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Chairman and members of the committee, today I am pleased to have this opportunity to speak to you about military installation sustainability.

The manner in which states manage growth as it relates to military installations varies widely from state to state. According to the Department of Defense and the National Conference of State Legislatures (NSCL), at least 20 states have enacted land use related laws to address encroachment concerns. States such as Arizona, California, Florida, Georgia, Kansas, Oklahoma, South Carolina, Virginia, and Washington have been recognized as leaders in enacting specific laws to prevent or mitigate encroachment.

The laws enacted by the states generally have a two-fold purpose: to ensure that the ability of the military installation to perform its mission is not compromised by growth surrounding the installation, and to ensure the safety and vitality of the residential and commercial interests from potential hazards related to military activities (e.g., noise levels, weapons firing and aircraft over flights).

The types of land use laws enacted by states to address encroachment typically fall into two primary categories:

- **Land Use Planning Around Military Installations:** Generally these laws require local governments to include in their applicable comprehensive plans criteria to be considered to ensure that land use adjacent to a military base is compatible with the military mission (e.g., Florida, Virginia, Washington, Georgia or Louisiana). In some states, the laws actually prohibit specific activities around military installations (e.g., Oklahoma or Arkansas). Some states also allow a military installation commander to appoint an ex officio member to a local planning body (e.g., Florida, Wisconsin, or Massachusetts).
- **Enhanced Planning Communication or Notification:** Generally these laws create or expand procedural requirements to provide planning and zoning information to the military and create a specific mechanism for the military to comment on how the proposed development or planning change affects the military mission. Some states limit this obligation to planning activities and development projects located within a certain distance to a military installation (e.g., North Carolina, South Carolina, or New Jersey); at least one state (Kansas) has specifically linked the enhanced planning obligation to discrete areas around military installations, and others have real estate disclosure laws (see Arizona).

For your information and reference, attached are brief summaries of the various laws enacted in these states (in alphabetical order). Thank you for this opportunity to provide this information on state legislation affecting military installation sustainability. I am pleased to stand for questions.

Example Legislation Summaries

Arizona
Land Use Planning Military Airports, and Notification

Arizona passed a series of laws from 2001 to 2007 that require compatible land use around the state's four military airports by enforcing planning, zoning, and noise requirements. The Preservation of Military Airports Act (2001) mandates a city, town, or county containing territory within the vicinity of a military airport must consult with, advise, and provide these military airports with the opportunity to comment on the use of land surrounding their installation.

- 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 its requirements:
    - Cities, towns and counties shall 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." The Act mandates the incorporation of sound attenuation standards into all local building codes.
    - 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 must send a copy of general/comprehensive plan or an element or major amendment of the general plan to the attorney general at least 15 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 A.R.S. §28-8481 (J).
        - Governing body has 30 days after receipt of notice from attorney general to reconsider their actions. If actions are reaffirmed, the attorney general may institute a civil action.
    - 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.)
    - In 2002, Arizona passed another military airport preservation law that further elaborates on land-use compatibility as well as prohibits new school construction in accident potential and high noise zones. The law 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 legal description of the territory in the vicinity of ancillary military facility and the accompanying high noise or accident potential zone. This information is to be sent to the appropriate county, 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:
    - Include in the land use element of their comprehensive plans consideration of military airport or ancillary military facility operations;

- Provide the military airport notice an opportunity to provide comments on general and comprehensive plans or amendments prior to adoption;
- Identify the boundaries of any high noise or accident potential zone in their comprehensive plans;
- Provide the military airport notice of public hearings for zoning changes. If 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.
- 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 analyzed prior to a final decision.

Real Estate Disclosure

- The Department of Real Estate and local government shall request and maintain map of military operations and military airport contact information and make available to the public.
- Disclosure regarding transfer or sale of land: For residential property, statement must be on first page of public report and include, if available, map of military operations.
- The Department of Real Estate shall execute and record a document for 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."
- A seller of residential real estate must provide a written disclosure prior to the transfer of title if the property is located in territory within the vicinity of a military airport or ancillary military facility as shown on a map prepared by the State Land Department, including training routes and restricted airspace.

Military Training Routes

A.R.S. §28-8461 (H.B. 2662 of 2004) provides a definition of "military training route." A.R.S. §32-2114 stipulates that the Real Estate Commissioner must execute and record in each county recorder's office a document disclosing the land under military training routes delineated by the State Land Department (using the Department of Defense document, "Area Planning Military Training Routes for North and South America.") This information will include a legal description of the military training routes. A.R.S. §32-2183.05 establishes that public reports issued after December 31, 2004 shall disclose if any lots, parcels, or fractional interests within the subdivision are under a military training route.

Arkansas

Land Use Planning Around Military Installations

Act 530 of 1995 and Act 540 of 2005 require cities with a population of 2,500 or more within which there lies, in whole or in part, an active-duty United States Air Force military installation to enact a city ordinance specifying that within five miles of the corporate limits future uses on property which might be hazardous to aircraft operation shall be restricted or prohibited. The ordinance must contain provisions which restrict or prohibit future uses within the five-mile area which:

- Release into the air any substance that would impair visibility or otherwise interfere with the operation of aircraft, i.e., steam, dust, or smoke;
- Produce light emissions, either direct or indirect, that are reflective and that would interfere with pilot vision;
- Produce electrical emissions that would interfere with aircraft communications systems or navigational equipment;

- Attract birds or waterfowl, including, but not limited to, the operation of sanitary landfills, maintenance of feeding stations, or the growing of certain vegetation;
- Provide for structures within 10 feet of aircraft approach, departure, or transitional surfaces; or
- Expose persons to noise greater than 65 decibels.

Act 540 stipulates that the ordinance shall restrict or prohibit future uses within the five-mile area which violate the height restriction criteria of Federal Aviation Regulation, part 77, subpart C. Furthermore, the ordinance must be consistent with recommendations or studies made by the United States Air Force entitled "Air Installation Compatible Use Zone Study, Volumes I, II, and III, dated April 2003." Finally, the ordinance may not prohibit single-family residential use on tracts one acre or more in area, provided that future construction shall comply with Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations, Wyle Research Report WR 89-7.

California

Enhanced Planning Communication and Notification

California Public Resources Code §21098, relating to the California Environmental Quality Act (CEQA), requires a notice to be provided to the military of projects within two miles of a military installation. The military must notify the lead agency regarding specific boundaries of a low-level flight path, military impact zone, or special use airspace. The military will receive notice if the project is within those boundaries and if: (1) the project includes a general plan amendment; (2) the project is of statewide, regional, or area-wide significance; or (3) the project is required to be referred to the airport land use commission, or appropriately designated body.

California Government Code §65352 establishes 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 that have provided the Office of Planning and Research with a California mailing address when the proposed action is within 1,000 feet of a military installation, or lies within special use airspace, or beneath a low-level flight path, provided that the United States Department of Defense provides electronic maps of low-level flight paths, special use airspace, and military installations at a scale and in an electronic format that is acceptable to the Office of Planning and Research.

Under California Government Code §65940, state and local agencies shall require applicants to identify if a proposed project is within 1,000 feet of a military installation, or lies within special use airspace, or beneath a low-level flight path or within special use airspace and within an urbanized area. After a public agency accepts an application as complete, and if the project applicant has identified that the proposed project is located within 1,000 feet of a military installation or within special use airspace or beneath a low-level flight path, the public agency shall provide a copy of the complete application to any branch of the United States Armed Forces that has provided the Office of Planning and Research with a single California mailing address within the state for the delivery of a copy of these applications. Upon receipt of a copy of the application, any

branch of the United States Armed Forces may request consultation with the public agency and the project applicant to discuss the effects of the proposed project on military installations, low-level flight paths, or special use airspace, and potential alternatives and mitigation measures.

Land Use Planning Around Military Installations
California Government Code §65302 requires cities and counties, when preparing the land use element of their comprehensive plans, 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 military facilities, or underlying designated military aviation routes and airspace.

Colorado
Enhanced Planning Communication and Notification
Colorado Revised Statutes §29-1-207 30-28-106, 31-23-206 (Acts 2005, Chapter 59, S.B. 05-080): The General Assembly declared 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 or its amendments or 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 or its amendments or its land use regulations shall review the comments and forward a copy of the comments to the Office of Smart Growth.

Florida
Land Use Planning Around Military Installations
The Local Government Comprehensive Planning and Land Development Regulation Act (See Florida Statutes Ch. 163) requires local governments to adopt comprehensive plans that guide future growth and development.

Florida Statutes §163.3175 states, "(t)he 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 and will represent all installations within the political jurisdiction.

The military may provide comments on the proposed change's impact on the mission. 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;
- 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 federal Office of Economic Adjustment.

Pursuant to Florida Statutes §163.3177, the future land use plan element of a local governments' comprehensive plan must include compatibility of uses on lands adjacent to or closely proximate to military installations and criteria to be used to achieve such compatibility. The Department of Community Affairs is the state land planning agency responsible considering land use compatibility issues adjacent to or in close proximity to all military installations in coordination with the Department of Defense.

Florida Statutes §163.3191 requires local governments to adopt an evaluation and appraisal report once every 7 years assessing the progress in implementing their comprehensive plan, including an assessment of whether the criteria specified in the

future land use plan element was successful in achieving compatibility with military installations.

Georgia
Land Use Planning Around Military Installations
The Official Code of Georgia Annotated §36-66-6 requires any local government which has established a planning department or other similar agency charged with the duty of reviewing zoning proposals to investigate and make a recommendation with respect to each proposed zoning decision involving 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. Specifically, planning entities are to determine given the proposed land use's proximity of the military facility:

- Whether the zoning proposal will permit a use that is suitable in view of the use of adjacent or nearby property within 3,000 feet of a military base, military installation, or military airport;
- Whether the zoning proposal will adversely affect the existing use or usability of nearby property within 3,000 feet of a military base, military installation, or military airport;
- Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- Whether the zoning proposal will result in a use which will or could cause a safety concern with respect to excessive or burdensome use of existing streets, transportation facilities, utilities, or schools due to the use of nearby property as a military base, military installation, or military airport;
- If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan; and
- Whether there are other existing or changing conditions affecting the use of the nearby property as a military base, military installation, or military airport which give supporting grounds for either approval or disapproval of the zoning proposal.

Illinois
Land Use Planning Around Military Installations
The County Air Corridor Protection Act (Illinois Compiled Statutes Chapter 620 §§52/1 et seq.) authorizes any county with a United States Air Force installation with runways of at least 7,500 feet in length to protect the safety of the community by controlling the use of land around that installation. The county's land use authority is limited to the area designated in the Air Installation Compatible Use Zone (AICUZ) Study adopted by the United States Air Force for that installation and the runways it occupies or uses. The Act further specifies that if a land use exists or a municipality approves a land use that is incompatible with the Air Installation Compatible Use Zone Study, and any portion of the affected land is within areas designated in the AICUZ Study as clear zones and runway protection zones, accident potential zones I, or accident potential zones II, or is within the 65 decibel A weighted noise contour, the county may use eminent domain to

acquire either the fee simple title to that portion of the affected land or the easement rights in that portion of the affected land that are necessary for the compatible land use defined under the AICUZ Study. If a municipality within those zones controls the use of land in a manner compatible with the AICUZ Study, the county does not have eminent domain authority.

Indiana

Enhanced Planning Communication and Notification

The Military Base Protection Act, Indiana Code §36-7-30.1 et seq., requires a unit of local government to notify the commander of a military base located in the unit before the unit takes action concerning planning or zoning within three miles of the perimeter of the military base. The Act requires the commander to respond within 15 days of receiving notice. Furthermore, a local government unit is prohibited from taking action that: (1) concerns planning or zoning; and (2) is adverse to a military base; within three miles of the perimeter of the military base.

Kansas

Enhanced Planning Communication and Notification

Kansas House Bill 2445 declares areas of the state, wholly or partially within a Air Installation Compatible Use Zone (AICUZ) study area, Joint Land Use Study (JLUS) area, Army Compatible Use Buffer (ACUB), or an Environmental Noise Management Plan (ENMP) of an active duty, National Guard or reserve military installation, to be a state area of interest vital to national security and the economic well being of the state.

The bill requires representatives from military installations meet at least annually with municipal officials to determine critical areas within areas of vital interest. It defines "critical areas" as areas "where future use of such area is set through a coordinated effort between the municipality and military installation to avoid conflict with any military operation or the economic well being of the municipality."

The bill requires military and municipal officials notify each other about proposed changes and developments within critical areas and it requires municipalities consider a number of factors that might impact a military installation before permitting development within critical areas. The bill also requires military installations notify and coordinate with municipalities about any development, project, or operational change that alters or amends a JLUS area, ACUB, AICUZ, or ENMP.

It should be noted that some interested parties were concerned that a state cannot legally mandate participation and compliance by military officials. However, because the bill lacked any enforcement provisions and because the goals of the bill could only be achieved when both municipal and military officials willingly participate in the program, the Department of Defense representatives involved in the legislative process supported the final bill language of HB 2445.

Kentucky
Land Use Planning Around Military Installations
Kentucky Revised Statutes §100.187 requires comprehensive plans to contain provisions for the accommodation of all military installations greater than or equal in area to 300 acres that are contained wholly or partially within the planning unit's boundaries; abutting the planning unit's boundaries; or contained within or abutting any county that contains a planning unit. The statute is intended to help in minimizing 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 include questions regarding installation expansion, environmental impact, issues of installation safety, and issues relating to airspace usage, to include noise pollution, air pollution, and air safety concerns.

Louisiana
Enhanced Planning Communication and Notification
Act 787 of 2004 (Louisiana Revised Statutes §33.4734) requires a local governing authority considering any action to be taken on an application for a zoning request or variance affecting property within 3,000 feet of the boundary of a military installation to notify the commander of the installation 30 days in advance of taking such action.

Louisiana S.B. 722 of 2008 requires a local governing authority to provide a commander of an installation at least 30 days advance notice on action regarding a zoning request within 3,000 feet of an installation and to give at least 90 days notice before acting on a request.

Massachusetts
Land Use Planning Around Military Installations
Massachusetts General Laws Chapter 40b, § 4C permits planning districts to vote to allow a military commander to be an ex officio member of the district planning commission. To qualify, the commander must represent an installation that is "located, wholly or partially" within the planning district and has a resident population of at least 500 persons. The ex officio membership does not continue unless there is an annual majority affirmative vote of the commission.

Missouri
Land Use Planning Around Military Installations
Missouri Revised Statutes §41.665 (H.B. 348 of 2005) requires the governing body or the county planning commission of Johnson County to provide for the planning and zoning within the unincorporated area that extends 3,000 feet outward from the boundaries of Whiteman Air Force Base and the area within the perimeter of accident potential zones one and two, as identified in the April 1976 Air Installation Compatible Use Zone Report.

New Jersey
Enhanced Planning Communication and Notification
New Jersey Revised Statutes §40:55D-12.4 (S.B. 2207 of 2005) requires parties seeking approval for development plans under the "Municipal Land Use Law" to provide notice to a military facility commander who registers with the municipality if the proposed development is within 3,000 feet in all directions of a military facility.

New Jersey Revised Statutes §40:55D-62.1 (S.B. 2207 of 2005) requires that the notice of a hearing for an amendment to a zoning ordinance be provided to any military facility commander who has registered with the municipality if the military facility is situated within the zoning district or is within 3,000 feet in all directions of the boundaries of the district or located, in the case of a boundary change, in the state within 3,000 feet in all directions of the proposed new boundaries of the district which is the subject of the hearing.

North Carolina
Enhanced Planning Communication and Notification
North Carolina General Statutes §153A-323 and §160A-364 (S.B. 1161 of 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
Oklahoma Revised Statutes §11-43-101.1 (H.B. 2412 of 2006; H.B. 2472 of 2004; H.B. 2115 of 2002; S.B. 658 of 2001) permit any municipality within an Air Installation Compatible Use Zone (AICUZ) study area, Joint Land Use Study (JLUS) area, Army Compatible Use Buffer (ACUB), or an Environmental Noise Management Plan (ENMP) of an active duty, National Guard or Reserve military installation to "enact a city ordinance restricting or prohibiting future uses for that incorporated area which lies within the AICUZ, JLUS, ACUB, or ENMP area and which may expose residents to noise greater than 65 Day-Night Noise Level (DNL) or accident potential that could affect the public health, safety, and welfare, or interfere with military operations, including aircraft operations."

The municipal 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 an 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 health, safety and welfare, and provide for safe military and aircraft operations, and assure sustainability of installation missions.
- 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 AICUZ or JLUS area:

- Uses that interfere or impair visibility with military operations, including ground operations, such as steam, dust or smoke into the air unless the substance is generated from an agricultural use;
- Uses that interfere with pilot vision and aerial or ground-based night vision training;
- Uses that interfere with military ground and aircraft communications and navigational equipment by producing electrical emissions;
- Uses that attract birds or waterfowl (such as sanitary landfill operations, maintenance of feeding stations);
- Structures within ten feet of defined aircraft approach, departure, or transitional surfaces; or 100 feet beneath a low-level military aircraft training route as provided by the Federal Aviation Administration;
- Expose persons to noise greater than 65 DNL;
- Uses that detract from the aesthetic appearance or make for an unsightly entrance to a military installation (such as automobile salvage yards, disposal sites, waste storage).

South Carolina
Land Use Planning Around Military Installations
The Federal Defense Facilities Utilization Integrity Protection Act (South Carolina Code §6-29-1610 et seq.) requires planning entities to provide planning information to the military installation commander 30 days prior to a public hearing and request "written recommendation with supporting facts" on land that is located within:

- A federal overlay zone
- 3,000 feet of a military installation and/or a 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 existing or changing conditions 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
Land Use Planning Around Military Installations
South Dakota Codified Laws §50-10-32 through §50-10-35 (State Laws 1996, ch. 278) permits a political subdivision 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 (which is defined as an area of land or water with a hazard such as a structure that 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;
- Restricting height of structures and obstructions to prevent the construction of an obstruction 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."

Virginia
Land Use Planning and Conservation Around Military Installations and Enhanced Notification of Military
Virginia Code §15.2-2223, §15.2-2283, and §15.2-2204 provide for land use planning and conservation around military installations and notification of the military. Specifically, these statutes:

- Allow a county or municipality's comprehensive plan to include the location of military bases, military installations, and military airports and their adjacent safety areas.
- Require a county or municipality zoning ordinance to:
    - Protect approach slopes and other safety areas of military air facilities; and
    - Provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas.
- Require a county or municipality to notify, at least 10 days before a hearing, the commander of a military base, military installation, or military airport when considering a proposed change to the comprehensive plan or a zoning ordinance, if the change involves any parcel of land located within 3,000 feet of a boundary of a military base, military installation, military airport. The notice shall advise the military commander of the opportunity to submit comments or recommendations.

Washington

Land Use Planning Around Military Installations

Revised Code of Washington §36.70A.530 (Chapter 28, §2 of 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.

Wisconsin

Land Use Planning Around Military Installations, Enhanced Communication and Notification

Wisconsin Act 26 of 2005 requires the planning and zoning entities of political subdivisions to include, as a non-voting member, a representative of a military installation that is located in the political subdivision and that has at least 200 assigned military personnel or at least 2000 acres, if the commanding officer appoints such a representative. Additionally, when a zoning or planning entity of a political subdivision holds a public hearing on a zoning ordinance or development or master plan change, it must consider any comments of the commanding officer, or the officer's designee, of a military installation that is located in or near the political subdivision. If a zoning or land use ordinance or plan is enacted, a copy must be sent to the commanding officer. The Act adds, as part of the intergovernmental cooperation element of a comprehensive plan, consideration to the greatest extent possible of the maps and plans of a military

installation with which the political subdivision or regional planning commission shares common territory.