



FORT DRUM

JOINT LAND USE STUDY

What are JLUS Strategies?

JLUS strategies constitute a variety of actions that local governments, military installations, agencies, and other stakeholders can take to promote compatible land use planning. When these strategies are implemented, existing and potential compatibility issues arising from the civilian / military interface can be removed or significantly reduced. As such, the recommended strategies function as the heart of the JLUS document and are the culmination of the planning process.

The strategy types presented within this brochure constitute a “toolbox” of the possible types of actions that can be taken to address the range of compatibility issues identified during the JLUS process. This document is intended to start the discussion to determine specific strategies that are useful for the JLUS Study Area. For each strategy type, a brief overview is provided to assist in communicating a general understanding of its intent. It will be up to each individual stakeholder to determine the best assortment of tools / strategies that are appropriate within their communities.

It is important to note that once the JLUS process is completed, the final document is not an adopted plan, but rather a set of recommended strategies which will require further actions by JLUS participants to be successful.



The Strategy “Toolbox”

- ◆ Acquisition
- ◆ Airport Master Plan / Airspace Study
- ◆ Avigation Easement
- ◆ Base Planning
- ◆ Building Codes / Construction Standards
- ◆ Capital Improvement Program
- ◆ Cluster Development
- ◆ Code Enforcement
- ◆ Communication and Coordination
- ◆ Comprehensive / General / Master Plans
- ◆ Habitat Conservation Tools
- ◆ Legislative Tools
- ◆ Memorandum of Understanding
- ◆ Military Influence Areas
- ◆ National Environmental Policy Act
- ◆ Partnership with Non-Governmental Organizations
- ◆ Real Estate Disclosures
- ◆ Zoning Ordinance / Subdivision Regulations

Acquisition

As a land use planning tool, property rights can be acquired through donation, easement, or the outright purchase of property for public purposes. The purpose of acquisition tools is to eliminate land use incompatibilities through market transactions and the local development process. Acquisition tools are particularly effective because they advance the complementary goals of shifting future growth away from military installations and preserving community assets such as agriculture, open space, rural character, or sensitive natural habitats.

Airport Master Plan / Airspace Planning

An Airport Master Plan provides the guidelines for future long-term airport development which will satisfy aviation demand in a financially feasible manner, while at the same time resolving the aviation, environmental, and socioeconomic issues existing in a community. The Airport Master Plan process is guided by the Federal Aviation Administration (FAA) and ultimately results in projections of future growth and an Airport Layout Plan (ALP). All development at federally obligated airports must be in accordance with and FAA-approved ALP.

For compatibility planning, airspace planning provides a coordinated approach to the designation of special use airspace.



Avigation Easement

An easement is a non-possessory right to use land owned by another party. An avigation easement grants the holder one or more of the following rights: the right of flight; the right to cause noise, dust, or other impacts related to aircraft flight; the right to restrict or prohibit certain lights, electromagnetic signals, and bird-attracting land uses; the right to unobstructed airspace over the property above a specified height; and the right of ingress or egress upon the land to exercise those rights.



Base Planning

Similar to a local jurisdiction, military installations maintain a long-range plan, such as general plans and master plans. The installation's general, master, or real property plan is the primary document that is used to guide the development and use of physical assets and the protection of resources. The plan is used to ensure an installation maintains the land use areas and infrastructure needed to respond to its development program and future mission potential.



Building Codes / Construction Standards

Building codes and construction standards are ordinances and regulations controlling the design, construction processes, materials, alteration, and occupancy of any structure to protect human safety and welfare. They include both technical and functional standards and generally address structural safety, fire safety, health requirements, and accessibility. Noise attenuation requirements, for example, are typically covered under this category.

Capital Improvement Program

A Capital Improvement Program (CIP) is a detailed planning document used to plan and direct a jurisdiction's or agency's investment in public facilities, including infrastructure. The CIP lays out the public facilities plans and programs of the jurisdiction or agency and provides details on expenditures that can be incorporated into the jurisdiction's or agency's annual budgeting process. Most CIPs cover multiple years in order to plan for major expenditures and projects.

Cluster Development

Cluster development is a planning method where dwelling units are grouped together with the purpose of retaining open space and reducing the impacts of development on the landscape and environment. This can also be used to enhance compatibility by moving development out of areas with compatibility issues while providing a similar level of development.

Code Enforcement

The purpose of a code enforcement program is to promote and maintain a safe and desirable living and working environment. Related to land use compatibility, code enforcement is a tool used by a community to ensure adherence to its rules and regulations.

Communication and Coordination

In any planning effort, plans can only move toward successful implementation if frequent ongoing communication is maintained among local jurisdictions, the military, state and federal agencies, Native American tribal groups, landowners, and the public. Enhanced communication and coordination is an integral component to successful compatibility planning in support of the military's existing and potential future mission(s).



Comprehensive / General / Master Plans

These are long-range plans that outline goals and policies to guide the physical development in a community. Comprehensive plans are designed to serve as the jurisdiction's blueprint for future decisions concerning physical development, including land use, infrastructure, public services, and resource conservation. Most comprehensive plans consist of written text discussing the community's goals, objectives, policies, and programs for the distribution of land use as well as one or more diagrams illustrating the general location of existing and future land uses, roadways, public facilities and parks and open space.

Education / Awareness

One of the simplest ways to encourage compatible development and growth between the military and its neighboring communities is to provide education and awareness about what types of actions are occurring and how this may impact the actions of each entity. This can be achieved through the establishment of educational materials such as what types of military activities occur at different parts of the installation or a location in the community where a new subdivision is being proposed and how this may impact or be impacted by military operations. This tool is related to the Communication and Coordination tool.

Habitat Conservation Tools

The primary objective of habitat conservation tools is the conservation and protection of sensitive natural habitats and the species that occupy them. An example of this is the federal Endangered Species Act (ESA) which allows for the development of a Habitat Conservation Plan (HCP). An HCP identifies and provides for the regional protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity. The primary objective of the HCP program is to conserve natural communities at the ecosystem level while accommodating compatible land use.



Legislative Tools

State and local legislation can have a significant impact on compatibility planning by allowing, restricting, or limiting the tools available to local jurisdictions to control land use planning activities. Legislative tools are designed to encourage changes in state and local laws and ordinances to support the objectives of the recommended JLUS strategies.



Memorandum of Understanding

A Memorandum of Understanding (MOU) is a contract between two or more government entities. The governing bodies of the participating entities must take appropriate legal actions, often adoption of an ordinance or resolution, before such agreements become effective. The purpose of an MOU 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. These agreements are also known as Joint Powers Agreements or Interlocal Agreements.

Military Influence Areas

A Military Influence Area (MIA) is a formally designated geographic planning area where military operations may impact local communities, and conversely, where local activities may affect the military's ability to carry out its mission. An MIA is designated to promote an orderly transition between community and military land uses to ensure that they are compatible.

National Environmental Policy Act

The National Environmental Policy Act (NEPA) is the federal law that requires federal agencies: (1) to become aware of the environmental ramifications of their proposed actions, (2) to fully disclose to the public proposed federal actions and provide a mechanism for public input to federal decision making, and (3) to prepare environmental impact statements for every major action that would significantly affect the quality of the environment.

Partnership with Non-Governmental Organizations

Non-Governmental Organizations (NGOs) are recognized for their role in developing innovative initiatives and programs to address a variety of issues. Local governments and military installations can develop relationships with NGOs to provide additional resources to achieve joint goals. For example, under these partnerships, agreements can be reached to acquire real estate or property rights, such as through the Army Compatible Use Buffer Program, in the vicinity of military installations to protect military training, testing, operations, and readiness, while at the same time, achieving the objectives of the NGO, such as habitat protection.



Real Estate Disclosures

Prior to the transfer of real property to a new owner, real estate disclosure requires sellers and their agents to disclose certain specified facts related to the condition of the property. These facts could include noise or other proximity impacts associated with property near a military installation or operations area. The purpose of real estate disclosure is to protect the seller, buyer, and sales agent from potential litigation resulting from specified existing and / or anticipated conditions (e.g., hazard areas, existing easements). Disclosures provide a practical and cost effective land use compatibility tool as buyers are informed of the possible affects (noise, light, etc.) of military operations prior to purchase.

Zoning Ordinance / Subdivision Regulations

Zoning is the division of a jurisdiction into districts (zones) within which permissible uses are prescribed and restrictions on building height, bulk, layout, and other requirements are defined. The primary purpose of zoning is to protect the public health, safety, and welfare of the community by separating incompatible land uses and establishing

design requirements. Effective zoning can also provide opportunities for the implementation of regulations supporting land use compatibility near military installations. For instance, zoning can address:

- ◆ Alternative energy regulations,
- ◆ Nuisances such as noise, vibration and air emissions,
- ◆ Land use type and intensity (including clustering),
- ◆ Light and glare,
- ◆ Frequency spectrum and impedance,
- ◆ Height / vertical obstructions,
- ◆ Development incentives, and
- ◆ Development processes and procedures.

Land cannot be divided without local government approval. Subdivisions set forth the minimum requirements deemed necessary to protect the health, safety, and welfare of the public. Subdivision review allows local governments the opportunity to ensure that a new subdivision is properly served by needed services and a public or private agency is responsible for maintaining the subdivision improvements. These regulations can be effectively used for compatibility planning. For example, subdivision regulations might limit the division of land in areas with compatibility issues or locations without necessary services. Subdivision regulations can also be used to require open-space set-asides.

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