



APPENDIX 3.5: REGIONAL POLICY INTERLOCAL AGREEMENT DRAFT

INTERLOCAL AGREEMENT CREATING THE FORT KNOX ARMY INSTALLATION REGIONAL PLANNING COUNCIL AND FIXING ITS AUTHORITY AND RESPONSIBILITY

This Interlocal Agreement is made and entered into this _____ day of _____, 20____, and among parties of the City of Elizabethtown, City of Radcliff, City of Vine Grove, City of West Point, City of Brandenburg, City of Muldraugh, City of Shepherdsville, City of Lebanon Junction, and City of Mt. Washington, Hardin County, Meade County, Nelson County, and Bullitt County to create the Fort Knox Army Installation Regional Planning Council and to fix its authority and responsibilities.

WHEREAS, Fort Knox Army Installation (FK), the Local Governments, and the community have historically cooperated to ensure the sustainability of the ongoing mission of FK and its associated local installations, as well as the preservation of quality of life for citizens and businesses in the region; and

WHEREAS, the ongoing presence and operation of FK is critical to the nation's defense, the protection and well-being of the citizens of Kentucky, and to the common good of this community; and

WHEREAS, representatives and community members of these participating jurisdictions have been actively meeting on a regular basis in pursuit of developing appropriate recommendations to ensure that land uses around the Fort Knox Army Installation and other mission critical sites (hereinafter "Post" or "FK") are compatible with the missions of the Post. These meetings produced the FK Compatible Use Study and Implementation Plan.

WHEREAS, the 2022 Fort Knox Compatible Use Plan Study recognized the importance of ongoing input of community members affected by military land uses.

WHEREAS, the FK Compatible Use Plan Study was a regional initiative, managed by the Lincoln Trail Area Development District, initiated by the Office of Local Development Community



Cooperation and the participating jurisdictions to identify and mitigate land use compatible concerns.

WHEREAS, during development of the FK Compatible Use Plan Study, the parties to this agreement participating in the development of a uniform regional military zoning ordinance and administrative procedures for effectuating coordination among parties.

WHEREAS, following the 2022 Compatible Use Plan Study, the parties participated in the development of a Compatible Use Implementation Plan from August 2022 until its completion in January 2025, including development of the final report: CUP Phase II: Fort Knox Compatible Use Implementation Plan.

WHEREAS, the participating jurisdictions have a uniform goal of securing and sustaining FK's economically significant military training and operational missions while simultaneously promoting and ensuring compatible growth.

WHEREAS, the Parties to this Agreement wish to implement these and other recommendations identified in the 2022 Compatible Use Plan Study in order to establish a consistent regulatory and coordination framework for the land surrounding Fort Knox.

WHEREAS, a regional planning council will ensure that participating jurisdictions are equally represented, promote consistent application of uniform provisions of code, eliminate duplication, promote economy and efficiency in the coordinated development of the area, and promote the general welfare and safety of the people.

WHEREAS, the parties to this agreement have determined, after years of study and coordination, that the agreement represents an authorized and effective means of complying with KRS 100.

NOW, THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN ALL OF THE PARTIES HERETO AS FOLLOWS:

SECTION 1: PURPOSE

This Intergovernmental Agreement is executed to provide for formal cooperation between the parties hereto and for the coordination of regional land use and development planning in the area surrounding the Fort Knox Army Installation to ensure that current and future land uses are



compatible with the current and future operations and missions of the FK Army Installation, in the manner set out herein.

A further purpose of this Agreement is to maintain a uniform, consistent, and effective approach to protecting Fort Knox from encroachment and incompatible land uses for long-term through the administration of Military Zoning Overlay ordinances, as well as through public awareness and public outreach.

The division of land area into MZO Area and advisory areas jurisdictions is designed to comport with the expressions of willingness of representatives of the participating jurisdictions to participate in accordance with this Agreement through mechanisms most fitting and appropriate to each jurisdiction's needs authorities.

SECTION 2: NAME

The name of the organization created by this agreement shall be "Fort Knox Army Installation Regional Planning Council."

SECTION 3: ORGANIZATION

- a. The Fort Knox Army Installation Regional Planning Council ("Council") shall be authorized by this agreement to make determinations, recommendations, and to take other actions for
- b. the purpose of ensuring land development and use compatibility with FK activities, as provided herein.
- c. Military Zoning Ordinance (MZO) Areas - The MZO Areas include the jurisdictions of those local governments that have an adopted MZO, consistent with the regional Military Zoning Ordinance included as an appendix to the CUP Phase II: Fort Knox Compatible Use Implementation final report. The MZO Areas may be modified, following approval of the RPC membership, through adoption of an ordinance by a party hereto indicating the jurisdiction's desire to thereafter be a member of the RPC as an MZO Area jurisdiction.
- d. Advisory Areas - The advisory areas include the jurisdictions of those local governments that have not adopted an MZO. The RPC's role with respect to advisory areas jurisdictions is advisory only and its determinations are not binding by the advisory area jurisdiction. The advisory Areas may be modified, following approval of the RPC membership, through adoption of an ordinance by a party hereto indicating the jurisdiction's desire to thereafter be a member of the RPC as an advisory area jurisdiction. Advisory area jurisdictions shall be outreach and public awareness materials developed by the RPC in coordination with Fort Knox and the Participating Jurisdictions, including for example, those included as appendices to the CUP Phase II: Fort Knox Compatible Use Implementation Plan.



- e. Participating Jurisdiction - A participating jurisdiction is a city or county identified herein, which has adopted an ordinance through its governing body authorizing its executive officer to execute this Agreement, and the same executive officer has done so. Each participating jurisdiction shall be designated as MZO or Advisory Area jurisdictions.
- f. Military Zoning Overlays (MZOs) – The code of land use controls, adopted by ordinance by an MZO Area jurisdiction, consistent with the regional MZO included as an appendix in the CUP Phase II: Implementation for Fort Knox, which was jointly developed by the participating jurisdictions, Fort Knox Army Installation, and other relevant agencies and stakeholders. At the time of entry into this Intergovernmental Agreement, none of the participating jurisdictions will have adopted a Military Zoning Overlay; however, it is anticipated that each participating jurisdiction will adopt such a code, or incorporate into their existing code, the same or materially consistent protections intended to meet the ends described in the regional MZO.
- g. Upon the execution of this Agreement, each participating jurisdiction shall be entitled to appoint or elect the number of members identified herein, and in the same manner as each participating jurisdiction appoints or elects its planning body members, or in the absence of such a planning body would by law appoint or elect, its own planning commissions or board members.

SECTION 3: EFFECTIVENESS OF AGREEMENT

This agreement shall become effective upon the adoption of an ordinance and execution pursuant to said ordinance by all of the listed cities and counties identified herein, and the filing with the County Clerks of the participating counties, so long as all have accomplished such an execution on or before _____; or, in the event that fewer than all of the listed cities and counties have accomplished such an execution on or before _____ it shall be effective _____ among the participating jurisdictions that have accomplished such an execution.

SECTION 4: REGIONAL PLANNING COMMITTEE ACTIVITIES

- a. In the first meeting of the Committee, the members shall cast lots or draw straws to determine whether their position shall serve a one (1), two (2) or three (3) year term. All subsequent terms of members shall be three (3) years. Also in the first meeting of the



Committee, the members shall elect one of their own to serve as Chair, Vice-Chair, and Secretary and any other officer positions that they deem beneficial or necessary to the operation of the Committee. Annually thereafter, the Vice-Chair shall be elevated to the Chair position and a new Vice-Chair shall be elected, and the Secretary and other officers shall be elected by the Committee annually. There shall be no limit on the number of successive terms the Secretary and other officers serve.

- b. The Committee shall meet at least annually; however, upon the need to address business, whatever it may be, the Committee may establish more frequent regular meetings and/or meet on the call of the Chair with notice of at least five (5) business days.
- c. The Committee is encouraged to utilize the resources that each or any of the participating jurisdiction provides to the Committee, whether in personnel time, or supplies.
- d. For the first three (3) years following the effective date, the staff members of the Lincoln Trail Area Development District were available to the Committee to provide technical assistance, as feasible.
- e. The Committee is hereby authorized to act as a Planning Commission of each participating jurisdiction for the purpose of making plans, studies, and recommendations for the adoption of or amendment to the land use and planning controls of each participating jurisdiction's governing body limited to the MZO's and regional planning, to the extent that any such recommendations aim to guide unified development of the area, eliminate duplication and inefficiency, promote economy and efficiency, promote the general welfare and prosperity of its people, and ensure current and future compatibility of land uses and development with the Fort Knox Army Installation with the advisory areas.
- f. The Committee shall assist all planning commissions, boards, or agencies of the Participating Jurisdictions in the carrying out of and administration of the Military Zoning Overlays, and other awareness and outreach efforts, through coordination with the command of Fort Knox, interpretation of the Military Zoning Overlays and written comment in response to proposed subdivisions of land and development and land use considerations.
- g. For the purpose of ensuring land use and development compatibility with the FK, each participating jurisdiction shall notify the Committee of applications for permit or approval within documented military impact areas and prior to amendments to existing codes or plans affecting or applying to the documented military impact areas.
- h. At the end of each year, the Committee shall lodge with the Lincoln Trail Area Development District record of each meeting of that year, as well as record of administrative determinations of the RPC and Participating Jurisdictions in the application of the MZO's, as



well as, written advisory responses to the Participating Jurisdictions for proposals considered within the MZO areas administered by Participating Jurisdictions.

- i. The RPC shall maintain a website to provide access to maps of the MZO Areas, MZOs, appropriate forms, contact information for support staff, as well as a public calendar for all RPC meetings with meeting agendas.
- j. Any appeal of a decision made by the RPC in the administration of the MZO shall be taken directly to a judicial court with jurisdiction over the matter.

SECTION 5: DURATION & TERMINATION

The duration of this organization shall be indefinite. The intent is to ensure the perpetual existence of and compatibility with the training and operational missions of FK. However, any of the participating jurisdictions may withdraw from said organization at the close of any fiscal year; provided, however, that notice thereof shall have been given to all other participating jurisdictions at least one (1) year in advance of the proposed date of withdrawal.

SECTION 6: EFFECTIVE DATE

This Agreement is effective on _____.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates below written.

The _____ day of _____, 20____

COUNTY/CITY

NAME, TITLE

COUNTY/CITY OF _____