

PURCHASE OR LEASE LAND

OVERVIEW

Purchasing or leasing land eliminates land use incompatibilities through real estate transaction and the local development process. Purchasing or leasing land is particularly effective because it advances the complementary goals of shifting future growth away from military installations, and preserves community assets such as agriculture, open space, rural character, or sensitive natural habitats. Land use compatibility issues can be addressed by:

- Creating a land barrier between active military installation or training facilities and local land uses;
- Shifting future growth away from critical military lands;
- Protecting public safety by directing incompatible uses to other locations;
- Protecting the natural environment;
- Maintaining and protecting existing agriculture resources; and
- Conserving open space.

Potential land strategies for purchasing or leasing land include:

Fee Simple Purchase – This option involves purchase of property and is typically the most costly method to protect open space, sensitive, or critical areas. Cost and the need for a willing seller can be constraints.

Fee Simple Purchase with Leaseback – This is established when a government agency purchases the full title to a property, and then leases it back to the previous owner. The land's natural resource and open space values are protected through lease controls that restrict land uses.

Eminent Domain – A local government can use the power of eminent domain to appropriate private property for public use, in exchange for payment of fair market value, through the process of condemnation.

Lease – In cases where the landowner does not want to, or cannot make a permanent commitment, this may be a way to control land uses for a short timeframe. Leases can be obtained by government agencies or jurisdictions, non-profit organizations, land trust, or private entities.



CASE STUDIES/EXAMPLES

- Travis AFB Protection Element
- Lakeside Downs Land Acquisition

CHALLENGES ADDRESSED

- | | |
|-------------------------|------------------------------|
| • Sensitive Uses | • Alternative Energy |
| • Vertical Obstructions | • Frequency Spectrum |
| • Noise | • Local Housing Availability |
| • Vibration | • Infrastructure Extensions |
| • Dust, Smoke, or Steam | • AT/FP |
| • Light and Glare | |
| • Public Trespassing | |

PURCHASE OR LEASE LAND

Continued

LIMITATIONS

- Purchases can be expensive for local governments without the assistance of federal, state, or non-government organizations.
- The federal government cannot spend more than the appraised value to purchase or lease land.
- Certain types of purchases or leases can be complex and administratively challenging, requiring the local government to make a strong commitment to administering the program and educating residents and developers on its use.

RESOURCES

- Potential Acquisition Funding Sources
- ACUB
- REPI
- Sentinel Landscapes
- Land Trust Alliance
- Mojave Desert Land Trust
- North American Land Trust
- California FarmLink
- The Land Conservation Act
- Uniform Appraisal Standards for Federal Land Acquisitions

TOOL TIPS

- Even if funds are available for the purchase of property, future maintenance costs should also be considered and factored into any acquisition decision.
- Obtain professional appraisals for the value of the rights to be purchased.
- Follow the guidelines in the Uniform Appraisal Standards for Federal Land Acquisitions (see Resources).

STEP 1:
Identify Areas for Purchase

STEP 2:
Evaluate Funding Sources

STEP 3:
Secure Funding Agreements

STEP 4:
Negotiate Purchase

ACQUIRE DEVELOPMENT RIGHTS

OVERVIEW

As an alternative to purchasing land outright, a variety of mechanisms exist to acquire development rights on privately-owned parcels and thereby establish a buffer of compatible land use near a military installation or operating area. Future incompatible development on a parcel may be restricted by the purchase, transfer, donation, or relinquishment of the owner's development rights.

PDR programs enable owners with a vested development right to sell the right to develop their property to state and local governments and nonprofit organizations. The development rights associated with a parcel of land can be individually purchased from the bundle of rights that go with the land which include the right to possess, use, develop, lease, or sell the land. This agreement is recorded on the land title and permanently limits the future use of the land as stated by the PDR agreement.

TDR programs can also be used to relocate potential development from areas where proposed land use would be incompatible with military operations (the donor site) to another area (the receiver site). The receiver site would be chosen on the basis of its ability to accommodate development with minimal encroachment potential.

Landowners may sometimes be interested in donating development rights to a non-profit organization or public agency to support habitat conservation, reduce tax liability, or to preserve the land for future generations.

Some restrictions can be obtained during property entitlements as a condition of approval or as environmental mitigation. Deed restrictions can also be voluntary dedicated or purchased by the military in cooperation with non-profit organizations. Deed restrictions are usually created and imposed on lots at the time of subdivision or during development review.

Related: Conservation Easement, Purchase or Lease Lands

CASE STUDIES/EXAMPLES

- Monterey County Zoning - Transfer of Development Rights
- Victory Village

CHALLENGES ADDRESSED

- Sensitive Uses
- Vertical Obstructions
- Noise
- Vibration
- Dust, Smoke, or Steam
- Light and Glare
- Public Trespassing
- Alternative Energy
- Frequency Spectrum
- Local Housing Availability
- Infrastructure Extensions
- AT/FP

ACQUIRE DEVELOPMENT RIGHTS

Continued

LIMITATIONS

- The implementation of PDR and TDR programs can be complex and administratively challenging, requiring the local government to make a strong commitment to administering the program and educating residents and developers on its use.

RESOURCES

- Realtor Field Guide to TDRs
- Tahoe Regional Planning Agency TDR Program
- The TDR Handbook: Designing and Implementing Transfer of Development Rights Programs
- Defense Authorization Act Title 10-2684a

TOOL TIPS

- A related but indirect way to restrict incompatible land uses would be to acquire the water, air, or mineral rights on a particular parcel.
- Make sure that TDR programs do not have the unintended consequence of creating incompatible land uses that impact the military mission in other parts of the jurisdiction or state.



STEP 1:
Identify Areas of Interest

STEP 2:
Find a Partner

STEP 3:
Secure Funding

STEP 4:
Negotiate Terms

CONSERVATION EASEMENT

OVERVIEW

Conservation easements, also known as a restrictive use easements, are used to preserve the natural, scenic, historic, agricultural, or open space value of land by keeping it in its current state. The owner retains ownership of the property and the right to sell or deed the property to another. The owner also retains the right to use the property for economic gain or recreation as long as the use is allowed by the conditions of the easement. Donation of a conservation easement can reduce estate, income, and property taxes for the owners.

Conservation easements are implemented through a legally recorded agreement that specifies a series of restrictions on the use of the land. In the agreement, the owner transfers to a public agency or nonprofit organization certain rights that will restrict land uses on the property in the future. Since the easement is generally granted in perpetuity, it is necessary for an outside party to be responsible for monitoring and maintaining the easement. The outside party holds the easement and is required to monitor and enforce the terms of the easement. Easements are usually held by local government agencies, land trusts, or other nonprofit organizations designed for this purpose. Since personnel are needed to monitor and maintain easements in perpetuity, easement donors are often required to provide financial support for the easement if it is held by a nonprofit organization. Designating both a government agency and a nonprofit or land trust as co-holders of the easement is an alternative selected by many landowners.

While conservation easements can indirectly benefit the military by restricting incompatible development, the primary purpose of such easements is resource conservation. Military installations sometimes help establish conservation easements outside the fence line to mitigate environmental impacts of projects on base or to reduce regulatory pressures related to threatened/endangered species and habitat within military boundaries.



CASE STUDIES/EXAMPLES

- Travis AFB Case Study
- San Diego PACE
- Lompoc Valley Farm Conservation Easement

CHALLENGES ADDRESSED

- Sensitive Uses
- Vertical Obstruction
- Noise
- Vibration
- Dust, Smoke, or Steam
- Light and Glare
- Public Trespassing
- Alternative Energy Development
- Frequency Spectrum
- Local Housing Availability
- Infrastructure Extensions
- AT/FP

CONSERVATION EASEMENT

Continued

LIMITATIONS

- Conservation easements do not offer protection from eminent domain. If land under easement is taken through eminent domain, both the landowner and the easement holder must be compensated.
- When several individuals own a property, all owners must agree to place the easement. If the property is mortgaged, the mortgage holder must also agree to place the easement.
- An easement may be granted for a specific term or in perpetuity; however, in order for a landowner to take advantage of the tax benefits of a donated easement, it must be given in perpetuity.

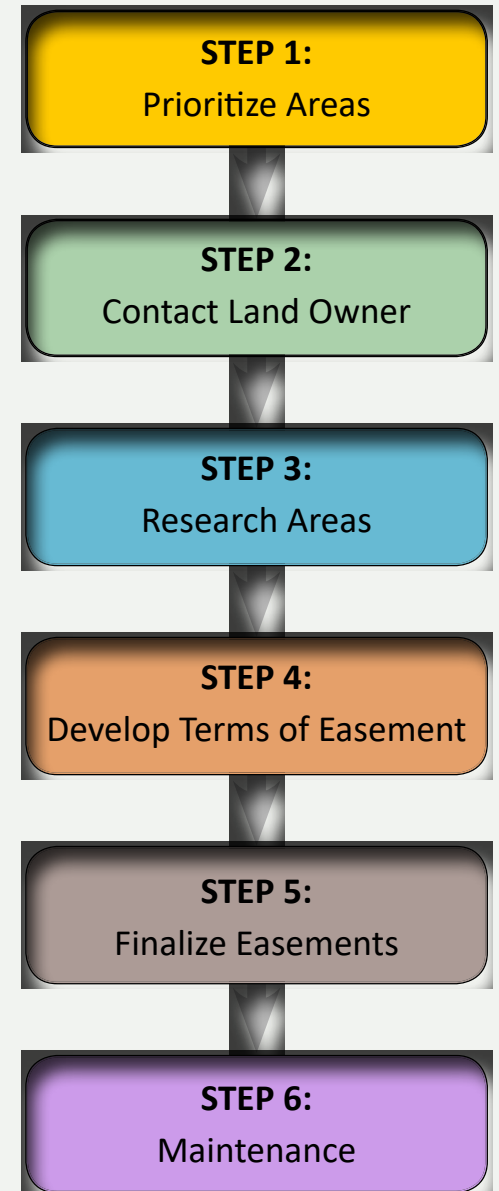
RESOURCES

- CA Department of Conservation
- American Farmland Trust
- Land Trust Alliance
- Trust for Public Land
- National Park Service
- The Conservation Fund
- The Nature Conservancy
- The Conservation Easement Handbook
- Sierra Business Council
- League of Cities' Institute for Local Self Government

TOOL TIPS

Look for opportunities to partner with other organizations for multi-benefit easements. For example local tribes may be interested in protecting areas for the preservation of tribal cultural resources and sacred sites. Natural resource and habitat conservancies may be interested in partnering on easements for the protection of habitat. Both may have the benefit of protecting the mission of the military in a particular area.

- California law allows for easements for specific purposes that may assist partners or land owners to enter into easements.
- Conservation Easements are legal documents so advice from legal council is recommended when entering into easement agreements. (Civil Code Section 815-816)
- Conservation Easements are legal documents so advice from legal council is recommended when entering into easement agreements.



CONSERVATION PLANS

OVERVIEW

The California Natural Community Conservation Planning Act and the Federal Endangered Species Act allow for the development of NCCPs and HCPs, respectively. The primary objective of the NCCP and HCP programs is to conserve natural communities at the ecosystem level while accommodating compatible land use. The programs seek to anticipate and prevent the controversies and gridlock that can be caused by species' listings. Instead, they focus on the long-term stability of wildlife and plant communities. The programs also include key stakeholders in the development process for the plan.

An NCCP is a California program that identifies and provides for the regional or area-wide protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity.

An HCP, pursuant to §10(a)(1)(B) of the Federal Endangered Species Act, is a document that supports an incidental take permit application. Incidental take permits help landowners legally proceed with activities that might otherwise result in illegal impacts to a listed species.

There are many incentives for local governments to participate in the NCCP and HCP processes. They provide greater predictability and control for land development in their jurisdictions because local governments with approved plans can receive permits for the incidental take of species covered by the plans. The NCCP and HCP processes can also assist communities to assemble biodiversity reserves that provide open space, aesthetic, and recreational benefits.

Additional Habitat Conservation Tools

- Safe Harbor Agreements
- Candidate Conservation Agreements
- Conservation Banking



CASE STUDIES/EXAMPLES

- Tijuana River National Estuarine Research Reserve

CHALLENGES ADDRESSED

- | | |
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| • Alternative Energy | |

CONSERVATION PLANS

Continued

LIMITATIONS

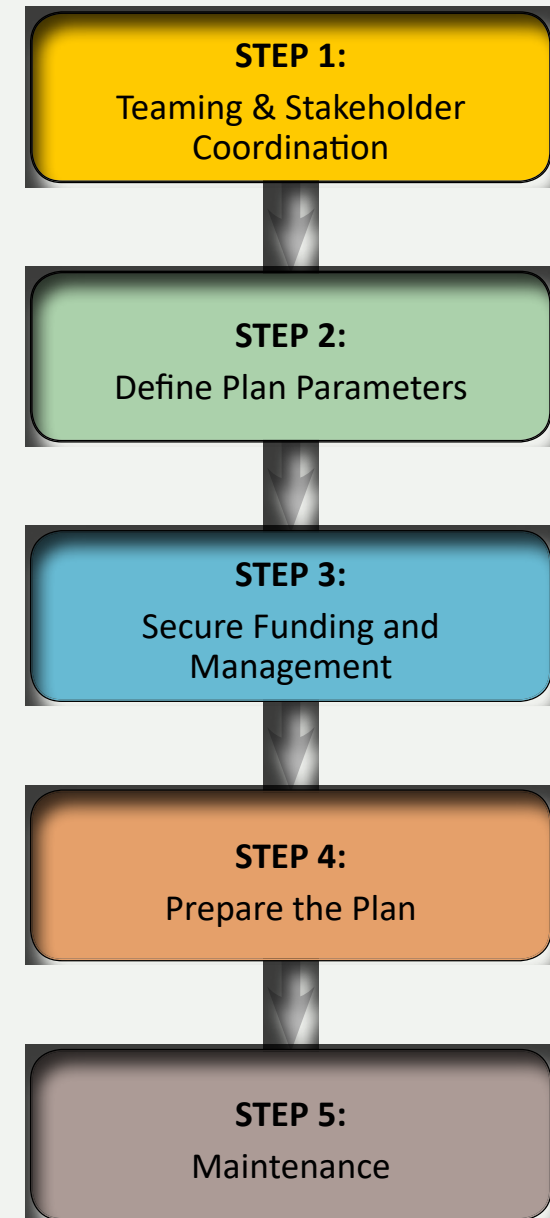
- One of the most difficult issues for the preservation of natural habitats is funding. Habitat acquisition in fast-urbanizing areas can be expensive.

RESOURCES

- California DFG, Natural Community Conservation Planning
- USFWS Habitat Conservation Plans Overview
- National Audubon Society: A Citizen's Guide to Habitat Conservation Plans
- Habitat Conservation Plans: A New Tool to Resolve Land Use Conflicts

TOOL TIPS

- NCCPs and HCPs should include measures that, when implemented, minimize and mitigate impacts to the designated species to the maximum extent possible, and the means by which these efforts will be funded.
- Most of the deliberation surrounding the development of a habitat conservation plan centers on the delineation and configuration of the proposed reserves, the funding available to finance the plan, and the determination of which entities or organizations will have management responsibilities to manage the habitat once it is obtained.



LIGHT AND GLARE CONTROLS

OVERVIEW

This tool is designed to address significant light sources that can cause unwanted spillover lighting, interference with nighttime operations, or glare. At the local level, light and glare can be reduced through design and placement requirements in a zoning code, a stand-alone ordinance, specific development conditions, or modifications to existing lighting fixtures. The intent of these controls is to establish and define permitted and prohibited lighting practices to limit the obtrusive aspects of light and glare. To be effective, control standards must be well written, fully implemented, and enforced. Effective standards can virtually eliminate glare and significantly reduce the amount of light escaping into the night sky.

From a land use compatibility standpoint, both installation and community land uses and activities can have light and glare impacts on each other that should be considered when reviewing projects. Communities should be particularly cognizant of glare impacts on air operations, which may originate from water bodies, glass on buildings, and even vehicle windows in parking areas.

Lighting should be evaluated on a case-by-case basis in areas of the community with different developed and natural conditions. Varying conditions will result in location-specific lighting needs to reduce adverse impacts associated with these conditions.



CASE STUDIES/EXAMPLES

- City of Palm Desert Outdoor Lighting Requirements
- County of Santa Barbara Land Use & Development Code
- County of Riverside Ordinance Regulating Light Pollution

CHALLENGES ADDRESSED

- Sensitive Uses
- Light and Glare
- Infrastructure Extensions

LIGHT AND GLARE CONTROLS

Continued

LIMITATIONS

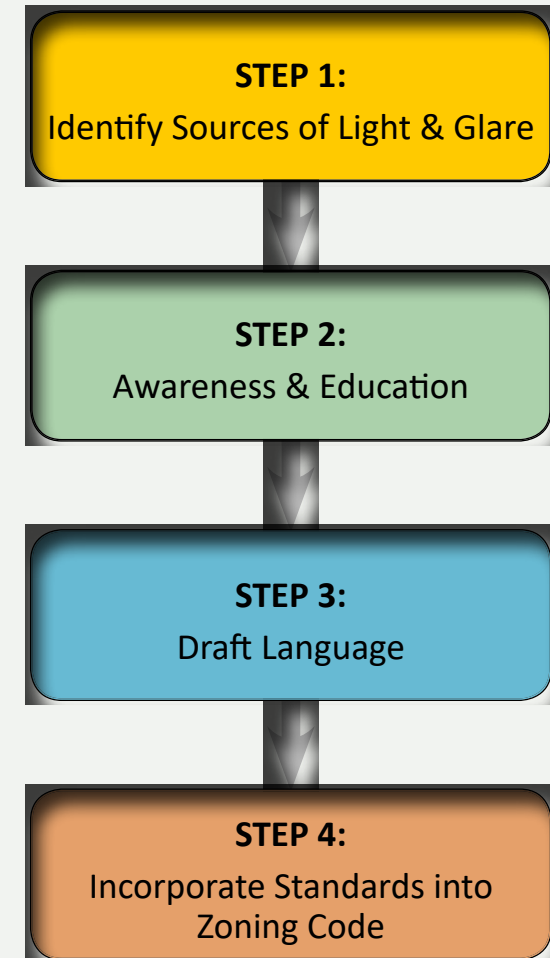
- Some lighting conditions can be difficult or impractical to mitigate, such as lighting for athletic fields and tennis courts. This should be considered when siting these uses. Mitigation measures such as requiring timed lights or limiting the hours of lighting may apply in these cases.
- Implementation and enforcement of a lighting code will have impacts on planning and code enforcement staff. In addition to the time required to review materials related to lighting, and on-site follow-up to verify compliance, the staff will need to develop some familiarity with lighting terms and how to reliably evaluate the effectiveness of mitigation methods.

RESOURCES

- International Dark Sky Association, Model Lighting Ordinance
- Flagstaff, AZ Dark Skies Coalition, Dark Sky Solutions

TOOL TIPS

- Reduction in glare and light intrusion can be achieved through lighting codes. Lighting codes should cover overall light reduction, focused lighting, shielding, and utilizing appropriate lighting types.
- Enforcement is required to ensure conformance with the standards of the lighting code. Monitoring code compliance after the project is completed is also recommended.



SOUND ATTENUATION

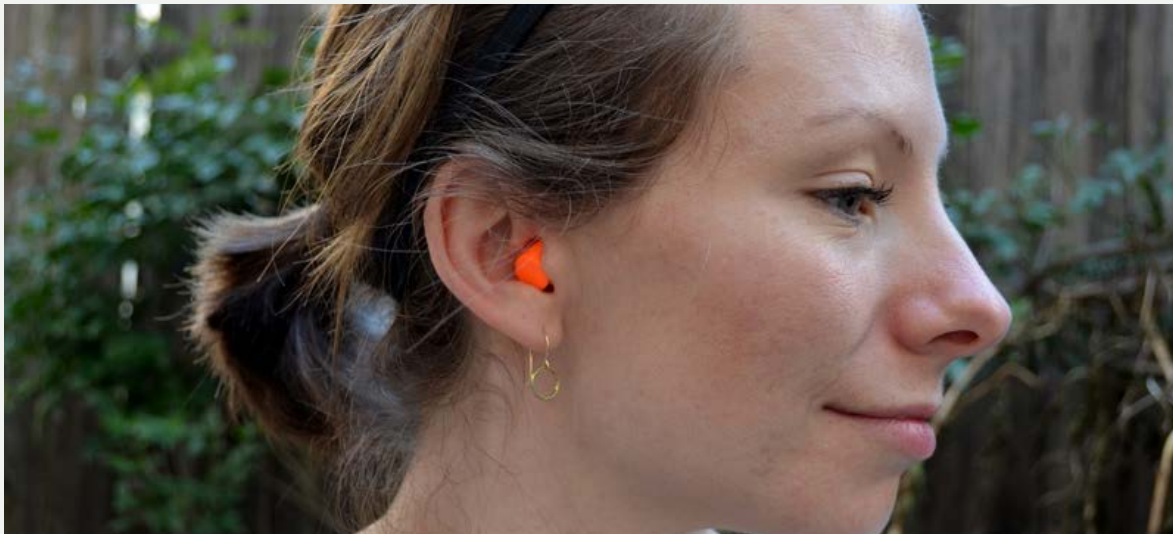
OVERVIEW

Sound attenuation refers to special construction techniques and materials designed to lower the amount of noise that penetrates the windows, doors, and walls of a building. Such measures can be effective to reduce noise levels emanating from military activities and associated annoyance. High noise and annoyance levels near an installation or operating area can lead to increased complaints and, eventually, encroachment on military activities. Sound attenuation measures can reduce the impact of military-related noise to nearby residents and the general public, and thereby reduce pressures to modify or eliminate military activities that produce noise.

The first choice in noise attenuation is avoidance. When possible, noise sensitive uses should not be located close to military installations or noise sources. Some land uses are more sensitive to noise, including residential development, schools, hospitals, etc.

Sound attenuation standards are generally implemented through local zoning and building codes. Local building officials, inspectors, and planners should be familiar with their use and applicability in land use compatibility situations.

Related: Real Estate Disclosure



CASE STUDIES/EXAMPLES

- City of San Diego Noise Element

CHALLENGES ADDRESSED

- Sensitive Uses
- Noise
- Infrastructure Extensions

SOUND ATTENUATION

Continued

LIMITATIONS

- Retrofitting of existing structures can be expensive and cost-prohibited in certain instances.
- Different types of sound attenuation measures have varying degrees of effectiveness in terms of sound reduction potential. Application of several different measures can yield a larger cumulative reduction in noise levels.

RESOURCES

- Guidelines for Sound Insulation of Residences Exposed to Aircraft Operations
- Caltrans Highway Traffic Noise Abatement

TOOL TIPS

- At the community level, avoiding the placement of noise sensitive land use designations in high noise environments is recommended.
- Military planners can assist local entities in determining areas appropriate for sound avoidance and attenuation.
- When evaluating noise impacts on sensitive receptors, remember to look at acceptable levels for outdoor spaces as well as indoor space.



STEP 1:
Identify Areas

STEP 2:
Develop Applicable
Attenuation Measures

STEP 3:
Incorporate Standards into
Zoning Code



HEIGHT LIMITS

OVERVIEW

Height limits are an effective tool in areas surrounding a military installation or operating area where the height of structures, towers, utility and other infrastructure, etc., could interfere with military activities. Military planners and operators can identify key areas and requirements to help define the parameters of any height limit restrictions. Height limits should be implemented via updates to local general plans and zoning codes. Such limits can be enforced through the permit approval process for proposed developments.

The intent of these controls is to establish and define permitted and prohibited structure heights to limit impacts associated with flight safety, AT/FP, and radar or frequency spectrum interference. To be effective, height limits must be well defined, fully implemented, and enforced.



CASE STUDIES/EXAMPLES

- Butte County Height Limit Exceptions
- Kern County Height of Structures

CHALLENGES ADDRESSED

- Vertical Obstruction
- Light and Glare
- Alternative Energy
- Frequency Spectrum
- Infrastructure Extensions
- AT/FP

HEIGHT LIMITS

Continued

LIMITATIONS

- New height limit requirements would only apply to new development proposals; therefore, some nonconforming uses may be identified.

RESOURCES

- FAA Model Zoning Ordinance to Limit Height of Objects Around Airports

TOOL TIPS

- Planners need to define the geographic area where height limits should be applied as well as the maximum allowable height of potential developments.
- Height of trees or other vegetation along the perimeter of a military installation should also be limited if such vegetation would contribute to AT/FP risks.



STEP 1:
Identify Areas of Concern

STEP 2:
Awareness & Education

STEP 3:
Identify Specific Limits

STEP 4:
Incorporate Standards into
Zoning Code

SUBDIVISION DESIGN REVIEW

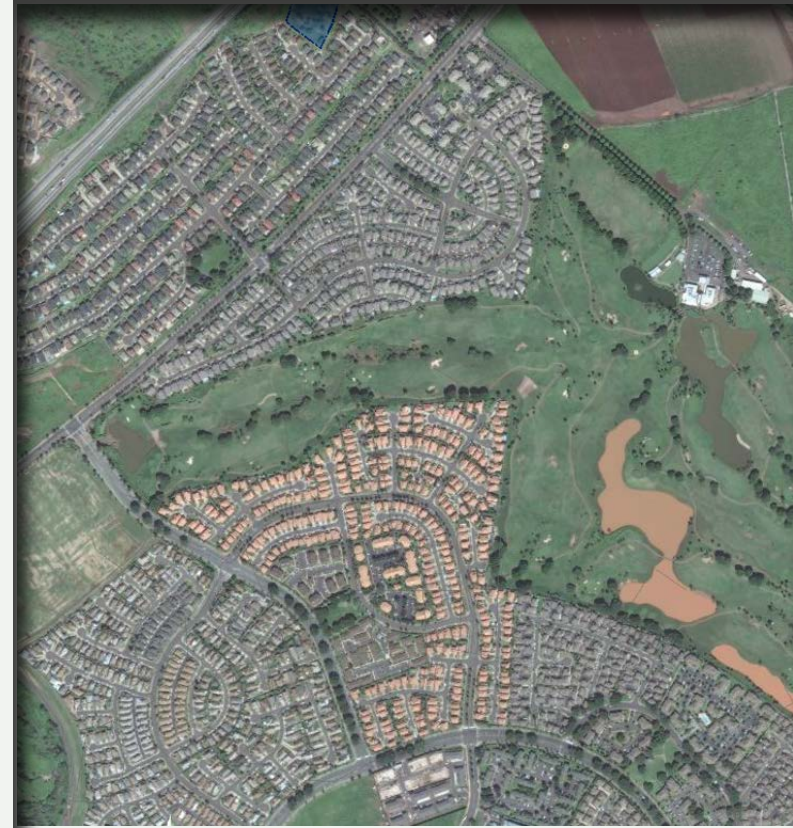
OVERVIEW

Land cannot be divided in California without local government approval. Dividing land for sale, lease or financing is regulated by local ordinances based on the State Subdivision Map Act (commencing with Government Code, §66410). The local general plan, along with zoning, subdivision, and other ordinances govern the design of the subdivision, the size of its lots, and the types of required improvements, such as street construction, sewer lines, and drainage facilities.

Subdivision ordinances set forth the minimum requirements deemed necessary to protect the health, safety, and welfare of the public. More specifically, the subdivision ordinances are designed to accomplish the following initiatives:

- ✓ Assure that effective protection is given to the natural resources of the community, especially ground water and surface waters.
- ✓ Encourage well-planned subdivisions through the establishment of adequate design standards.
- ✓ Facilitate adequate provisions for transportation and other public facilities.
- ✓ Secure the rights of the public with respect to public lands and waters.
- ✓ Improve land records by the establishment of standards for surveys and plats.
- ✓ Safeguard the interests of the public, the homeowner, the subdivider, and units of local government.
- ✓ Prevent, where possible, excessive governmental operating and maintenance costs.

To ensure that planned subdivision development will not encroach on nearby military operations, participation by a military base representative on a local development review committee could decrease potential conflicts prior to development. The military planner can assist by reviewing subdivision submittals in areas potentially affected by installation operations or where new development may impact these operations.



CASE STUDIES/EXAMPLES

- Lompoc Valley Farm Conservation Easement

CHALLENGES ADDRESSED

- | | |
|-------------------------|-----------------------------|
| • Sensitive Uses | • Infrastructure Extensions |
| • Vertical Obstructions | • AT/FP |
| • Noise | |

SUBDIVISION DESIGN REVIEW

Continued

LIMITATIONS

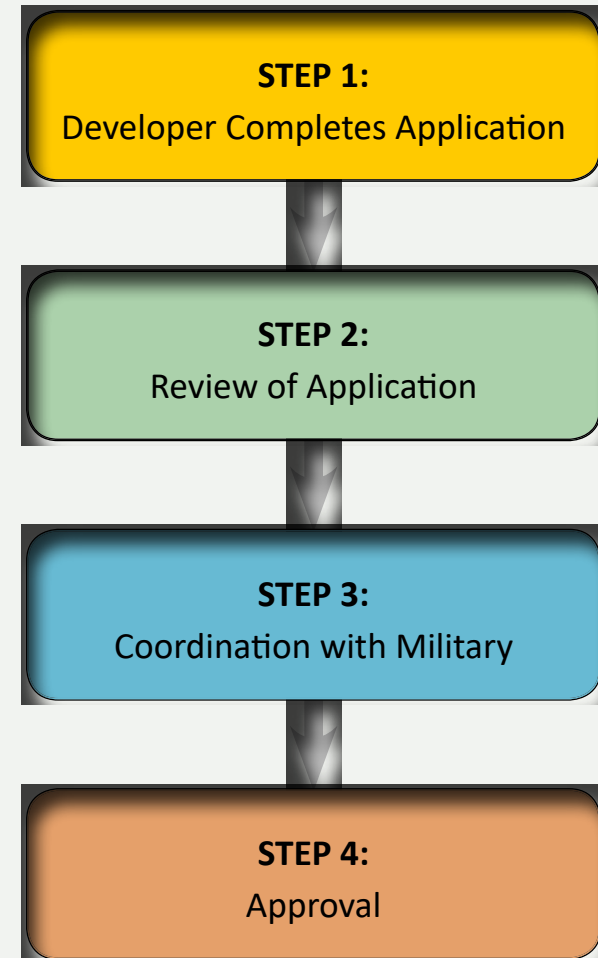
- Lots within the subdivision cannot be sold and are not legal divisions of land until a final map has been recorded. The subdivider has at least two years (and with extensions, usually more) in which to comply with the improvement requirements, gain final administrative approval, and record the final map.

RESOURCES

- A Citizen's Guide to Planning
- California Bureau of Real Estate

TOOL TIPS

- Periodic review and evaluation of subdivision ordinances should occur routinely, especially after the adoption of changes to the general plan or zoning ordinance.



MILITARY ZONING OVERLAY

OVERVIEW

Zoning is the division of a jurisdiction into zones within which permissible land uses are prescribed and use restrictions are defined.

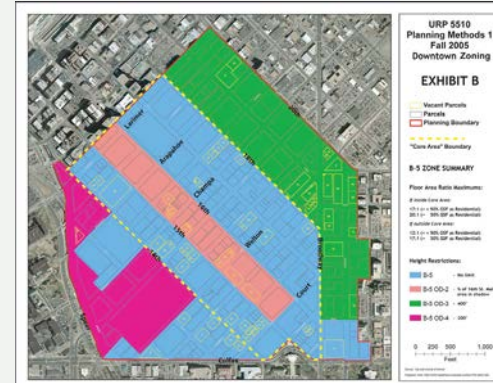
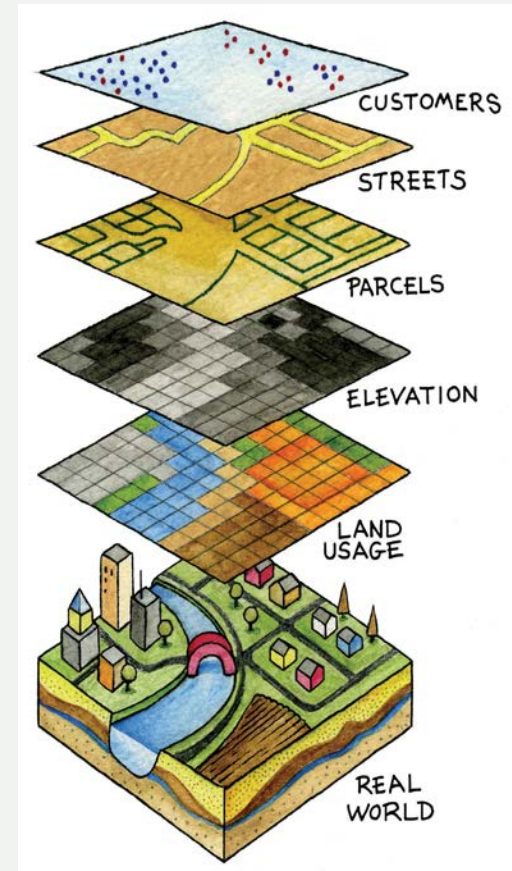
A military zoning overlay is specifically tailored to address land use compatibility issues of concern to a military installation or training range, which may include:

- Maintaining public safety near military ranges or within military flight areas.
- Minimizing land uses with a high likelihood of public annoyance from military activities (e.g., due to noise, vibration, air emissions, etc.)
- Avoidance of heavy traffic flows or truck routes in residential areas.
- Avoidance of aesthetic nuisances impacting military installations.
- Avoidance of “psychological nuisances”, such as perceived or actual dangers associated with military operations.
- Minimizing land uses with excessive light and glare, frequency spectrum interference, air emissions, and loss of privacy.
- Provision of open space and agricultural preservation.

Other types of zoning overlays may already exist in an area (e.g., agricultural or open space zones) and may, as a coincidental or secondary benefit, provide some degree of encroachment buffer for military assets. But overlays that were established for other primary reasons besides military compatibility are more likely to be granted exemptions that may be consistent with the primary goals of the overlay but may not be compatible with local military operations. For example, a land owner may be granted a conditional use permit under an agricultural overlay to develop a use that is consistent with agricultural activities but somehow incompatible with military operations. By establishing a military zoning overlay – even in addition to or overlapping an existing overlay - a military installation can better ensure that land uses will remain compatible with local operational conditions and will avoid exacerbating site-specific encroachment concerns.

CASE STUDIES/EXAMPLES

- Butte County Military Airspace Overlay Zone
- Kern County Review Of Projects Related To National Security
- Tehama County Military Operations Overlay
- Los Angeles County Permit Requirements
- Trinity County Military Operation Area Combining District



CHALLENGES ADDRESSED

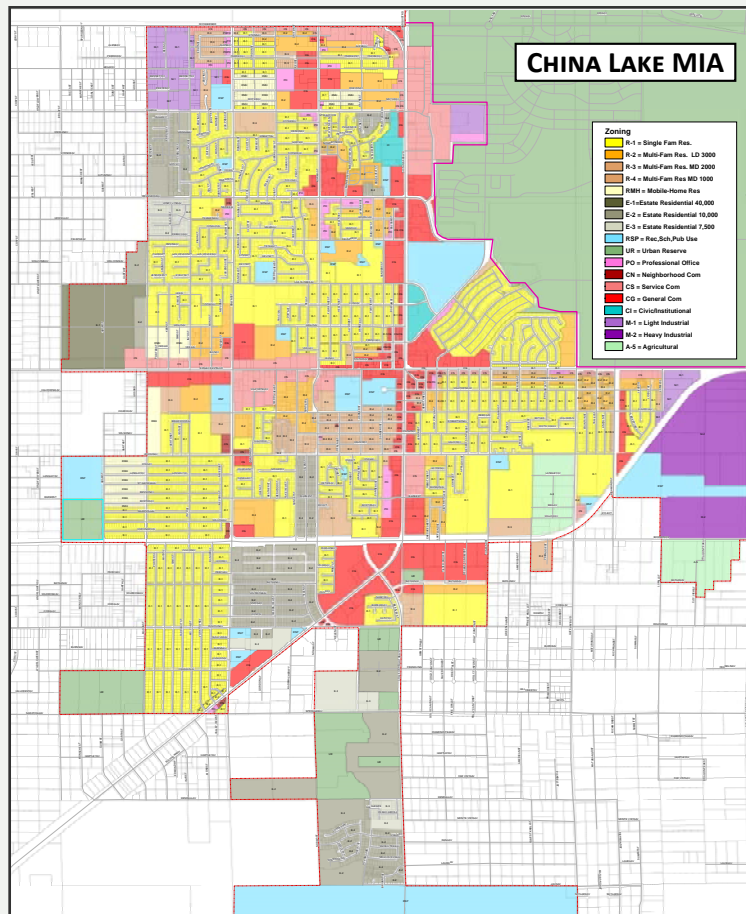
- Sensitive Uses
- Vertical Obstructions
- Noise
- Alternative Energy
- Frequency Spectrum

MILITARY ZONING OVERLAY

Continued

LIMITATIONS

- Zoning ordinances requiring rigid separation of uses or inflexible provisions can make creative solutions to land use compatibility, such as cluster development, difficult or impossible.
- When designating military zoning overlay, the local community has no regulatory control over development or activities on federal property.
- Striking a balance between private property rights and zoning changes can be a sensitive endeavor.



RESOURCES

- California Office of Planning and Research Military Affairs
- Governor's Military Council
- CMLUCA

TOOL TIPS

- Zoning and the general plan are inexorably tied to each other. Policies recommended within the general plan should be reflected within the zoning ordinance or development code.

STEP 1:

Prepare the Draft Military Overlay

STEP 2:

Initiate Environmental Review

STEP 3:

Prepare for Public Hearing(s)

STEP 4:

Incorporate Military Overlay into Zoning Code

REAL ESTATE DISCLOSURES

OVERVIEW

Prior to the transfer of real property to a new owner, California law requires sellers and/or their agents to disclose all known facts related to the condition of the property (California Civil Code, §1102). This disclosure should include noise or other proximity impacts associated with property located near a military installation or operating area.

The purpose of a real estate disclosure is to protect the seller, buyer, and sales agent from potential litigation resulting from specified conditions (i.e., hazard areas, existing easements). Real estate disclosures can also be used to inform potential buyers and renters of possible effects (e.g., high noise levels) from nearby military installations, overflying aircraft, etc. California has enabled local governments, working in cooperation with the real estate industry, to establish noise disclosures by regulation or voluntary initiation (California Civil Code, §1102).

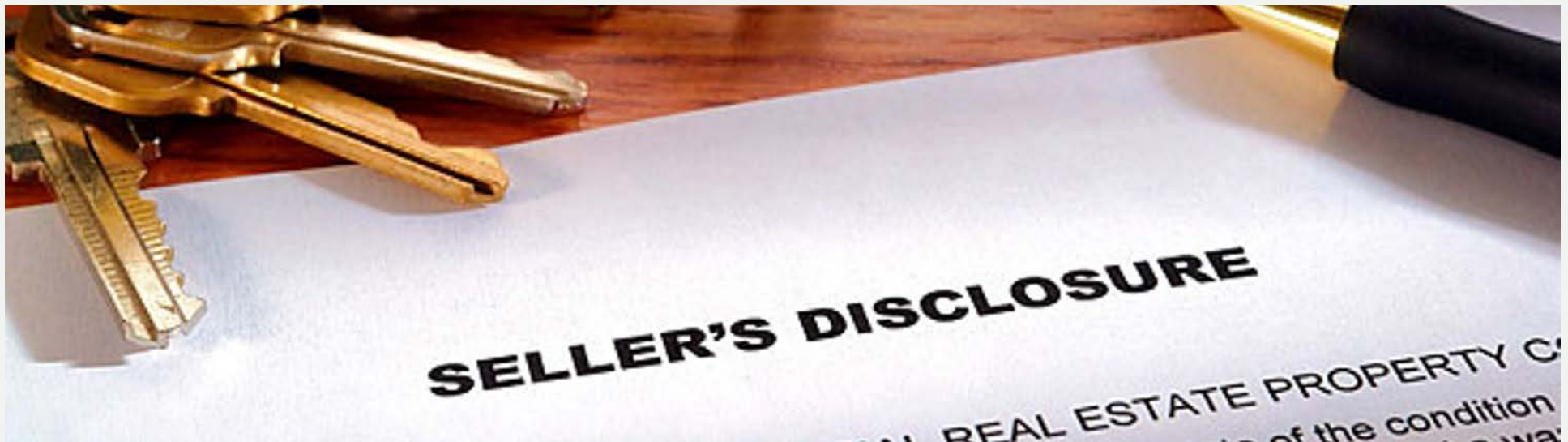
The key to disclosure compliance is having information on military land use compatibility factors readily available for public use. The disclosure should contain the presence and proximity of a military installation, the nature of its operations, and the potential for noise and accidents affecting adjacent properties. Cooperation with local real estate professionals and developers is essential for successful implementation.

CASE STUDIES/EXAMPLES

- Town of Hillsborough, General Plan Noise Element
- City of San Diego, General Plan Noise Element
- Sacramento Airport

CHALLENGES ADDRESSED

- Sensitive Uses
- Noise
- Vibration
- Dust, Smoke, or Steam
- Local Housing Availability



REAL ESTATE DISCLOSURE

Continued

LIMITATIONS

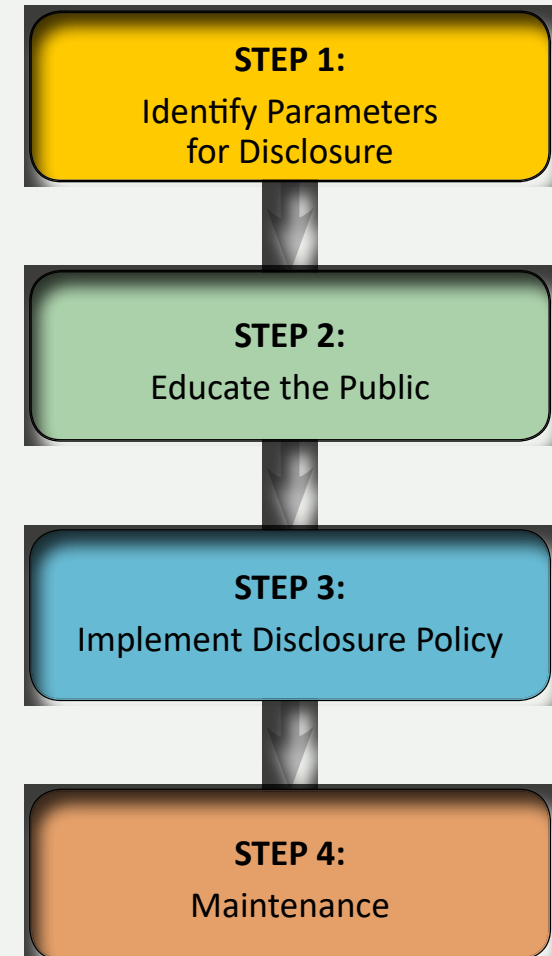
- Real estate disclosures about sources of military noise may not completely prevent or dissuade the affected public from complaining about noise and eventually causing encroachment on military operations, but residents that have been forewarned are less likely to adamantly oppose military activities.

RESOURCES

- California DRE Disclosure in Real Property Transactions

TOOL TIPS

- With help from local military partners, local jurisdictions should maintain an easy-to-access source of current information to identify noise impact areas to determine when and where real estate disclosures are required.



JOINT LAND USE STUDY

OVERVIEW

The DoD initiated the JLUS program in 1985 in an effort to achieve greater implementation and application of the Air Force and Navy AICUZ programs, the Navy RAICUZ program, and the Army's ONMP. The JLUS process encourages residents, local decision makers, and installation representatives to study issues of compatibility in an open forum with the goal of balancing both military and civilian interests. The resulting recommendations are intended to guide the local governments and the military in the implementation of appropriate controls to enhance compatibility near military installations and operations areas.

The JLUS assesses both the military's capability to adjust its mission profile to reduce impacts on the surrounding community, and the community's capacity to revise or update its plans to be more responsive to the military mission.

The following objectives for communities and military installations are also important:

Community

- Protect the health, safety, and welfare of residents and maintain quality of life.
- Manage development in the vicinity of military installations that would interfere with the continued operations of these facilities.
- Provide for new growth in an economically, environmentally, and socially sustainable manner.
- Maintain the economic vitality of the community.

Military

- Promote the health, safety, and welfare of the military and civilian personnel living and working at or near the military installation.
- Ensure the ability of the installation to achieve its mission, maintain military readiness, and support national defense objectives.



CASE STUDIES/EXAMPLES

- R-2508 JLUS
- NB Ventura JLUS
- NAS Lemoore JLUS

CHALLENGES ADDRESSED

- Sensitive Uses
- Vertical Obstructions
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- Public Trespassing
- Alternative Energy
- Frequency Spectrum
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- Infrastructure Extensions
- AT/FP

JOINT LAND USE STUDY

Continued

LIMITATIONS

- A JLUS defines a common policy framework for an area, but is not itself a regulatory document.
- Implementation depends on the adoption of recommended planning measures by participants, including local governments and the military.
- A JLUS is usually completed within 12 months, although the degree of coordination and complexity may substantially increase the time needed.

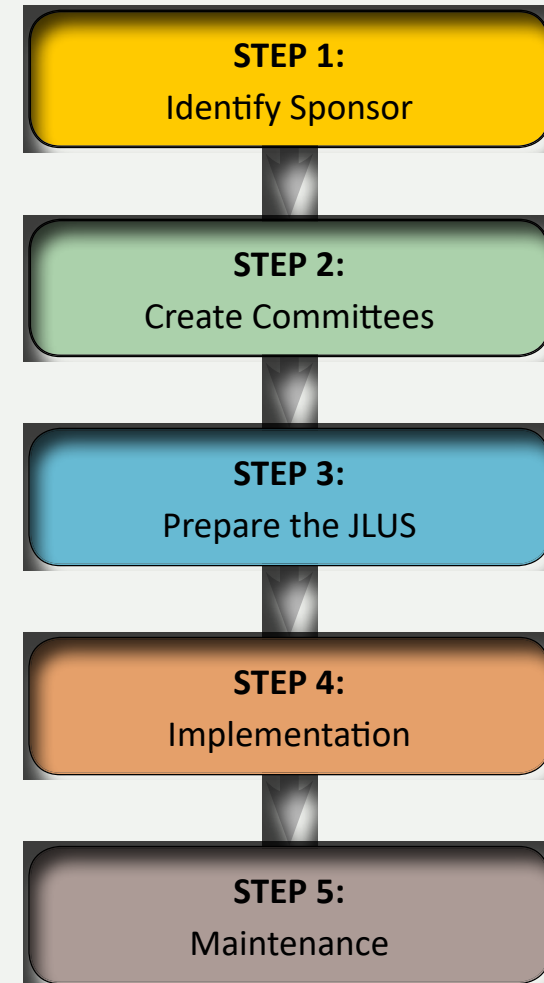
RESOURCES

- OEA Compatible Land Use Program
- NACO Encouraging Compatible Land Use Between Local Governments and Military Installations

TOOL TIPS

Three factors should be present when judging suitability for a JLUS:

1. Incompatible land use or potentially incompatible land use from local development.
2. Strong support from base leadership.
3. Good relationship between base and community.



MEMORANDUM OF UNDERSTANDING/AGREEMENT

OVERVIEW

California Government Code, §6500 et seq. allows public agencies to enter into joint agreements. Such agreements may take the form of an MOU or an MOA. The purpose of an MOU/MOA is to establish a formal framework for coordination and cooperation. These agreements may also assign roles and responsibilities for all of the agreement's signatories.

A memorandum of understanding is a legal document describing a bilateral agreement between parties. An MOU expresses a convergence of will between the parties, indicating an intended common line of action, rather than a legal commitment.

A memorandum of agreement is a document written between parties to cooperatively work together on an agreed upon project or meet an agreed upon objective. The purpose of an MOA is to have a written understanding of the agreement between parties. The MOA can also be a legal document that is binding and hold the parties responsible to their commitment or just a partnership agreement.

In the context of community and military compatibility planning, these agreements may be used to promote: coordination and collaboration by sharing information on specific community development proposals, such as rezonings and subdivisions.

Joint communication between participating jurisdictions and the military ensuring that residents, developers, businesses, and local decision makers have adequate information about military operations, possible impacts on surrounding lands, procedures to submit comments, and any additional local measures to promote land use compatibility around installations.

Formal agreement on land use planning activities, such as implementation of a JLUS.



CASE STUDIES/ EXAMPLES

- DRECP MOU
- Camp Pendleton MOU
- Beale AFB MOU
- City of Fairfield MOU
- Fort Irwin MOU

CHALLENGES ADDRESSED

- Sensitive Uses
- Vertical Obstructions
- Noise
- Vibration
- Dust, Smoke, or Steam
- Light and Glare
- Public Trespassing
- Alternative Energy
- Frequency Spectrum
- Local Housing Availability
- Infrastructure Extensions
- AT/FP

MEMORANDUM OF UNDERSTANDING/AGREEMENT

Continued

LIMITATIONS

- Negotiating an MOU or MOA can take a considerable amount of resources and staff time. This is necessary, as parties signing the agreement will be bound by its terms.

RESOURCES

- DoD Instruction 4000.19 (Sample MOA/MOU framework)



STEP 1:

Decide on Goals

STEP 2:

Negotiate and Agree on Terms

STEP 3:

Secure Formal Approvals

STEP 4:

Periodic Review

AIRPORT LAND USE COMPATIBILITY PLAN

OVERVIEW

An ALUCP is “a plan, usually adopted by a County ALUC or other entity established to accomplish land use compatibility planning, which sets forth policies for promoting compatibility between airports and the land uses which surround them.” The California law governing creation of ALUCs applies to every county in California that has a public airport. ALUCs have the option of developing a compatibility plan for any federal military airport in their jurisdiction (California Public Utilities Code, §21675(b)).

The purpose of the ALUCP is to:

- Provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the ALUC.
- Safeguard the general welfare of the people living near airports and the public in general.

Although typically developed by the County ALUC, community and military planners should take an active role and participate in the ALUCP planning process. Community planners must incorporate the policies of the ALUCP into local general plans, zoning ordinances, subdivision regulations, and any other applicable development regulations and/or plans. Military personnel can assist by developing cooperative relationships with the ALUC and actively participating in the development or periodic updating of the ALUCP. Military planners can enhance compatible land use planning in proximity to military airports by ensuring that accurate AICUZ findings are included in the ALUCP.

ALUCPs, and other land use compatibility plans such as the AICUZ study and airport master plan, are interrelated. As an example, an ALUCP shall be consistent with the safety and noise standards in the AICUZ study prepared for a military airport (Public Utilities Code, §21675(b)). When preparing an ALUCP, consideration should be given to all land use compatibility plans for inclusion and coordination.

CASE STUDIES/EXAMPLES

- Solano County ALUC
- San Diego ALUC

CHALLENGES ADDRESSED

- Sensitive Uses
- Noise
- Vertical Obstructions

AIRPORT LAND USE COMPATIBILITY PLAN

Continued

LIMITATIONS

- State law (§21675(a)) limits amendment of an ALUCP to no more than once per calendar year.

RESOURCES

- California Public Utilities Code, §21670-21679.5
- The California Airport Land Use Planning Handbook
- Division of Aeronautics

TOOL TIPS

- Periodic reexamination (every 5-10 years) of the entire plan is strongly encouraged to keep it up to date with changes in state law, local land uses, airport development and activity, and current noise and safety compatibility concepts. The plan should also be updated to reflect major changes in airport operations or land use changes proposed by local jurisdictions.
- ALUCPs can be implemented in part through incorporation in local jurisdictions general plans.
- The implementation criteria for the ALUCP recommendations should be consistent with general plan policies.



STEP 1:
Coordination

STEP 2:
Monitor Changes in AICUZ

STEP 3:
Participate in ALUCP Update

