



States covered in this section

OVERVIEW OF STATE LEGISLATION

E.1 LEGISLATIVE OVERVIEW – CALIFORNIA

The state of California has taken several proactive steps to support its military installations at the local, regional, and state level.

SB 1099 (Knight, Chapter 425, Statutes of 1999)

Between 1988 and 1999, California experienced the closure or realignment of 29 military bases. SB 1099 hoped to prevent additional military base closures in California.

In 1999, the passage of SB 1099 established the California Defense Retention and Conversion Council in the Trade and Commerce Agency, to be active until January 1, 2007. The membership of this organization could include major executive branch agencies and public appointees. Representatives from California colleges and universities and California-based branches of the United States Armed Forces could participate as nonvoting members.

The bill had a provision to grant funds to communities to develop military base retention

strategies. The Council was directed to determine how best to defend existing California bases and base employment in California and to work with communities that may face base closures. The Council was mandated to prepare a study considering strategies for long-term protection of lands next to military bases. These strategies were to address land use compatibility issues to prevent encroachment from affecting the missions of these bases.

The requirement for a study was met in 2001 by a draft report entitled *Forecasting and Mitigating Future Urban Encroachment Adjacent to California Military Installations: A Spatial Approach* written by the University of California, Berkeley, Institute of Urban and Regional Development. According to the report, “more than half of California’s military installations are located within, at the edge of, or within a stone’s throw of major metropolitan areas.”

The study defines the issue of encroachment is more than just increased population and “urban growth edging closer to installation boundaries.” It is also the effect that military installations have on nearby residents, and the environmental issues that are created as endangered species

California Legislation

SB 1099 **1999**

http://info.sen.ca.gov/pub/99-00/bill/sen/sb_1051-1100/sb_1099_bill_19990916_chaptered.pdf

AB 1108 **2002**

http://info.sen.ca.gov/pub/01-02/bill/asm/ab_1101-1150/ab_1108_bill_20020918_chaptered.pdf

SB 1468 **2002**

http://info.sen.ca.gov/pub/01-02/bill/sen/sb_1451-1500/sb_1468_bill_20020927_chaptered.pdf

SB 926 **2004**

http://info.sen.ca.gov/pub/03-04/bill/sen/sb_0901-0950/sb_926_bill_20040930_chaptered.pdf

SB 1462 **2004**

http://info.sen.ca.gov/pub/03-04/bill/sen/sb_1451-1500/sb_1462_bill_20040930_chaptered.pdf

Planning, Zoning, and Development Laws (PZDL)

Source for Government Code references

http://www.opr.ca.gov/publications/PDFs/PZD_2005.pdf

migrate to military lands in order to survive.

This study applied a growth model to estimate the potential for urbanization near military installations. As a result of this evaluation, the study provides six general policy options for review and consideration.

AB 1108 (Pavley, Chapter 638, Statutes of 2002)

AB 1108, Chapter 638, Statutes of 2002 amends CEQA law by requiring CEQA lead agencies to notify military installations if a project meets certain criteria. The criteria includes property located within an established operational area, a general plan amendment, or is of statewide, regional, or area-wide significance, or is required to be referred to the local ALUC. This notification is meant to provide the military with an opportunity to provide early input so that potential land use conflicts can be resolved in a proactive manner. Military input on projects allows local decision makers to have the information they need to make informed decisions when they approve a project.

SB 1468 (Knight, Chapter 971, Statutes of 2002)

The general plan is one of the key tools that local decision makers and planners use to guide land use decisions within their community. SB 1468 changed the Planning and Zoning Law regarding the contents of the required general plan elements. These elements must now consider the impact of growth on military readiness activities carried out on military bases, installations, and operating and training areas.

This bill requires the land use element to consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land or other territory adjacent to those military facilities, or underlying designated military aviation routes and airspace. With respect to the open-space

element, open-space land is defined to include areas adjacent to military installations, military training routes, and restricted airspace. This bill also required the circulation element to also include the general location and extent of existing and proposed military airports and ports.

SB 1468 promotes the concept of a partnership between communities and the military that allows them to collaborate on addressing land use compatibility issues around military installations.

This bill also called for OPR to prepare and publish an advisory planning handbook for local officials, planners, and builders. The handbook is required to include advice on:

- Collecting and preparing data and analysis;
- Preparing and adopting goals, policies, and standards;
- Adopting and monitoring feasible implementation measures;
- Methods to resolve conflicts between civilian and military land uses and activities; and,
- "Recommendations for cities and counties . . . to consult with military base personnel prior to approving development adjacent to military facilities."

SB 926 (Knight, Chapter 907, Statutes of 2004)

In 2004, SB 926 established the Office of Military and Aerospace Support (OMAS) in the Business, Transportation and Housing Agency (BT&H). This bill renamed the office responsible for military base retention activities and moved it from the nonexistent Trade and Commerce Agency to BT&H.

The Bergeson-Peace Infrastructure and Economic Development Bank Act authorizes the California Infrastructure and Economic Development Bank to make loans to public and private entities for public development facilities. SB 926 specifies that military infrastructure projects are included in the definition of public development facilities.

Local governments may apply for Bank loans to fund military infrastructure projects. SB 926 also updates the requirements of SB 1468 to require cities and counties to use information from other sources, in addition to the military, when they address new growth impacts on military installations and activities in their general plans.

SB 1462 (Kuehl, Chapter 907, Statutes of 2004)

SB 1462 expanded the requirements for local government to notify military installations of proposed development and planning activities. This bill stated that "prior to action by a legislative body to adopt or substantially amend a general plan, the planning agency shall refer the proposed action to . . . the branches of the United States Armed Forces when the proposed project is located within 1,000 feet of a military installation, beneath a low-level flight path, or within special use airspace [SUA] . . ." The military is responsible for providing the Office of Planning and Research (OPR) with electronic maps of SUA, low-level flight paths, and military installations. OPR is then responsible for notifying cities and counties of the information's availability on the Internet.

SB 1462 revises the information required in the application for development projects located within 1,000 feet of a military installation, a SUA, or a low-level flight path. The public agency must provide a complete copy of the application to the military as specified. Lastly, the bill authorizes any branch of the US Armed Forces "to request consultation" to avoid potential conflict and to discuss "alternatives, mitigation measures, and the effects of the proposed project on military installations."

E.2 LEGISLATION OVERVIEW – OTHER STATES

In addition to measures adopted in California, other states have also enacted legislation to protect military activities and installations. Compatibility planning tools and strategies

adopted in other states provide California planners with additional ideas or concepts to consider when approaching land use compatibility issues. The information presented in this section was obtained from the following website managed by the Defense Environmental Network and Information Exchange (DENIX) at:

<https://www.denix.osd.mil/denix/Public/Library/Sustain/Ranges/StateLeg/textversion.html>

ARIZONA

Land Use Planning Around Military Airports

Arizona laws dating back to 1978 provide statutory guidance on compatible land use planning around Military Airports. Most recent legislation includes SB 1062, 1995; SB 1514, 2000; SB 1525, 2001; SB 1393, 2002; HB 2140, 2004 and HB 2141, 2004 that set forth the following:

Established "high noise or accident potential zone" (generally the noise contours and the arrival departure corridors) around each military airport and their ancillary military facility and requires:

- Cities, towns, and counties to adopt and enforce zoning regulations to "assure development compatible with the high noise and accident potential generated by military airport and ancillary military facility operations that have or may have an adverse effect on public health and safety."
- A defined "compatible" land use matrix (A.R.S. 28-8481 (J)) within high noise or Accident Potential Zones. (One military airport is to use their Joint Land Use Study in order to determine compatibility.)
- Cities, towns, and counties to identify these boundaries within their general/comprehensive plan by December 31, 2005.

Appendix E

- Cities, towns, and counties must send a copy of their general/comprehensive plan or an element or major amendment of the general plan to the attorney general at least 60 days prior to adoption.
 - Cities, towns, and counties must provide notice to the Attorney General within three days of approval, adoption, or re-adoption of the general/comprehensive plan.
 - The Attorney General has 25 days after receipt of the plan to determine if it is compatible with the land use matrix set forth in ARS 28-8481 (J).
 - The governing body thirty days after receipt of notice from Attorney General to reconsider their actions. If actions are reaffirmed, the Attorney General may institute a civil action.
 - In order to facilitate development set forth in the compatibility land use matrix (ARS 28-8481 (J)), a county may approve transfer of development rights and enter into an intergovernmental agreement with another political subdivision.
 - Provides a "fair market value" of minimum one residential dwelling unit per acre for political subdivisions, state, or an agency or instrument of the United States when purchasing land or development rights.
 - Prohibits local jurisdictions from permitting or approving new divisions of land zoned for residential use if the division would result in a lot, parcel, or fractional interest of four acres or less. A waiver may be granted.
 - Applications for public reports must include a statement that the property is located in a high noise or accident potential zone. (This is in addition to a statement that the property is located in a territory in the vicinity.)
- Established "territory in the vicinity" (a larger area designed to capture major military operating areas) requirements for military airports and ancillary military facilities:
- The State Land Department is to prepare a map with a legal description of the territory in the vicinity of ancillary military facilities and the accompanying high noise or accident potential zone, accident potential zone ones and two. This information is to be sent to the appropriate county, and made available to the public at the State Land Department and the Department of Real Estate.
 - Establishes sound attenuation requirements for: new residential development; portions of buildings where the public is received; office areas in new buildings; schools; libraries, and churches.
 - Cities, towns and counties must:
 - Provide the military airport notice and an opportunity to provide comments on general and comprehensive plans or amendments prior to adoption.
 - Provide the military airport notice of public hearings for zoning changes. If a military airport provides comments concerning the compatibility of the proposed rezoning prior to the first hearing, the governing body must hold a public hearing and consider the comments before a final decision is made. This insures that plans are not adopted on a consent agenda.
 - Consider military airport or ancillary military facility operations in the local land use element.
 - The School Facilities Board must notify military airports of hearings regarding any applications for School Facilities Funding. Any comments or analysis received from the military must be considered and analysis prior to a final decision.
 - Department of Real Estate and local governments shall request and maintain map of military operations and military

Established "territory in the vicinity" (a larger area designed to capture major military operating

airport contact information and make this information available to the public.

- A disclosure statement upon transfer or sale of land for residential property must be on the first page of public report and include, if available, a map of military operations.
- The Department of Real Estate shall execute and record a document with the appropriate county recorder for land with the following disclosure: "this property is located within territory in the vicinity of a military airport or ancillary military facility and may be subject to increased noise and accident potential."
- ARS 28-8480 provides that a political subdivision "may acquire, by exchange, purchase, lease, donation, devise, or condemnation, land or interests in land for the continued operation of a military airport or ancillary military facility."

ARIZONA

Natural Gas Storage Facility Restriction

ARS 49-1302 (HB 2134, 2004) prohibits the location of a natural gas facility within nine miles of Luke Air Force Base. The ARS 49-1302 includes a legislative findings section that states such activities "are subject to state regulation as provided by 49 United States Code 60104c."

ARKANSAS

Land Use Planning Around Military Installations

Arkansas' Ark. Code Section 14-56-426 (Act 530, 1995) requires cities over 2,500 residents and with an active-duty United States Air Force Base to "enact a city ordinance specifying that within five (5) miles of the corporate limits future uses on property which might be hazardous to aircraft operation shall be restricted or prohibited." The city ordinance shall:

- Be consistent with the recommendations and studies made by the October 1992 United States Air Force document titled

Air Installation Compatible Use Zone Study, Volumes I, II, and III.

- Restrict or prohibit future uses that violate the height restriction criteria of Federal Aviation Regulation, part 77, subpart C.
- Consider recommendations or studies in order to protect the public and provide for safe aircraft operations.
- Not prohibit single-family residential uses on an acre or more if future construction complies with Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations, Wyle Research Report WR 89-7.

Specifically, the ordinance shall restrict or prohibit future land uses that meet the following categories within the five-mile area:

- Uses that interfere or impair visibility with the operation of aircraft by releasing substances such as steam, dust, or smoke into the air.
- Uses that interfere with pilot vision by producing light emissions (direct, indirect, or reflective).
- Uses that interfere with aircraft communications systems or navigational equipment by producing electrical emissions.
- Uses that attract birds or waterfowl such as sanitary landfill operations, maintenance of feeding stations, or growing certain vegetation.
- Structures within ten feet of aircraft approach, departure, or transitional surfaces.
- Uses that expose persons to noise greater than seventy-five decibels.

COLORADO

Enhanced Planning Communication and Notification

- Colo. Rev. Stat. § 29-1-207, 30-28-106, 31-23-206 (Acts 2005, Chapter 59, SB

05-080) states that the General Assembly declares that local governments should cooperate with military installations in "order to encourage compatible land use, help prevent incompatible urban encroachment upon military installations, and facilitate the continued presence of major military installations within the state." Local governments with a military installation in excess of 1,000 acres (other than the Rocky Mountain Arsenal or any facility used primarily for civil works, river or flood control projects) located partially or within its boundaries shall provide "timely" notification of certain actions to the military installation commander or his or her designee. Information shall include changes in the comprehensive plan, its amendments, or its land use regulations that, if approved, would "significantly affect the intensity, density or use of any area within the territorial boundaries of the local government that is within two miles of the military installation." This requirement does not require information related to site-specific development applications under consideration by the local government.

- After providing the prescribed information to the military, the local government must also provide the commanding officer of the military installation (or his or her designee) an opportunity to review and comment on the military mission impact of the proposed change. Comments may include:
 - Impact on the airfield's safety and noise impact set forth in their Air Installation Compatible Use Zone (AICUZ);
 - Incompatibility with the Installation Environmental Noise Management Program (IENMP) of the United States Army;
 - Incompatibility with the area's Joint Land Use Study (JLUS) findings; and

- If the mission will be adversely affected by the proposed actions.
- The local government when considering approval of the comprehensive plan, its amendments, or its land use regulations shall review the comments and forward a copy of the comments to the Office of Smart Growth.
- This provision is effective beginning August 8, 2005 and shall apply to any requested changes in a local government's comprehensive plan, its amendments, or land use regulations submitted for approval on or after that date.

FLORIDA Land Use Planning Around Military Installations

Florida's Fla. Stat. § 163.3175 (SB 1604, 2004) states, "the Legislature finds that incompatible development of land close to military installations can adversely affect the ability of such an installation to carry out its mission." Counties that have a military installation within its jurisdiction and each affected local government must:

- Send the installation commanding officer information "relating to proposed changes to comprehensive plans, plan amendments, and proposed changes to land development regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation."
- Provide the "military installation an opportunity to review and comment on the proposed changes."
- Consider the military's comments when making comprehensive planning or land development regulation decisions and forward a copy of the comments to the state land planning agency.
- Include a military representative to serve as an ex-officio, non-voting member on

the land planning or zoning board representing all installations within the political jurisdiction.

The military may provide comments on the proposed change's impact on the mission. Comments may address:

- Impact on the airfield's safety and noise impact set forth in their Air Installation Compatible Use Zone (AICUZ);
- Incompatibility with the Installation Environmental Noise Management Program (IENMP) of the United States Army;
- Incompatibility with the area's Joint Land Use Study (JLUS) findings; and
- If the mission will be adversely affected by the proposed actions.

The Commanding Officer is encouraged to provide information regarding any community planning assistance grants available through the DOD Office of Economic Adjustment.

Florida's Fla. Stat. § 163.3177 (SB 1604, 2004): requires local governments' future comprehensive land use plan elements to address compatibility of land uses "adjacent or closely proximate" to military installations and include criteria to achieve that compatibility. This update or amendment must be submitted to the Department of Community Affairs by June 30, 2006. The Department must consider land use compatibility issues "adjacent to or in close proximity to all military installations in coordination with the Department of Defense."

Florida's Fla. Stat. § 163.3191 (SB 1604, 2004): requires local governments' evaluation of its comprehensive plan to include an assessment of whether the criteria in the future land use plan element was successful in achieving compatibility with military installations.

GEORGIA

Land Use Planning Around Military Bases and Installations

Georgia's Ga. Code Ann. §36-66-6 (SB 261, 2003) requires planning entities to investigate and make recommendations on proposed zoning decisions on land that is "adjacent to or within 3,000 feet of any military base or military installation or within the 3,000 foot Clear Zone and Accident Prevention Zones Numbers I and II as prescribed in the definition of an Air Installation Compatible Use Zone of a military airport." Given the proposed land use's proximity to the military facility, planning entities are to determine:

- If the proposal will permit a suitable use;
- If the proposal will adversely affect the existing use or usability of nearby property;
- If the affected property has a reasonable economic use as currently zoned;
- If the proposed use could cause safety issues to streets, transportation facilities, utilities or schools;
- If a land use plan has been adopted and if so, if the proposed change conforms with the policy and intent of the land use plan; and
- If there are existing or changing conditions that would affect the use of nearby property.

The planning entity at least 30 days prior to the hearing must request that the military commander provide "written recommendation and supporting facts relating to the proposed land use change." If the military commander does not submit a response by the date of the public hearing then the proposed zoning change is presumed to not have an adverse effect on the military installation. Any information received shall become part of the public record.

ILLINOIS

County Air Corridor Protection Act

HB 1338, 2003, known as the "County Air Corridor Protection Act," gives counties with a U.S. Air Force installation with runways that are at least 7,500 feet in length with the authority to:

- "Protect the safety of the community by controlling" land uses designated in the Air Installation Compatible Use Zone (AICUZ) Study adopted by the United States Air Force.
- Utilize eminent domain powers to acquire land or an easement when a land use exists or when a municipality approves a use that is not compatible with the AICUZ and falls within the following areas:
 - clear zones and runway protection zones;
 - accident potential zones I and II; or
 - within the 65 decibel contour.

KENTUCKY

Land Use Planning Around Military Bases and Installations

Kentucky's Rev.Stat. § 100.187 (HB 357, 2003) requires that a planning entity, when drafting a comprehensive plan, shall include provisions for accommodating military installations that are at least 300 acres and located partially, within, or "abutting" the planning entity's boundaries. The statute is intended to help "minimize conflicts between the relevant military installations and the planning unit's residential population."

The planning entity shall consult with the military commander to determine their needs, and shall request information regarding:

- "installation expansion;
- environmental impact;
- installation safety; and
- airspace usage, to include noise pollution, air pollution, and air safety concerns."

NORTH CAROLINA

Land Use Planning Around Military Bases

N.C. Gen. Stat. § 153A-323 and § 160A-364 (SB 1161, 2004) requires cities and counties to provide military installation commanders written notice at least ten days (but not more than 25 days) prior to a public hearing to consider any ordinance that would change zoning or affect the permitted uses of land within five miles of a military base. Prior to making a final decision, the governing body shall consider any comments or analysis received from the military regarding the compatibility of the proposed ordinance or amendment.

OKLAHOMA

Land Use Planning Around Military Installations

Okla. Rev. Stat. § 11-43-101.1 (HB 2472, 2004; HB 2115, 2002; SB 658, 2001) permits any municipality that has an active-duty United States Air Force Base to enact a city ordinance specifying that within 5 miles of the military installation future uses on the property by the municipality which may be hazardous to aircraft operation shall be restricted or prohibited.

The city ordinance shall:

- Be consistent with the most current recommendations and studies titled " Air Installation Compatible Use Zone Study" made by the United States Air Force installations at Altus AFB, Tinker AFB, and Vance AFB or studies made by United States Department of the Army installation at Fort Sill titled "Army Compatible Use Buffers" or "similar zoning relating to or surrounding a military installation as adopted by a county, city, or town or a combination of those governmental entities."
- Restrict or prohibit future uses that violate the height restriction of any Federal Aviation Regulation criteria.

- Consider the recommendations or studies in order to protect the public and provide for safe aircraft operations.
- Subject to the provisions and requirements of item 1, not prohibit single-family residential uses on an acre or more if future construction complies with Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations, Wyle Research Report WR 89-7.
- Specifically, the ordinance shall restrict or prohibit future land uses that meet the following categories within the five-mile area:
 - Uses that interfere or impair visibility with the operation of aircraft by releasing substances such as steam, dust or smoke into the air unless the substance is generated from an agricultural use.
 - Uses that interfere with pilot vision by producing light emissions (direct, indirect, or reflective).
 - Uses that interfere with aircraft communications systems or navigational equipment by producing electrical emissions.
 - Uses that attract birds or waterfowl such as sanitary landfill operations, or maintenance of feeding stations.
 - Structures within ten feet of aircraft approach, departure, or transitional surfaces.
 - Exposure of persons to noise greater than seventy-five decibels.
 - Uses that detract from the aesthetic appearance or make for an unsightly entrance to the installation such as automobile salvage yards, disposal sites, and waste storage.

SOUTH CAROLINA Land Use Planning Around Military Installations

South Carolina's S.C. Code § 6-29-1530 (H4482, 2004) requires planning entities to provide planning information to the military installation commander 30 days prior to the public hearing and request "written recommendation with supporting facts" on land that is located within:

- A federal overlay zone; or
- Within 3,000 feet of either a military installation, or Clear Zone and Accident Potential Zones Numbers I and II

The commander's comments and the planning entity are to make recommendations and findings regarding:

- If the proposed use is suitable given the proximity of the military installation;
- If the proposal will adversely affect the existing use or usability of nearby property;
- If the affected property has a reasonable economic use as currently zoned;
- If the proposed use could cause safety issues to such items as streets, transportation facilities, utilities or schools;
- If a land use plan has been adopted, and if so, if the proposed change conforms with the policy and intent of the land use plan; and
- If there are existing or changing conditions that would affect the use of nearby property.

If the military commander does not submit a response by the date of the public hearing then the proposed zoning change is presumed to not have an adverse effect. Any information received shall become part of the public record. Local governments are to "incorporate identified boundaries, easements, and restrictions for federal military installations into official maps."

SOUTH DAKOTA

Military Airport Zoning Regulations

S.D. Codified Laws § 50-10-32 to 50-10-35 (SL 1996, Ch 278) permits political subdivisions to “adopt, administer, and enforce, under its police power” zoning regulations “to prevent the creation of a military airport hazard.” The military airport hazard area, defined as an area of land or water with a hazard such as a structure which obstructs or interferes with military aircraft zoning regulations, may be divided into zones and include:

- Specifying land uses that are permitted;
- Regulating type and density of structures; and
- Restricting height of structures to prevent obstructions to flight operations or air navigation.

The political subdivision may also adopt, by ordinance or resolution, any federal laws or rules to assist in “controlling the use of land located adjacent to or in the immediate vicinity of the military airport.”

TEXAS

Military Preparedness Act

SB 652, 2003 established the Texas Military Preparedness Commission replacing the Strategic Military Planning Commission. This office is within the Governor's Office and reports to the Governor or his designee. Commission duties include:

- Advising the Governor and Legislature on military issues and their related economic and industrial development.
- Making recommendations regarding policies and plans to support the long-term military mission viability including best methods for communities to enhance their relationship with their military installation.
- Preparing a biennial strategic plan to assist the longevity and expand the mission of Texas military installations.

- Preparing an annual report to the Governor and the Legislature regarding the military installations and their communities and the associated defense related business within the state. State agencies are to assist with this report.
- Coordinating annual meetings to discuss the report with state agencies and legislators whose district includes an active or former military installation.
- The Commission may solicit and accept gifts and grants.
- Military Installation Commanders may request commission assistance to coordinate with other state agencies to prepare base evaluation criteria.
- Authorizes the Commission to provide a loan of financial assistance to defense community projects that meet set criteria including enhancing “military value of a military facility located in, near, or adjacent” to the community. Loans must be paid within five years and may not exceed the total cost of the project.
- Creating the Texas Military Value Revolving Loan Account.
 - A community that applies for financial assistance shall prepare “in consultation with the authorities from each defense base associated with the community, a defense base military value enhancement statement.”
 - A community may request financial assistance to prepare a “comprehensive defense installation and community strategic impact plan that states the defense community's long-range goals and development proposals.” This plan includes the following elements as they relate to the military base – land use, transportation, population growth, water resources, conservation, open-space, restricted airspace and military training route elements.

- The plan should minimize encroachment and control negative effects of future growth on the military mission.
 - The land use element should identify "existing and proposed regulations of land uses" and their distribution and location that may impact the military base.
 - The open space element should identify existing areas along with an analysis of the military's need for "open-space areas to conduct its military training activities."
 - The restricted airspace element should create needed buffer zones between the base and the community.
 - The military training route element should identify existing routes and if needed, proposes a plan for additional routes.
- Communities that developed a comprehensive defense installation and community strategic impact plan are encouraged to develop with their military base a "planning manual based upon the proposals contained in the plan." If changes are needed in the plan, then the community should consult with the military.
 - Defense communities that determine a proposed ordinance, rule or plan may impact the military mission shall "seek comments and analysis" from the military concerning the compatibility. The community "shall consider and analyze the comments and analysis before making a final determination relating to the proposed ordinance, rule or plan."
 - An agency's strategic plans are to also include an "analysis of the agency's expected expenditures" related military installations or communities with military installations.
 - State agencies are to consider, when establishing goals, the enhancement of military value to a military installation or facility. If the agency "determines that an expenditure will enhance the military value" of an installation or facility (based on the base realignment and closure criteria) the agency shall make the expenditure a priority.
 - The state may sell, lease or grant easements on unused or underused state property to the United States Armed Forces if "after consultation with appropriate military authorities" it is determined that this property would materially assist the military in mission accomplishment.
 - The state is required to "retain all minerals it owns with respect to the land, but it may relinquish the right to use the surface to extract them."
 - The state is prohibited from the selling and leasing "of upland within 2,500 feet of a military base" unless after "consultation with appropriate military authorities" it is determined that the sale or lease would not have an adverse affect on the military.
 - Prohibits prospecting in a "location within 2,500 feet of a military base, but prospectors may, from a location more than 2,500 feet from a base, look for minerals within the 2,500-foot strip."
 - "Any lease covering land adjacent to a military base shall require the lessee to forego the right to use the surface within 2,500 feet of the military base while exploiting the minerals."

VIRGINIA

Land Use Planning Around Military Bases, Installations or Military Airports

Virginia's Va. Code § 15.2-2204, 15.2-2223 15.2-2283 (H714, 2004) requires local planning commissions to provide the military ten days' advance notice of any land use changes (including comprehensive plan or amendment, zoning map, or an application for special exception for a change in use) within 3,000 feet of a "military base, military installation, or military airport, excluding armories operated by the Virginia National Guard."

- This notification also provides the military an opportunity to submit comments for consideration.
- Local comprehensive plans may include the location of military bases, installations, and military airports and their adjacent safety areas.
- Stipulates that zoning ordinances shall provide reasonable protection against encroachment upon military bases, installations and military airports and their adjacent safety areas "excluding armories operated by the Virginia National Guard."

WASHINGTON

Land Use Planning Around Military Installations

Wash. Rev. Code § 36.70A.530 (ESSB 6401, 2004) requires that cities and counties' comprehensive plans, development regulations, or their amendments "should not allow development in the vicinity of a military installation that is incompatible with the installation's ability to carry out its mission requirements." Cities and counties with military installations other than a reserve center of more than 100 personnel must notify the installation commander of their intent to amend the comprehensive plan or development regulations to "address lands adjacent to military installations to ensure those lands are protected from

incompatible development." This notice shall provide the commander 60 days to provide a written recommendation with supporting facts. If no response is received from the commander, than the local government may presume that the "implementation of the proposed plan or amendment" will not have an adverse effect on the installation's operations.