

JOINT LAND USE STUDY PROGRAM

Office of Economic Adjustment
Department of Defense

Most military installations were originally located in remote areas, distant from urban areas due largely to the availability of land and for defense and security purposes. Over time however, installations drew people and businesses closer and closer to take advantage of civilian job opportunities offered by the installation and to provide the goods and services to support the installation's operations. As urban growth and development increased near and around military installations land use conflicts between base operations and civilian development increased.

Military operations can be loud and present safety concerns for nearby civilian communities. For example, low flying, high performance military aircraft create both noise and accident potential during landings, take-off, and training exercises. Likewise, ground-training exercises (e.g., artillery firing ranges, maneuver areas, and aerial bombing ranges) generate impact noise that can adversely affect the surrounding community if the civilian population chooses to locate too close.

Conversely, urban development¹ near the perimeter of active military bases impacts operational effectiveness, training, and readiness missions. If allowed to go unregulated can incompatible development may compromise the utility and effectiveness of a military installation and its mission. For example, certain types of land

use activities, such as homes, places of assembly (i.e., schools or religious centers), childcare centers, nursing homes, hospitals, restaurants, theaters, shopping centers, etc. often are not compatible uses/activities if located close to military operations.

When people and communities are exposed to irritating noise and accident potential, they seek relief. Typically this results in public pressure on the military base commander to modify or curtail operations or transfer activities to other installations. Mission constraints can lead to base closure.

The commensurate reduction in installation personnel and mission activities can have a direct and detrimental effect on the jurisdiction through reduced economic activity and loss of jobs, impacting the local tax base and economic health. The extent of urban encroachment impacting the operational utility of an installation is one consideration in determining the future viability of an installation.

Is Smart Planning an Option? Through joint, cooperative military and community planning, growth conflicts can be anticipated, identified, and prevented. These actions help protect the installation's military mission, and the public health, safety, quality of life and community economic stability.

The Department of Defense (DoD) supports several programs designed to provide technical information on noise and aircraft accident potential that communities can use to regulate urban encroachment while promoting economic growth and development.

¹ The term *Urban Development* as used here includes all forms of civilian development be it urban, suburban, exurban or rural in character.

The Air and/or Range Air Installation Compatible Use Zone (AICUZ/RAICUZ) and the Operational Noise Management Programs (ONMP): In the mid- 1970's, the DoD established programs in response to existing and potential threat of incompatible land development compromising the defense missions at military installations. These programs are designed to promote compatible development on and off military bases. The programs include noise propagation studies of military activities to delineate on-and off-base areas most likely to be affected by unacceptable noise levels. The programs also identify aircraft landing and take-off accident potential zones that often extend off a base into the neighboring community. The AICUZ/ONMP studies are based on sophisticated, computer based noise models, Federal Aviation Administration guidelines, DoD Directives, and community land use planning principals and practices.

Joint Land Use Study (JLUS) Program: In 1985, Congress authorized the Department of Defense (DoD) to make community planning assistance grants *Title 10 U.S.C. Section 2391* to state and local government to help better understand and incorporate the AICUZ/RAICUZ/ONMP technical data into local planning programs. The Office of Economic Adjustment (OEA) manages the JLUS program.

JLUS Program Purpose: A JLUS is a cooperative land use planning effort between affected local government and the military installation. The recommendations present a rationale and justification, and provide a policy framework to support adoption and implementation of compatible development measures designed to prevent urban encroachment; safeguard the military

mission; and protect the public health, safety, and welfare.

JLUS Implementation Measures: may involve revisions to the community's comprehensive plan and traditional land use and development controls, such as zoning, subdivision regulations, structural height restrictions, and promotion of planned unit development concepts.

Additional actions may include amending local building codes to require increased sound attenuation in existing and new buildings, land exchanges, and transfer of development rights, and real estate disclosure.

JLUS Project Initiation: When a Military Service believes an installation may be experiencing incompatible development problems or that there is the likelihood for incompatible development that could adversely affect the military mission, the Service may nominate the installations for a JLUS to OEA. OEA staff visits the installation, meets with the local base command and local government officials. OEA will evaluate existing or potential encroachment problems, the availability of AICUZ/RAICUZ/ONMP information, and local development controls to determine if a JLUS is justified. A JLUS will proceed if there is both base command and local jurisdiction interest.

JLUS assistance normally is technical, but can include funding as well through a Community Planning Assistance Grant.

OEA Community Planning Assistance Grant: The financial incentive for the community is a cost-shared Community Planning Assistance grant to support the cost

of a JLUS. OEA makes the grant to a sponsoring jurisdiction.

Study Sponsor: Normally the local governing body with land development regulatory oversight serves as the sponsor, but it can be a state governmental organization, an airport authority, community planning office, regional planning agency, or a qualified council of governments.

The sponsor, working with OEA and the military base, develops a scope of work, outlines the study contents, including goals and objectives, phases of the study, methods of public involvement, and an implementation plan. The proposal also includes an estimate of the cost to produce the study, and the amount of local funds or match resources that will be pledged by the sponsor. In-house staff can do the work or it can be a contracted effort with a consultant qualified in land use planning, zoning and environmental (principally noise) issues. Typical OEA funding assistance is on a matching dollar for dollar basis. A typical JLUS can cost between \$75,000 and \$135,000 depending on the complexity of the issues involved. OEA can contribute up to 90 percent of the cost to produce a JLUS. However, not all JLUS efforts require planning grants.

OEA technical assistance is available to help with the preparation of the scope of services and a grant application; to provide technical support and guidance during the JLUS; and serve as liaison between the Military Department, and the sponsoring jurisdiction if needed.

Consensus: An important ingredient of a successful JLUS is building community consensus. If the JLUS is to have positive

results, the participating jurisdiction and military installation must agree to make a good faith pledge to implement development controls to achieve compatibility.

Program Experience: A JLUS is usually completed in 12-months, although the degree of coordination and complexity may require more or less time to achieve the necessary community consensus and action measures.

Experiences from these studies have shown a high success rate. The JLUS effort can directly benefit both the jurisdiction and the installation by:

- Protecting of the health and safety of residents living or working near military installations;
- Preserving long-term land use compatibility between the installation and the surrounding community;
- Promoting comprehensive community planning;
- Encouraging a cooperative spirit between the local base command and local community officials;
- Integrating the local jurisdiction's comprehensive plans with the installation's plans.

DoD Conservation Partnering Authority: The FY-03 Defense Authorization Act (Title 10 U.S. Code § 2684a) includes a provision that authorizes the military departments to enter into agreements with eligible entities

to acquire real estate interests in the vicinity of military installations. The purpose is to limit incompatible land use near a military installation by creating conservation buffers to protect natural features, endangered species and to preserve important habitat necessary to sustaining a quality ecosystem. Another benefit of the program is to remove from a developable status lands that may be subject to urban development that could affect military training and readiness. This legislation provides a powerful new tool for the military departments to help in preventing incompatible civilian development near a military installation.

The new legislation authorizes DoD to enter into agreements with states, political subdivisions, and private conservation entities (“conservators”). State and local agencies can offer the advantage of cost sharing, taking title to property interests, and working directly with officials responsible for zoning and land use policies affecting

military installations. Private conservators — both national conservation groups and local land trusts — offer other advantages. Many conservators have conservation plans identifying regions and parcels of interest to them in the vicinity of military installations. They can also respond more quickly to land acquisition opportunities than can DoD and may be able to leverage other private and public sources of funds that are targeted to acquiring real estate interests in lands with conservation value.

This new DoD authority to partner with governmental and non-governmental conservation organizations is an important tool in an encroachment prevention toolbox.

By leveraging the AICUZ, JLUS and conservation partnering authority a better balance in what once were conflicting public objectives can be achieved.

