overfly the property and cause noise, vibration or other effects of aircraft operations and /or (2) the imposition of restrictions on the use or development of the property to enhance aircraft safety or maintain land use compatibility. Avigation easements are acquired by airport operators in two ways (1) direct purchase from the property owner either through negotiation of value or through a court-ordered settlement and (2) dedication at the time of subdivision approval. Specifically, consideration should be given to amending the City's subdivision regulations to require the dedication of avigation easements to the City of Corpus Christi Department of Aviation for all property within the study area boundary as shown on Figure 6-2.

FAA Action: Approved in part for purposes of Part 150.

The sponsor proposes to require the dedication of avigation easements for all property within the study area boundary shown on Figure 6-2. This measure is approved for purposes of Part 150 to the extent that area falls within the official noise exposure map contours.

As a matter of policy, FAA prefers that no noncompatible development occur within the DNL 65 dB noise contour, even with an avigation easement. Any new noncompatible development that takes place after October 1, 1998, is not eligible for FAA approval under Part 150 of future remedial noise mitigation measures.

Local action to implement this measure within the study area boundary that exceeds the noise exposure map contours is outside the scope of the Part 150 program, and is disapproved for purposes of Part 150. This does not prevent the local government from implementing this measure outside the scope of Part 150; the FAA encourages preventive compatible land use planning, which is the prerogative of the local land use planning jurisdiction.

Recommendation # 8: Require Fair Disclosure [Page 6-11]

Fair disclosure ordinances require the seller of the property to disclose to potential buyers the sound levels expected on the property.

FAA Action: Approved.

This is a preventive land use compatibility measure. There are no noncompatible land uses within the DNL 65 dB noise contour for either the current conditions or 5-year forecast NEM. FAA prefers that no noncompatible development occur within the DNL 65 dB noise contour. Any new noncompatible development that takes place after October 1, 1998, is not eligible for FAA approval under Part 150 of future remedial noise mitigation measures. The Federal government has no authority to control local land use; the local government has the authority to implement this measure.

Recommendation # 9: Continue Comprehensive Planning to Maximize Land Use Compatibility
[Pages 6-11 and 6-12]

Continued efforts at comprehensive planning are necessary to ensure compatible land uses adjacent to the Airport.

FAA Action: Approved.

This local land use measure will continue to prevent noncompatible land uses.