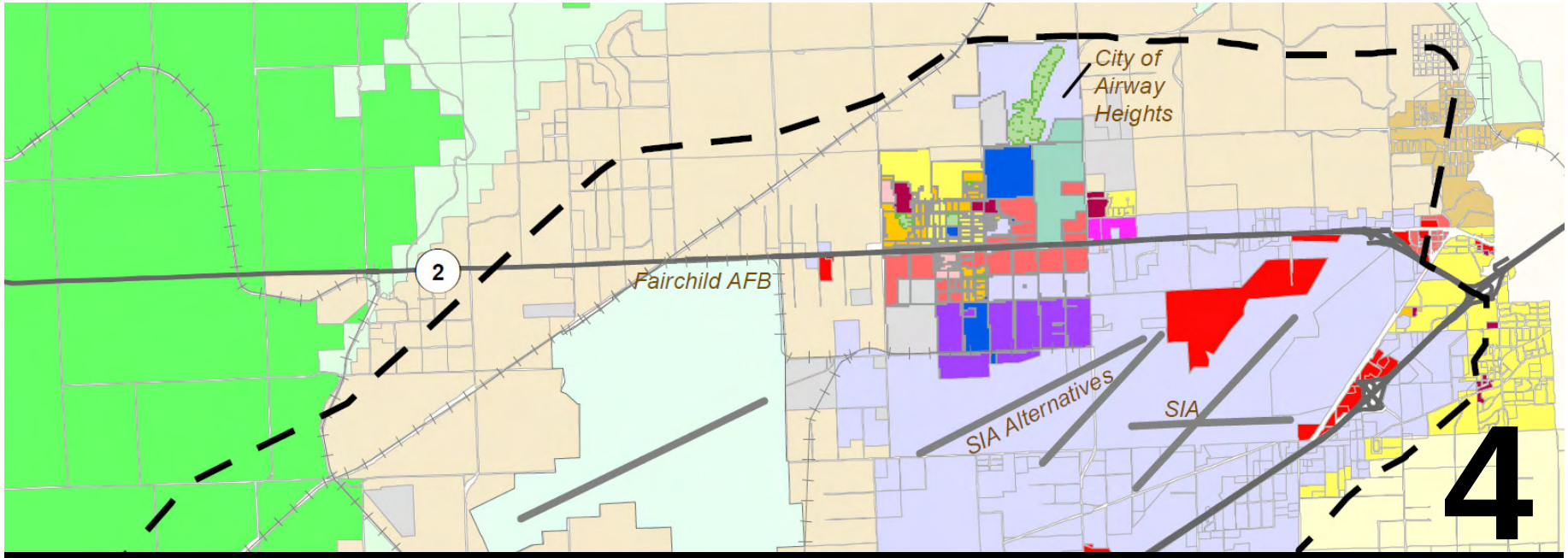


4 Existing Plans and Programs

This section provides an overview of the primary plans and programs that are currently used or applied in evaluating and addressing compatibility issues in the study area. Section 4.1 provides an overview of Fairchild Air Force Base (AFB) and the plans and programs used by the base to direct their planning efforts.

Section 4.2 highlights plans and programs currently used by local jurisdictions and agencies to address compatibility issues, including an overview of each jurisdiction's general plan and regulatory tools (i.e., tools codified through a formal action such as a zoning ordinance, subdivision ordinance, building code).

Section 4.3, describes legislation and other regulations that directly apply to compatibility planning.

In addition to individual plans and programs, the jurisdictions in the West Plans area also work together on collaborative planning efforts. Section 4.4 describes these efforts.

The final section, Section 4.5, provides an overview of other resources that can be consulted concerning compatibility planning.

4.1 Fairchild AFB Plans

Air Installation Compatible Use Zone Study (AICUZ)

The Noise Control Act of 1972 found that noise not adequately controlled has the potential of endangering the health and welfare of people. It states that all Americans are entitled to an environment free from noise that can jeopardize their general health and quality of life. Along with state and local governments, actions from the Federal government were needed to ensure that the objectives of the Act were met. Concurrently, military installations were experiencing the impacts related to urban development moving closer to the installation and commenting on noise from flight operations. In 1973, the Department of Defense (DOD) responded by establishing the AICUZ program.

The AICUZ program seeks to develop a cooperative relationship between communities and military installations and provides land use compatibility guidelines designed to protect public health and safety, as well as maintain military readiness. As designed, the AICUZ study evaluates three components: noise, vertical obstructions, and accident potential zones.

The 2007 Fairchild AFB AICUZ study served to update and revise the noise and accident potential information from 1995. Differences between the 1995 AICUZ Study and the 2007 AICUZ Study are attributed to the following:

- Changes in flight operations and the addition, elimination, or alteration of flight tracks for mission and training purposes;
- Post September 11, 2001, aircraft operations tempo supporting wartime mission and homeland security requirements;
- Technical improvements to NOISEMAP, a computer program for modeling noise levels that determines noise zones (NZs) based on aircraft activity; and
- Changes in aircraft type, such as the replacement by the Washington Air National Guard (WAANG) of the KC-135E aircraft with the KC-135R, and based aircraft composition.

Mitigating noise and potential accident injury is a major component of compatibility planning. These two issues will be addressed in length in this Joint Land Use Study (JLUS), as well as other issues pertaining to compatibility.

Noise Zone Profile

Noise is the cornerstone of the AICUZ study. The noise generated by military aircraft operations and the effects of that noise on local communities are presented numerous ways in the study (i.e., written text, graphically, etc.). To fully appreciate the findings and recommendations presented in the AICUZ study, it is beneficial for the reader to have an understanding of how military aircraft noise is measured, evaluated, and graphically illustrated. Information on these characteristics can be found in Section 3 under Compatibility Factor #7, Noise. The noise zone profile will serve as a technical tool to address noise as a compatibility factor.

Vertical Obstructions

Vertical obstructions are evaluated based on Federal Aviation Administration (FAA) Regulation Part 77, Subpart C. This regulation looks at the height of vertical structures or natural features in relation to their distance from the ends of the runway. Using a distance formula from this regulation, local jurisdictions can easily assess the height restrictions near airfields. Additional information on Part 77 can be found in Section 3 under Compatibility Factor 3, Vertical Obstruction, or on the Federal Aviation Administration Internet site at http://www.faa.gov/.

Accident Potential Zones

As part of the AICUZ program and to aid in land use planning surrounding military bases, the DOD established Accident Potential Zones or APZs. These are defined as Clear Zones (CZ), Accident Potential Zone I (APZ I), and Accident Potential Zone II (APZ II). These are determined based on a statistical analysis of all DOD aircraft accidents. APZs follow departure, arrival, and pattern flight tracks and are based upon analysis of historical data. The Clear Zone is a square area that extends directly beyond the end of the runway and outward along the extended runway center line for a distance of 3,000 feet. The CZ for the Fairchild AFB runway is 3,000 feet wide by 3,000 feet long. Required for all active runways, above ground structures are generally not permitted in these areas and are optimally undeveloped. For this reason, acquiring sufficient real property interest in land within the CZ is critical to ensure incompatible development does not occur.

At Fairchild AFB, APZ I onset begins at the end of the CZ and extends out 5,000 feet. APZ II extends form the end of APZ I and stretches out an additional 7,000 feet. Both APZ I and APZ II are 3,000 feet wide. While aircraft accident potential in APZs I and II does not warrant acquisition by the USAF, land use planning and controls are strongly encouraged for the protection of the public. Within APZ I and II a variety of land uses are compatible; however uses sensitive to noise, such as hospitals and schools, and people intensive uses such as high density residential should be restricted due to the greater potential for safety incidents in these areas. The current AICUZ safety zones and noise contours for Fairchild AFB are depicted on Figure 4-1.

Each AICUZ Study contains general land use guidelines related to safety and noise associated with aircraft operations. The Fairchild AICUZ Study lists the USAF-recommended land use compatibility guidelines in relation to noise zones and APZs. The information presented in the table is essentially the same as the information published in the June 1980 publication by the Federal Interagency Committee on Urban Noise (FICUN) entitled *Guidelines for Considering Noise in Land Use Planning Control* (FICUN 1980) and in the *Standard Land Use Coding Manual* (USURA 1965) published by the US Urban Renewal Administration (USURA).

Bird/Wildlife Aircraft Strike Hazard Plan

A Bird/Wildlife Aircraft Strike Hazard (BASH) plan is designed to control birds, alert aircrew and operations personnel, and provide increased levels of flight safety, especially during the critical phases of flight, take-off, and landing operations. Specifically the plan is designed to:

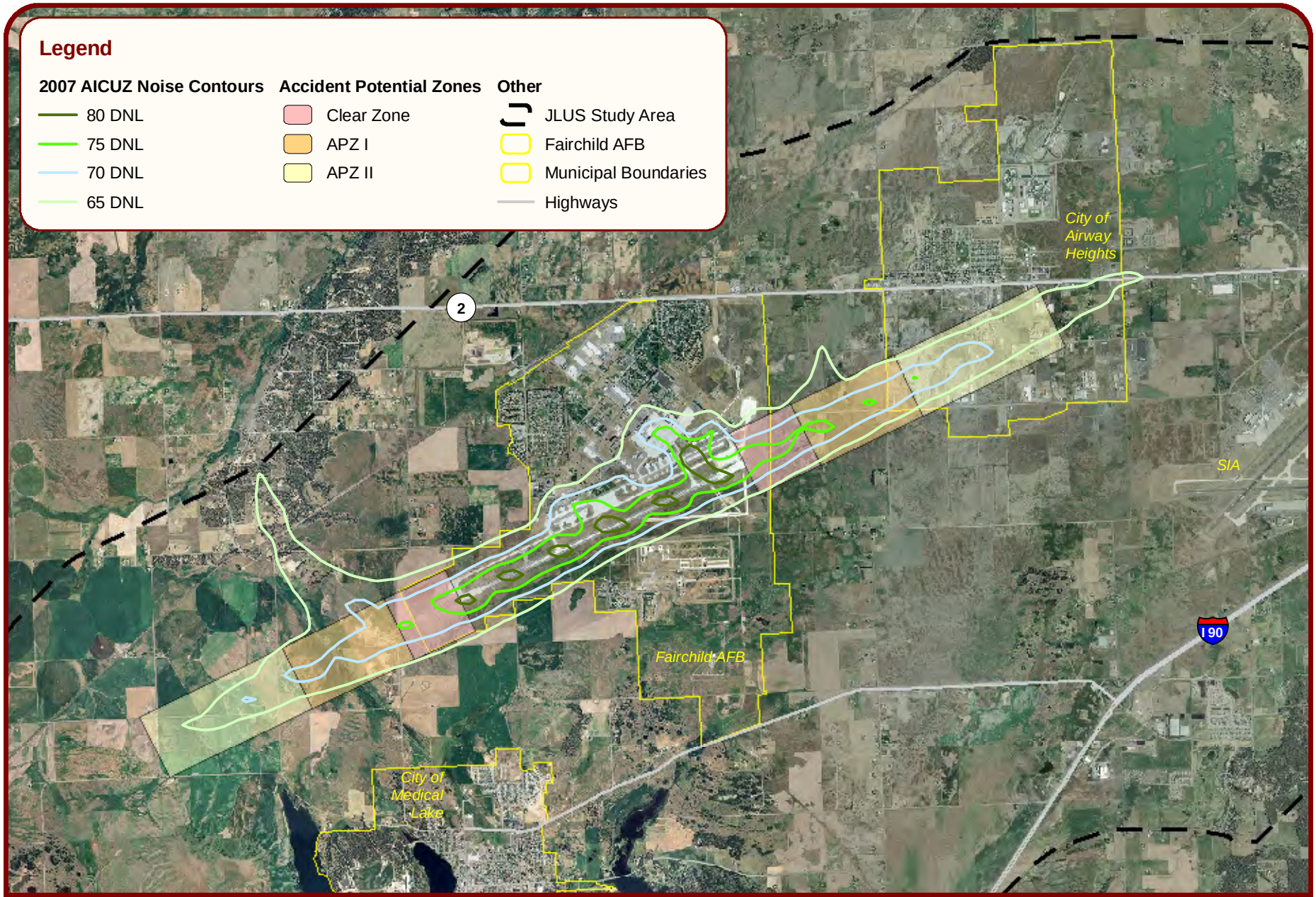


Figure 4-1
Fairchild AFB AICUZ (2007)

- Designate a Bird Hazard Working Group (BHWG) and outline the members' responsibilities.
- Establish procedures to identify high hazard situations and establish aircraft and airfield operating procedures to avoid these situations.
- Ensure that all permanent and transient aircrews are aware of bird hazards and the procedures for avoidance.
- Develop guidelines to decrease the attractiveness of the airfield to birds and disperse the number of birds on the airfield.

Fairchild AFB General Plan

As a "city within a city", Air Force installation's possess an internal land use mixture similar to local municipalities that requires comprehensive and coordinated planning to ensure its physical layout will sustain the installation's vision for long-term growth and development. The installation's general plan identifies base constraints and opportunities, develops recommendations for improvements to infrastructure, and identifies potential land use changes and capital improvements.

Although this document focuses on development within the installation boundaries, it is an important reference for all study area jurisdictions when planning for future growth. Information and plans detailed in the general plan can have both direct and indirect impacts on study area jurisdictions. The general plan will aid in the creation of policies in this study through providing information on the land use, capital improvements, and future development plans on the base. These developments will be critical in assessing compatibility between the installation and the community.

The Fairchild AFB General Plan is designed to assist base personnel understand existing conditions, document existing needs and future expectations, and provide programs and projects that can help the base react to an ever-changing world. Last updated in 2004, the General Plan provides Air Force decision makers with essential information on the vision for the future of Fairchild AFB. The General Plan summarizes and updates many of the installation's disparate, detailed, and diverse planning documents. The document draws on existing information to create a cohesive plan for the physical development of the installation.

Fairchild AFB Integrated Natural Resource Management Plan

In March of 2005, Fairchild AFB adopted an Integrated Natural Resource Management Plan (INRMP), which supports the management of natural resources on the installation. The purpose of the plan is to enable Fairchild AFB to effectively manage the use and condition of natural resources on the installation and to protect the natural setting of the base for training purposes. Additionally the plan will support the continuing need to ensure the safety and efficiency of the flying mission while practicing sound resource stewardship and complying with environmental policies and regulations.

This INRMP provides Fairchild AFB with a description of the installation and their surrounding environments, and presents various management practices designed to mitigate negative impacts and enhance the positive effects of the installation's mission on regional ecosystems. These recommendations are balanced against the requirements of Fairchild AFB to accomplish their mission at the highest

possible level of efficiency. The overriding goals outlined in the INRMP are:

- No net loss in the capability of Fairchild AFB lands to support the military mission
- Minimize habitat fragmentation and promote the natural pattern and connectivity of habitats
- Protect native species and discourage nonnative, exotic species
- Protect rare and ecologically important species and unique or sensitive environments
- Maintain or mimic natural processes
- Protect genetic diversity
- Rehabilitate damaged ecosystems, communities, and species
- Monitor biodiversity impacts

The INRMP was a joint effort between the Air Mobility Command (AMC), the US Fish and Wildlife Service, and the Washington State Department of Fish and Wildlife, and was conducted pursuant to the Council on Environmental Quality (CEQ) Regulations (40 Code of Federal Regulations [CFR] Parts 1500–1508) for implementing the procedural provisions of the National Environmental Policy Act (NEPA) (42 United States Code [U.S.C.] 4321 et seq.), the Air Force Environmental Impact Analysis Process (EIAP) (32 CFR Part 989) and Air Force Instruction (AFI) 32-7061 (*Environmental Impact Analysis Process*). The INRMP was prepared in accordance with the provisions of the Sikes Act (16 USC. 670a et seq.) and AFI 32-7064 *Integrated Natural Resources Management*), and will be a useful tool in preparing the joint land use study.

The INRMP will be a useful tool in implementing the strategies recommended within the JLUS. Compatibility between the installation and the community includes impacts to the natural resources which are not bound by jurisdictional lines. Information obtained and measures taken during the creation of the INRMP may also pertain to the surrounding region and can be adopted by local communities to continue the practice of resource stewardship seamlessly across the installation boundary.

Fairchild AFB Integrated Cultural Resources Management Plan

The Integrated Cultural Resources Management Plan (ICRMP) establishes the authority, responsibility, and procedures for Fairchild AFB's compliance with federal laws and Air Force Instruction (AFI) 32-7065, Cultural Resources Management Program. The ICRMP is designed to:

- Provide an inventory and evaluation of all known cultural resources
- Identify the likely presence of other significant cultural resources
- Describe Fairchild AFB strategies for maintaining cultural resources and complying with Air Force regulations and related statutes, regulations, policies and procedures

- Coordinate with the installation mission
- Conform to local, state, and Federal preservation programs

Goals of the 2005 Fairchild AFB ICRMP include:

- Assure compliance with the NHPA
- Inventory, nominate and protect historical resources
- Integrate historic preservation requirements with base decision making
- Maintain historic properties in accordance with the Secretary of Interior's standards
- Cooperate with other agencies, Indian Tribes, and the public
- Promote cultural resources awareness
- Promote conservation education

Significant findings from the ICRMP include six archaeological sites, one of which may be eligible for inclusion on the National Register. There were no documented sites or areas of known importance for Native American tribes on the installation and the potential for future discoveries was considered low.

4.2 Local Jurisdiction Planning Tools

In this section, planning tools used by the jurisdictions in the JLUS study area are discussed, first by county and then by city.

Comprehensive Plans

A comprehensive plan is designed to serve as the jurisdiction's "construction" or "blueprint" for future decisions concerning land use, infrastructure, public services, and resource conservation. Typically, there are three defining features of a comprehensive plan:

1. **General.** A comprehensive plan provides the general guidance that will be used to direct future land use and resource decisions.
2. **Comprehensive.** A comprehensive plan covers a wide range of social, economic, infrastructure, and natural resource factors. These include topics such as land use, housing, circulation, utilities, public services, recreation, agriculture, economic development and many other topics.
3. **Long-range.** Comprehensive plans provide guidance on reaching a future envisioned 20 or more years in the future.

Within the State of Washington, the Growth Management Act (GMA) establishes the primacy of the comprehensive plan. The comprehensive plan is the cornerstone for any planning process and serves as the foundation of the local land use planning. Development regulations (zoning, subdivision, and other controls) must be consistent with comprehensive plans. In addition, state agencies are required to comply with comprehensive plans and development regulations of jurisdictions planning under the GMA.

According to the GMA, local comprehensive plans are to include chapters on the following topics: land use, utilities, housing, transportation, capital facilities, and shorelines. Counties must also include a chapter on rural planning.

Cities and counties fully planning under the GMA are to renew their comprehensive plans and ordinances at least every seven years and ensure compliance with state legislation.

Land Use Designations

To provide an understanding of the future of the study area, a compilation of the zoning designations for the study area is provided on Figure 4-2. Given the number of jurisdictions represented in the study area, the land use designations were simplified into a common set of categories, which provides an overview of future plans for the area.

Countywide Planning Policies

The development of countywide planning policies (CWPPs) is required by the GMA to ensure a coordinated and regional approach to planning. CWPPs provide the overall framework for planning as local jurisdictions use these policies to craft their own comprehensive plans. The major themes within Spokane County's CWPPs include the protection of neighborhood characteristics, the protection of local aquifers, preservation of ethnic diversity, preservation of urban and rural character, sustaining economic vitality, and preservation of private property rights.

Specifically, the following policies were identified within the CWPPs related to Fairchild AFB:

- **Policy 11, Policy Topic 2, Joint Planning within Urban Growth Areas UGAs).** Where applicable, comprehensive plans should contain land use policies which provide protection for the continued viability of Fairchild Air Force Base, Spokane International Airport, Felts Field, Deer Park Airport and other publicly owned airports within Spokane County.
- **Policy 11, Policy Topic 3, Promotion of Contiguous and Orderly Development and Provision of Urban Services.** Recognize Fairchild Air Force Base as an urban center with a major influence on the regional economy.

Spokane County

The Spokane County Comprehensive includes planning elements addressing urban and rural land use, transportation, housing, capital facilities, and economic development (elements required by the GMA); as well as elements addressing parks, the natural environment, natural resource lands, cultural resources, and sub-area planning. Each element contains goals and policies outlined to meet the CWPPs.

As previously mentioned, one of the primary tools available within the GMA to regulate growth and promote compatibility planning is the establishment of Urban Growth Areas (UGAs). UGAs identify areas where urban growth should occur and establishes a clear separation between urban and rural development. The primary intent of UGAs is to encourage growth first in areas with existing public services and facilities. Spokane County's comprehensive plan includes goals and policies aimed at providing an economic and efficient provision of public services using UGAs, including the following:

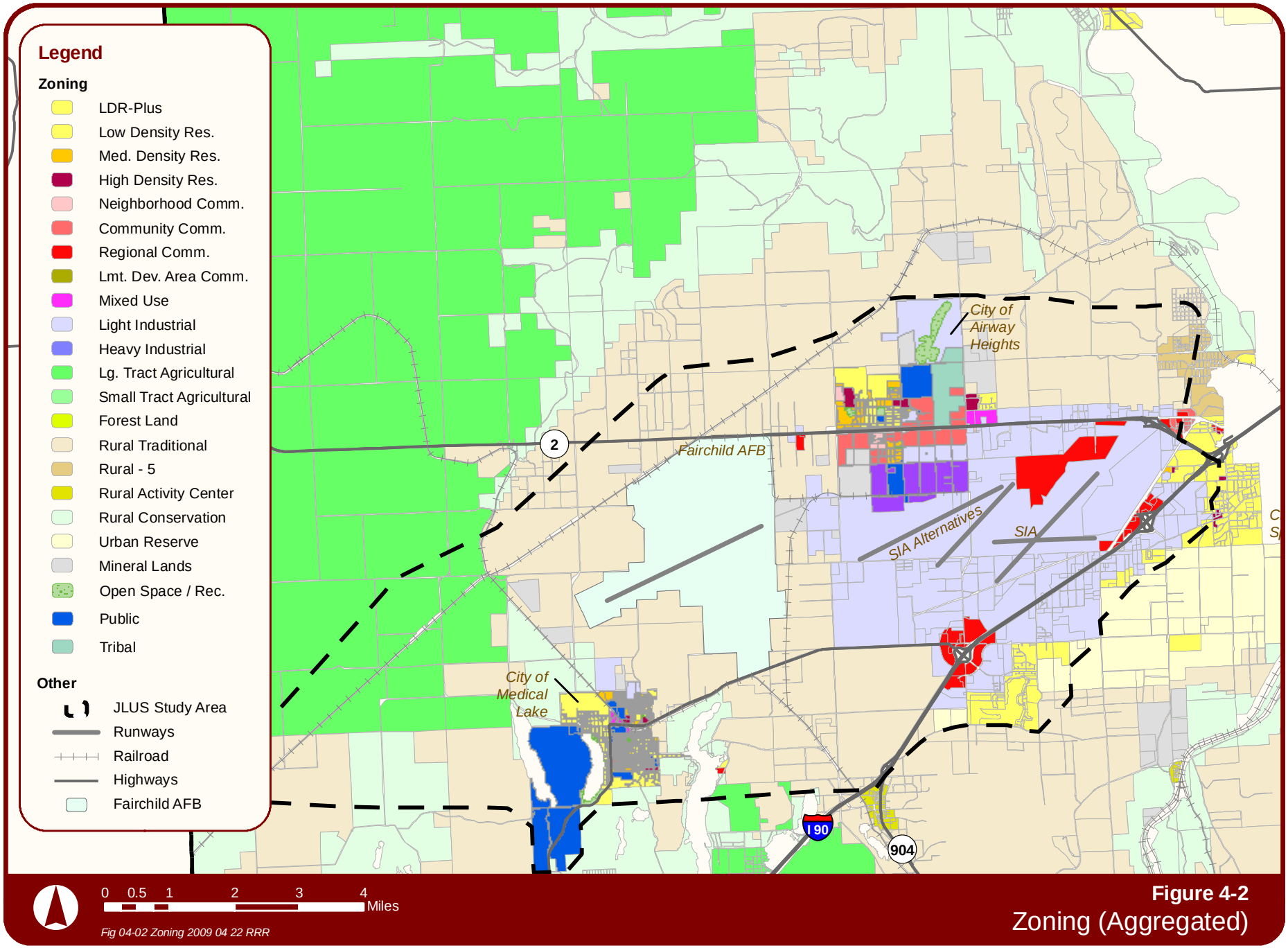


Figure 4-2
Zoning (Aggregated)

- **Goal UL.18: Maintain an Urban Growth Area** that provides a distinct boundary between urban and rural land uses and provides adequate land to accommodate anticipated growth.
- **Policy UL.18.1:** Review and evaluate Urban Growth boundaries, at a minimum every five years, as required by the CWPP (Topic 1, Policy 18) and the Revised Code of Washington.

  NOTE: After publication of the Comprehensive Plan, CWPPs were amended to provide a review and evaluation of the UGA boundary every 10 years rather than every 5 years.

- **Policy UL.18.2:** The determination of UGA boundaries shall include consideration of environmental features, topography, jurisdictional boundaries, and special purpose districts. When the boundary follows a utility line, consideration should be given to including adjacent parcels on both sides of the line to allow efficient use of the utility and provide fairness to property owners.
- **Policy UL.18.3:** Urban Growth Area boundaries shall follow parcel boundaries to avoid splitting an existing parcel of record.

  Consistent availability of facilities and services, development to urban densities will be encouraged in and up to the Urban Growth Area boundaries.

The following goal and supporting policies specifically address airport facilities and their environs.

- **Goal T.3g:** Protect airports in Spokane County from encroachment by incompatible land uses.
- **Policy T.3g.1**: Prohibit uses in airport areas which attract birds, create visual hazards, discharge particulate matter into the air which could alter atmospheric conditions, emit transmissions which would interfere with aviation communications and instrument landing systems, otherwise obstruct or conflict with airport operations or aircraft traffic patterns or result in potential hazard for off-airport land use.
- **Policy T.3g.2**: Commercial and industrial uses that benefit from and do not conflict with aircraft operations should be encouraged.
- **Policy T.3g.3**: Decisions on zone reclassifications and land use development shall consider noise hazards of aircraft operations and accident potentials.
- **Policy T.3g.4**: Coordinate airport development on a regional basis.
- **Policy T.3g.5:** Discourage new residential development near airports where significant noise impacts and safety hazards exist or are likely in the future.
- **Policy T.3g.6:** Encourage noise abatement procedures per FAA regulations at airports in Spokane County.
- **Policy T.3g.7:** Encourage the protection of airports from adjacent incompatible land uses and/or activities that could adversely impact present and/or future use of the airport as an Essential Public Facility (EPF). Examples of incompatible land uses may include but not be limited to urban density residential, multi-family residential, uses that attract large concentrations

of people, wildlife hazards, and special uses such as schools, hospitals and nursing homes, and explosive/hazardous materials.

- **Policy T.3g.8:** Promote the safe operation of airports by discouraging uses or activities that will impede safe flight operations or endanger the lives of people on the ground.
- **Policy T.3g.9:** Encourage open space/clear areas and utilize zoning and land subdivision criteria within key safety areas adjacent to the airport to facilitate protection of the airport as an essential public facility. When possible promote contiguous open space parcels, especially in areas with smaller parcel size configurations.
- **Policy T.3g.10:** Evaluate all proposed amendments to the comprehensive plan, capital facilities plan and Urban Growth Area (UGA) that will increase incompatible land uses or potential of incompatible development adjacent to airports.
- **Policy T.3g.11:** Develop criteria, standards and land use designations that will protect the airport and aviation uses from incompatible development by adopting a combination of zoning techniques including but not limited to special airport overlay zoning, height restrictions, building restrictions in high noise areas and development siting criteria for evaluating uses or activities in key areas adjacent to the airport.
- **Policy T.3g.12:** Protect airspace by prohibiting structural penetration of Imaginary Surfaces adjacent to airports as described in 14 CFR (Federal Aviation Regulations) Part 77 for public airports and Department of Defense Air Installation Compatible Use Zone (AICUZ) criteria for areas around military airports.
- **Policy T.3g.13:** Within Airport Influence areas (properties near public airports which are subjected to aircraft noise of 65 decibels or higher day-night average sound level) a notice to title should be required for new or substantial redevelopment of lots, buildings, structures, and activities. The notice should specify that the property is near an airport and may experience low overhead flights, odor, vibrations, noise and other similar aviation impacts.

Fairchild AFB is recognized in chapter 5, Transportation as a critical element in the economic base for the county. Goals and policies specifically related to Fairchild AFB include the following:

- **Goal T.3i:** Recognize major airports and military facilities as key element of a strong economic base for Spokane County.
- **Policy T.3i.1***:* Protect public and private investment in facilities for which there may be no feasible future replacement.
- **Policy T.3i.2:** Land use decisions on land in airport areas shall consider regional and national needs as well as localized concerns.
- **Policy T.3i.3:** Protect the viability of these airports as significant economic resources to the Spokane County community by encouraging compatible land uses, densities, and reducing hazards that may endanger the lives and property of the public and aviation users.

- **Policy T.3i.4:** Coordinate the protection of Spokane International, Felts Field and Deer Park Airports with the City of Spokane and the Towns of Airway Heights and Deer Park by developing consistent development regulations that utilize Washington State Department of Transportation (WSDOT) Aviation Airport Land Use Compatibility guidelines and other best management practices for encouraging compatible land uses adjacent to these airports. Coordinate the protection of Fairchild AFB by developing regulations that utilize Department of Defense AICUZ land use criteria for encouraging compatible land uses adjacent to military airports.
- **Policy T.3i.5:** Identify, preserve, and enhance, through interjurisdictional planning, goals, policies and development regulations that promote significant regional transportation linkages and multimodal connections to and from aviation facilities.

City of Spokane

Revised in 2006, the City of Spokane's comprehensive plan addresses the following planning elements: land use, transportation, capital facilities and utilities, economic development, urban design and historic preservation, natural environment, social health, neighborhoods, parks/recreation and open space, leadership/governance and citizenship. Although not directly contiguous to Fairchild AFB, the city has a history of growth and is an important influence on the region as a whole. The following goals and policies were found to be important in regards to compatibility planning:

- **Goal LU 10, Joint Planning:** Support joint growth management planning and annexation requests, which best meet the Comprehensive Plan's development goals and policies.
- **Policy LU 10.1, Land Use Plans:** Prepare land use plans in cooperation with Spokane County for the urban growth area to ensure that planned land uses are compatible with adopted city policies and development standards at the time of annexation.
- **Policy LU 10.5, UGA Expansion:** Establish a forty-year planning horizon to address eventual expansion of UGAs beyond the 20-year boundary required by the Growth Management Act.
- **Goal TR 8, Regional Planning:** Plan for transportation on a regional basis.
- **Policy TR 8.4, Airports:** Protect the operations of Spokane International Airport and Felts Field with compatible land use regulations and ensure planning is coordinated and consistent with the airports' respective Master Plans.
- **Policy TR 8.5, Sharing Information:** Share information between all transportation entities on a regular basis; planning information shall be shared during all phases of projects.

City of Airway Heights

The current comprehensive plan for the City of Airway Heights was adopted in 2006. In accordance with the GMA, the comprehensive plan uses a similar format to that of the other study area jurisdictions, and is strongly based on the CWPPs. The comprehensive plan provides a framework for development including major land uses, transportation

systems, parks, recreation, and open spaces, and is the basis for all other planning activities.

The comprehensive plan recognizes the city's strategic location near Fairchild AFB and the impacts of the AICUZ on the southern half of the city. Airway Heights uses the AICUZ during the project review process to ensure consistency with flight operations. Additionally, the plan outlines goals and policies pertaining to the instillation such as:

- **Goal:** Explore land use compatibility with Fairchild Air Force Base (FAFB) and Spokane International Airport where practicable.
- **Policy:** Encourage blending existing residential uses, commercial and industrially zoned land that allows each designation to flourish.
- **Implementing Program:** Encourage noise damping mitigation measures to all remodeled or new dwelling units within the 65 or greater DNL contour.
- **Implementing Program:** Pursue grant funding through Community Development Block Grants, Fairchild Air Force Base and others.
- **Implementing Program:** Find opportunities for continued discussions with FAFB regarding health, safety and welfare of the residents of Airway Heights.
- **Implementing Program:** Amend zoning to encourage taller buildings in the central area.

City of Medical Lake

The latest adoption of a comprehensive plan for the City of Medical Lake was in 2007. Similarly to the comprehensive plans for Spokane County and the City of Spokane, Medical Lake's comprehensive plan strives for consistency between the plan the and planning goals identified in the Revised Code of Washington, other municipal and county comprehensive plans, internal plan consistency, consistency with development regulations and capital facility plans, and consistency with actions of the state. Additionally, in accordance with the GMA, a strong relationship between urban growth and public facilities and services is outlined.

The City of Medical Lake's comprehensive plan recognizes the city's strong link with Fairchild AFB, specifically noting proper land uses in areas in proximity to the base. The plan creates an Air Base Noise Overlay (ABN) that identifies areas with the potential to encroach into areas within the 65 (dB) Day-Night Average Sound Level (DNL). The plan recommends the creation of a zoning overlay to implement design standards to mitigate noise impacts. Medical Lake also identifies Fairchild AFB as a major commercial center, complimenting the city's central business district.

Zoning Ordinances

The zoning ordinance (also referred to as a development code), is the primary mechanism whereby local governments can influence the direction, type, use, density, and location of development. The primary purpose of zoning is to:

- Protect public health, safety, and welfare;
- Protect against physical danger, particularly safety considerations for properties in proximity to military ranges or within military flight areas;
- Protect against common law nuisances – noise, vibration, air pollution, etc. – associated with military operations;
- Protect against aesthetic nuisances impacting military installations;
- Protect against "psychological nuisances," such as perceived and actual dangers associated with military operations;
- Protect against negative impacts of light, glare, air, and privacy; and
- Provide open space and agricultural preservation.

Zoning ordinances enumerate uses permitted by right or by special exception within each category of land use. Most ordinances also possess a means to grant special exceptions, provided certain conditions are met. These exceptions are often referred to as conditional use permits (CUP) or special use permits (SUP). In addition to land uses, zoning ordinances also set the standards for permitted densities, location of structures, building heights, setbacks, acreage requirements, and other standards.

Zoning Authority for counties in Washington is derived from chapters 36.70 and 36.70A of the Revised Code of Washington (RCW). RCW 36.70A.510 and RCW 36.70.547 require towns, cities, and counties to adopt comprehensive plan policies and consistent zoning regulations to discourage incompatible development adjacent to public use general aviation airports. Public use general aviation airports within Spokane County include Spokane International Airport (SIA), Felts Field, Mead Airport, Cross Winds Airport, and Deer Park. All of these facilities have general aviation operations that exceed 60 percent of the total operations.

This section requires jurisdictions to consult with aviation interests and WSDOT Aviation when developing or amending comprehensive plan and zoning regulations. This section also requires WSDOT Aviation to provide a technical assistance program to assist local jurisdictions develop comprehensive plan policies and regulations consistent with this section. WSDOT Aviation's technical assistance program addresses safety, land use, and airspace. The program proactively addresses incompatible land uses through comprehensive plan policies and consistent zoning regulations to control land uses within the airport traffic pattern. *(Source: Jim Sibold, WSDOT Aviation, February 19, 2009)*.

The revised code of Washington further provides for Airport Zoning in Chapter 14.12, which regulates air space hazards, specifically structures or trees. Airport zones are considered an extension of a jurisdiction's police power, similar to that of the zoning ordinance.

Spokane County

The zoning ordinance for Spokane County outlines standards for 20 land uses ranging from very low density residential uses, to higher density uses such as regional commercial and heavy industrial land uses. In addition, the county's zoning ordinance includes three overlay zones, the Airport Overlay Zone, the Planned Unit Development Overlay zone, and the Aesthetic Corridor Overlay zone. Overlay zones consist of regulations that address specific subject in particular areas of the county. Overlay zone regulations are in additional to those applied in the base zone and can modify requirements of the base zone.

Pertinent to compatibility planning, the purpose and intent of the Airport Overlay (AO) Zone is to reduce the potential for airport hazards, based on the following findings (Section 14.702.100):

1. An airport hazard endangers the lives and property of users of landing fields and property or occupants in the vicinity of landing fields within Spokane County.

2. An airport hazard of the obstructive nature in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of an airport and the public investment therein.

3. The creation or establishment of an airport hazard is a public nuisance and detrimental to the region served by the airport affected.

4. It is necessary to prevent the creation or establishment of airport hazards in order to protect the public health, safety, and general welfare, and to promote the most appropriate use of land.

The AO Zone is applicable to the Spokane International Airport, Felts Field, Deer Park Airport, and Fairchild AFB. To carry out the purpose and intent of the overlay zone, the regulations establish specific development standards based on several defined air space and land use safety areas: the Conical Area, Approach Area, Accident Potential Zone A, and Accident Potential Zone B. The AO Zone is a Spokane County regulation established in Chapter 14.702 of the Spokane County Zoning Code. The County's AO Zone was patterned after the Fairchild AFB Air Installation Compatible Use Zone (AICUZ) study generated during the 1970s *(Source: Jim Sibold, WSDOT Aviation, February 19, 2009)*.

Although a critical planning tool for the prevention of encroachment concerns, the differences between these regulations and the AICUZ adopted by the installation create concerns for the implementation of compatible land use policies in regards to Fairchild AFB. As described in Section 3, Compatibility, and as shown in Figure 3-6, there are distinct differences in the geographical areas designated as land use safety areas.

In addition to the zoning concern presented above, other compatibility related zoning decisions include the County's recent amendment to allow all uses permitted in the Regional Commercial zone, with the exception of residential uses and adult businesses in the Light Industrial Zone. This change is significant as much of the land to the east of Fairchild AFB is designated for Light Industrial uses.

Other potential compatibility tools within the Spokane County Zoning Ordinance include

City of Spokane

Though the City of Spokane's Unified Development Code will not directly affect uses adjacent to the installation, it can be used as a tool to help ensure region-wide compatibility. The ordinance will become a more critical tool as the City of Spokane grows, especially to growth in proximity to Fairchild AFB. There are currently no regulations within this code that relate to Fairchild AFB.

City of Airway Heights

Similar to Spokane County, Airway Heights adopted an Airport Overlay Zone (Chapter 17.15) to reduce the potential for airport hazards. The Airport Overlay Zone provides additional development standards to the base zone pertaining to use and height restrictions, establishment of airspace and accident potential areas, and the mitigation of noise impacts. The City of Airway Heights adopted the same land use safety areas as Spokane County, resulting in the same inconsistencies with the Fairchild AFB AICUZ.

City of Medical Lake

There are no specific regulations within the City of Medical Zoning Ordinance specifically related to Fairchild AFB. However, potential compatibility planning tools include provisions for planned unit developments and clustering of uses.

School District Master Plans

CHENEY SCHOOL DISTRICT #360

The Cheney School District (CSD) #360 serves the City of Cheney and its outlying areas including the City of Airway Heights. The District offices are located in the City of Cheney which lies approximately 20 miles southwest of Spokane and 10 miles south/southeast of Fairchild Air Force Base. There are nine schools in the District: Betz Elementary; Reid Elementary; Salnave Elementary; Sunset Elementary; Windsor Elementary; Cheney Middle School; Cheney High School; Three Springs High School; and, HomeWorks. *(Source:* www.cheneysd.org; *and* www.education.com/schoolfinder*)*

For planning purposes, a Long Range Facilities Plan (LRFP) was developed for CSD, which identifies three main needs-driven drivers that influence the plan – growth, building condition, and obsolescence / upgraded standards. According to the District's December 2008 First Draft LRFP, Cheney School District has been experienced steady growth over the past five years. The growth trend from 2004 to 2008 shows an increase from 3,390 students to 3,811 students in the K-12 grade span (a 421 student increase). These growth pressures are currently applying serious housing pressures to CSD. The Washington Office of the Superintendant of Public Instruction (OSPI) projects the majority of growth to be at the elementary level, followed by high school growth, and finally middle school.

The District's acute growth pressures and building condition combine to form the following key elements of a building program:

- **Elementary Growth.** Plan for two new 400/450-student elementary schools, one near-term (online in 2013, $18.6M) in the northeast sector of CSD, and one long-term (on line in 2016-17, $22.2M) in Airway Heights. With the first added elementary school, CSD elementary building capacity would be approximately 2,342 students (vs. 2,312 forecast in 2013 by OSPI).

- **Middle School Growth.** Plan for two new 650/750-student Middle Schools to replace the existing Middle School. Housing all middle school students in one 1,100-student mega-middle-school would be unmanageable. It is therefore time to split the enrollment into two middle schools. One would be on land adjacent to the existing Middle School site (on line in 2012, $37.8M), and the other would be on a 20-acre sector adjacent to Windsor Elementary (on line in 2012, $37.8M). These would likely be prototype middle schools. Short term, the Middle School at Windsor would take spill-over 5th grade students to relieve pressure at Windsor Elementary. With these added middle schools, CSD middle school capacity would be approximately 1,300 students (vs. 1,126 forecast in 2013 by OSPI).

- **High School Growth.** Plan for a major addition to the High School to increase its enrollment capacity to a range of 1,500 (ideal) to 1700 (maximum). This would be a 63,000 SF addition (on line in 2014, $29.7M). With this added space, the High School would have a capacity of approximately 1,500 (vs. 1,364 forecast in 2013 by OSPI).

MEDICAL LAKE SCHOOL DISTRICT

Medical Lake School District #326 encompasses approximately 80 square miles and serves the community of Medical Lake, its outlying areas, and Fairchild Air Force Base. The City of Medical Lake is positioned in the center of the district and located 16 miles southwest of Spokane and 3 miles south/southeast of Fairchild AFB. There are six schools operated by the district: Michael Anderson Elementary; Medical Lake Elementary (K-3); Hallet Elementary (Grades 4-6); Medical Lake Middle School (Grades 7-8); Alternative High School; and, Medical Lake High School (Grades 9-12). As of 2007, the total enrollment for all schools in the District was 2,160 students. *(Source:* www.mlsd.org*)*

According to the Medical Lake School District's Maintenance Supervisor, the district does not have a long-range plan for its schools. Facilities planning is short-term in nature and done on an as-needed basis. This has been attributed to the uncertainty of future student populations, which is linked in large part to the children of Air Force personnel stationed at Fairchild AFB. It was noted that many times when military service members deploy for long periods of time, family members relocate away from the base to be with extended family. This means those students would not attend a Medical Lake School District school for long periods, possibly even the entire school year. Currently, existing district schools are renovated and improved as part of the district's capital improvements plan. The district does have a desire to replace the Medical Lake Elementary School; however, this is currently remains only a vision. *(Source: Gary Hartman, Medical Lake School District Maintenance Supervisor, March 26, 2009)*

Other Plans, Policies, and Programs

In addition to comprehensive plans and zoning ordinances, local jurisdictions have other tools available with the ability to impact compatibility planning. These include subdivision ordinances and regulations, local building codes, capital improvement plans, and joint agreements (such as a Memorandum of Understanding).

Local subdivision regulation is accomplished through the plat approval process (as prescribe in RCW 58.17). Although the primary purpose of subdivision regulation is to promote the health, safety, and general welfare of a community, these ordinances generally may not regulate the use of any building or property; the bulk, height or number of buildings constructed on a lot; the size of a building; or the number of residential units that can be built per acre. Although these characteristics are generally regulated by zoning ordinances, subdivision regulations can still be effectively used for compatibility planning purposes. For example, in areas without existing wastewater infrastructure, subdivision regulations might prohibit or limit the development of land that would be detrimental to the health, safety, and welfare due to lack of water supplies, sanitary sewage systems, drainage, transportation, or other public services and for the protection of environmentally sensitive areas.

Local buildings codes can also be utilized for compatibility planning purposes. Building codes prescribe the basic requirements that regulate the design, construction process, materials, alteration, and occupancy of any structure to insure human safety and welfare. These regulations generally address matters such as fire protection, structural safety, health requirements, accessibility, and other related activities. Although building

codes do not prevent development, they can be used to insure development occurs in a compatible manner with nearby military installations. For example, these codes could require sound attenuation measures for residences and other sensitive receptors located within certain noise levels.

A Capital Improvement Plan (CIP) is a fiscal and detailed planning document used to plan and direct a jurisdiction's or agency's investment in public facilities. The CIP provides details on expenditures that can be incorporated into the jurisdiction's annual budgeting process. Most CIPs cover multiple years in order to plan for major expenditures and projects that may occur in the future. As a compatibility tool, CIPs can be used to effectively plan for and coordinate growth with the local jurisdiction's ability to absorb the growth in a manner consistent with military operations. Furthermore, local jurisdictions can analyze impacts associated with the development of infrastructure in areas that may cause significant encroachment concerns and choose to fund or not fund such projects.

A Memorandum of Understanding (MOU) is a contract between two or more government entities. The purpose of an MOU is to establish a formal framework for coordination and cooperation. Airway Heights and Fairchild AFB are currently participating in an MOU that states that the City will coordinate planning, zoning and development activities with the installation.

4.3 Collaborative Planning

Spokane County and the metro cities of Spokane, Spokane Valley, Airway Heights, and Liberty Lake, and Millwood are now engaged in a collaborative planning process that focuses on the Metro Urban Growth Area which includes the West Plains area. The goal of the collaborative planning effort is to set up all jurisdictions for long-term success: Cities will have mechanisms to influence issues of land use, permitting, and infrastructure impacts associated with development in the urban growth area and the County will have a clear service delivery/revenue structure that allows fiscal sustainability.

The work is funded by several grants from the Washington State Department of Community, Trade and Economic Development. The first phase analyzed the differences and similarities in development regulations. This effort concentrated on the "edges" of the urban area where unincorporated land exists between the city limits and the outer boundary of the UGA. Generally, this study determined that the standards employed by the participating incorporated entities were generally consistent with each other. Densities, lot sizes, permitted land uses, and other requirements were typically similar, although some differences were noted.

The second phase of the collaborative planning process focused on these differences and included removing private roads, establishing connectivity standards, using urban design guidelines, and adopting a Metro Urban Growth Area overlay zone for implementation. In addition to preparing development regulations consistent between the metro cities and Spokane County, a coordinated review process for proposals within the Metro Urban Growth Area was established.

To facilitate the second goal, a revenue and service delivery analysis of Spokane County was prepared. The outcome is an alignment of Spokane County's three lines of business (local services to the unincorporated area; regional services to the entire county; and contracted services as contracted) with the respective revenue sources: regional (i.e. property tax), local (i.e. sales tax), and contract revenues. This alignment will allow Spokane County to be fiscally sustainable in light of pending annexations of the Metro Urban Growth Area by the adjacent cities.

As a part of the collaborative planning process, public officials including elected and appointed officials from each jurisdiction, each Tribe, and the Air Force Base were invited to luncheon presentations of the various findings. Feedback from these events was used to direct the study. On-going collaboration of the public officials and agency staff will be continued through the growth management planning update process.

Strategies recommended for improved coordination among these entities included:

- **Enhanced Communication and Process Clarity**. This strategy recommends each jurisdiction maintain its existing process, but incorporate inter-jurisdictional pre-application/pre-development meetings; permit status reporting; notice to adjacent agencies; improved inter-jurisdictional data access; revised notification procedures; and acknowledgement of receipt of development applications by adjoining entities.
- **SEPA Notification Improvement**. This strategy seek to improve SEPA review and notification procedures. Elements of this strategy include audits of jurisdictional notification review processes and development of a staff coordination group.
- **Consideration of City Regulations in County Review**. This strategy focuses on ensures the County considers zoning and street design standards from adjoining municipalities.
- **Adoption of Area-Specific Regulations.** This strategy is intended to build upon the concept of joint planning areas by creating development regulations unique to subareas or neighborhoods.
- **Adoption of UGA-wide Development Regulations.** This strategy proposes the creation and adoption of new UGA development regulations. The intent of these new regulations would be to create a zoning environment tailored to the adjoining community to manage the transition to urban intensity appropriately.
- **Adoption of City Development Regulations with County Review.** This strategy would apply the zoning and street design standards from the adjoining municipality to development projects within the UGA.
- **Adoption of City Development Regulations with City Review.** This strategy would ask the adjoining municipality to assume project review responsibility for all development projects within the UGA. City development standards would be applied to these projects ensuring compatibility with surrounding land uses.

4.4 State / Regional Tools and Legislation

State Legislation

Growth Management Act of 1990

In 1990, the Washington legislature passed the Growth Management Act (GMA) in response to rapid population growth and concerns with suburban sprawl, environmental protection, quality of life, and other related issues (codified in Chapter 36.70A of the Revised Code of Washington (RCW)). Under this legislation, all cities and counties within the state are required to:

- Designate and protect wetlands, frequently flooded areas and other critical areas
- Designate farm lands, forest lands, and other natural resource areas
- Determine that new residential subdivisions have appropriate provisions for public services and facilities (Washington State Department of Community, Trade and Economic Development)

One of the key requirements of the GMA is the preparation of county-wide planning policies. Under this legislation, counties are to work with their cities to prepare countywide policies that provide a common framework for local planning efforts. At a minimum, these policies must address:

- Designation of urban growth areas
- Contiguous and orderly development and provision of urban services
- Siting of major capital facilities
- Transportation strategies and facilities
- Affordable housing needs and distribution
- Facilitation of joint planning
- Economic development and employment

The development of the county-wide planning processes must also include an analysis of fiscal impacts and establish a review and evaluation program. As a component of this program, jurisdictions are asked to calculate the amount of "buildable land" and evaluate future land use needs.

The GMA establishes the primacy of the comprehensive plan. The comprehensive plan is the starting point for any planning process and the centerpiece of local planning. Development regulations (zoning, subdivision, and other controls) must be consistent with comprehensive plans. State agencies are required to comply with comprehensive plans and development regulations of jurisdictions planning under the GMA.

The GMA adopted the following goals to guide local development plans and regulations:

1. **Urban Growth.** Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
2. **Reduce Sprawl.** Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
3. **Transportation.** Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

4. **Housing.** Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
5. **Economic Development.** Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
6. **Property Rights.** Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.
7. **Permits.** Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.
8. **Natural Resource Industries.** Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.
9. **Open Space and Recreation.** Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.
10. **Environment.** Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.
11. **Citizen Participation and Coordination.** Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.
12. **Public Facilities and Services**. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.
13. **Historic Preservation.** Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.

RCW 36.70A.530

In 2004, the Washington State Legislature enacted RCW 36.70A.530, which outlines provisions specific to military installation compatibility and the need for jurisdictions to work together with the installation to protect the vitality of the region. This legislation states that military installations are of particular importance to the economic health of the state of Washington and it is a priority of the state to protect the land surrounding military installations from incompatible development. Thus, cities and counties that have federal military installations, other

than reserve centers, that employ 100 or more personnel and are operated by the DOD within or adjacent to its border, must notify the commander of the military installation of the jurisdiction's intent to amend its comprehensive plan and development regulations to address lands adjacent to military installations to ensure those lands are protected form incompatible development. To ensure proposed plan or development regulation amendments will not have adverse effect on the operations of the installations, local governments are to request written recommendations and supporting facts related to the use of land being considered from the commanders of the military installations during the 60-day public comment period.

The GMA provides the framework for the regional coordination of growth and the subsequent development of compatibility measures.

RCW 36.70A.530 is part of a state strategy to retain and enhance the military presence in the state. Complementary efforts by the Washington State Department of Community, Trade and Economic Development (CTED) include:

- Providing pass-through grants (through a new appropriation to the Economic Development Division) to affected local communities so that they may identify and present the competitive advantages each base offers.
- Participating in an intergovernmental base realignment response team headed by the Governor's Office.
- Providing financial assistance from existing resources to communities addressing specific infrastructure and land use encroachment issues, when appropriate.

Noise Control Act of 1974

The Noise Control Act of 1974 designated the Washington Department of Ecology as the authority on noise level regulations within the state. Inadequately controlled noise adversely affects the health, safety and welfare of people, the value of property, and the quality of the environment. The act charges the Department of Ecology with establishing maximum noise levels and implementing rules pertaining to:

- Performance standards setting allowable noise limits for the operation of products which produce noise;
- Use standards regulating, as to time and place, the operation of individual products which produce noise above specified levels considering frequency spectrum and duration: PROVIDED, The rules shall provide for temporarily exceeding those standards for stated purposes; and
- Public information requirements dealing with disclosure of levels and characteristics of noise produced by products.

As an important compatibility factor, this act draws attention to the need for coordination between installations, the community, and the state in regards to noise planning. The Department of Ecology may be a useful resource and participant in the implementation of actions recommended in this study.

State Environmental Policy Act

Similar to the National Environmental Policy Act (NEPA – described in the next section), the State Environmental Policy Act of Washington (SEPA) provides a mechanism to identify environmental impacts resulting from state and local governmental decisions. Modeled after the NEPA legislation, the policies as well as the intent of the two laws are very similar:

- Integrate environmental review with other agency review processes;
- Integrate environmental review into early planning and use these reviews as the basis for analysis of future projects;
- Combine environmental documents with other documents;
- Use existing environmental information through incorporation by reference or adoption;
- Use categorical exclusions (exemptions) for actions that do not have a significant effect on the environment and, therefore, do not require environmental review;
- Involve the public and other agencies in the review process;
- Write environmental impact statements in plain language that focus on significant issues and only briefly discuss non-significant issues; etc. (40 CFR Part 1500.4 and 1500.5) (SEPA Handbook)

Federal

Conservation Partnering Initiative (Department of Defense)

In 2003, Congress amended Title 10 U.S.C. §2684a and § 2692a (P.L. 107- 314), the National Defense Authorization Act, to add authority to the DOD to partner with other federal agencies, states, local governments, and conservation based Non-Governmental Organizations (NGO) to set aside lands near military bases for conservation purposes and to prevent incompatible development from encroaching on, and interfering with, military missions. This law provides an additional tool to support smart planning, conservation, and environmental stewardship on and off military installations.

Federal Aviation Act

The Federal Aviation Act requires the Secretary of Transportation to make long-range plans to formulate policy for the orderly development and use of "navigable air space" to serve the needs of civilian aeronautics and national defense except for the specific needs of military agencies. Military planning strives to work alongside local, state, and federal aviation law and policies but sometimes must supersede other levels of government due to national security interests. The '500-foot rule' is discussed in the Federal Aviation Act. It states that flights 500 feet or more above ground level (AGL) do not represent a compensable taking because flights 500 feet AGL enjoy a right of free passage without liability to the owners below. This is important to Fairchild AFB and the surrounding communities when considering land acquisition and development rights.

Federal Aviation Administration (FAA) Regulation Part 77, Subpart C.

As described earlier in the discussion of the Fairchild AFB AICUZ, vertical obstruction in relation to flight operations from an airport (military or civilian) are addressed through compliance with Federal Regulation Title 14 Part 77, which establishes standards and notification requirements for objects affecting navigable airspace. Commonly referred to as Part 77 compliance, this regulation provides details on how to evaluate the potential for a vertical obstruction based on the elevation of the airfield, the height and resulting elevation of the new structure or facility, and the location of the structure or facility in relation to the airfield in question.

Further information on this can be found in Section 3 under Issue 3, Vertical Obstructions. A copy of Part 77 is also included in the Appendices.

National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 requires Federal agencies to file an environmental assessment (EA) and sometimes an environmental impact statement (EIS) for major Federal actions that have an environmental impact. NEPA is applicable to all Federal projects, including those performed by the military, any project requiring a federal permit, and any project receiving federal funding. As such, NEPA mandates that the military analyze the impact of its actions and operations on the environment, including that of the surrounding communities. Inherent in this analysis is an exploration of methods to lessen any adverse environmental impact. The EIS is a public process that allows participation by the community.

For local planning officials, an EIS or EA is a valuable planning document in determining the extent of impacts of changing military actions or operations on their policies, plans, and programs, if any, and on the surrounding community. Public hearings are required for all EIS and EA documents released by the military under NEPA. A Finding of No Significant Impact (FONSI) under an EA or a full EIS that considers alternatives to the proposed military actions or operations also is required and is subject to public scrutiny. The information obtained by the EIS / EA is valuable in planning coordination and policy formulation at the local government level.

Readiness and Environmental Protection Initiative (REPI) (Department of Defense)

To implement the authority provided by Department of Defense Conservation Partnering Initiative, the DOD established the Readiness and Environmental Protection Initiative (REPI). This initiative enables DOD to work with state and local governments, non-governmental organizations, and willing landowners to limit encroachment and incompatible land use. REPI funds are used to support a variety of DOD partnerships that promote compatible land use. By relieving encroachment pressures, the military is able to test and train in a more effective and efficient manner. In addition to preserving the land surrounding military installations from development encroachment, the REPI program also provides for the conservation land for plant and animal habitat.

National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) established the National Register of Historic Places (National Register), the Advisory Council on Historic Preservation, and the State Historic Preservation Officers.

For federal agencies, this legislation authorizes the inclusion of historic preservation costs in project planning, authorizes agencies to withhold sensitive data on historic properties when necessary, requires an agency to determine effects of undertakings on eligible or listed properties, requires consultation with interested parties (state and local governments, Native American tribes, and others) to resolve adverse effects on eligible or listed properties, and requires agencies to locate, inventory and nominate properties that may quality for the National Register on lands under their management authority.

Archaeological and Historic Preservation Act

This act requires federal agencies to notify the Secretary of the Interior when any undertaking may cause irreparable loss of significant scientific, prehistoric, historic, or archaeological data.

Public Buildings Cooperative Use Act

This legislation requires adaptive reuse of historic buildings as administrative facilities for federal agencies or activities.

American Indian Religious Freedom Act

This act established the policies to protect the rights of Native American tribes to exercise their constitutionally guaranteed right to exercise their traditional religions. Protected rights include access to sites, use and possession of sacred objects, and the freedom to worship through ceremonial and traditional rites. The legislation directs federal agencies to take into consideration the impact of actions on the ability of Native American tribes to engage in these rights.

Archaeological Resources Protection Act

This legislation prohibits the unauthorized removal, sale, receipt, interstate transportation, and purposeful destruction of archaeological sites and objects on federal lands. The act directs federal agencies to undertake archaeological site protection measures and to keep archaeological site information confidential, and establishes the permitting process for the conduct of archaeological investigations. Prior to issuance of a permit, federal agencies are directed to consult with impacted Native American tribes.

Native American Grave Protection and Repatriation Act

This legislation established the process for the identification and appropriate disposition of Native American human remains, funerary objects, sacred objects, or other cultural objects that are excavated or inadvertently discovered on federal lands.

4.5 Other Resources

In hopes of preventing land use compatibility issues between the military and the local community, the DOD Office of Economic Adjustment (OEA) and other public interest groups, such as the National Association of Counties (NACO), have taken steps to inform the public on encroachment issues and methods that can be used to address or completely avoid compatibility issues. Below are five resources that have been published to inform the public on those issues.

Documents

The Practical Guide to Compatible Civilian Development near Military Installations (July 2007), OEA. This guide offers general information on community development and civilian encroachment issues. The guide can be found at: http://www.oea.gov/.

Joint Land Use Study Program Guidance Manual (November 2006). This manual provides guidance on the JLUS program, process, and efforts to support compatible development. This manual can be obtained on the OEA internet site at the following address: http://www.oea.gov/.

Encouraging Compatible Land Use between Local Governments and Military Installations: A Best Practices Guide (April 2007), NACO. This guidebook presents case studies of best practices between the military and communities through communication, regulatory approaches, and Joint Land Use Studies. The guide can be accessed on the NACO internet site at the following address: http://www.naco.org/.

Videos

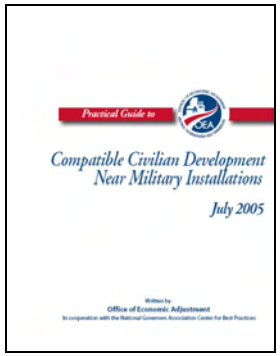
The Base Next Door: Community Planning and the Joint Land Use Study Program, OEA. This informative video discusses the issue of encroachment on military installations as urban development occurs in the vicinity of installations.

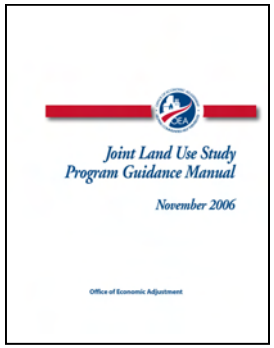
Managing Growth, Communities Respond, OEA. This video highlights the lessons learned from three successful communities managing growth near military installations.

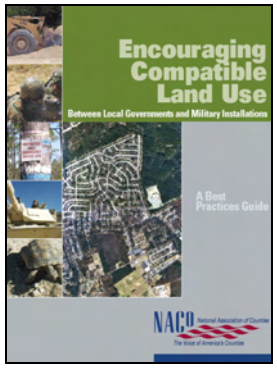
WSDOT Assistance

The Washington State Department of Transportation (WSDOT) provides a number of resources to assist in compatibility planning near airports (http://www.wsdot.wa.gov/aviation/Planning/LandUseCompProg.htm). See Appendix I.

WSDOT also prepared an Airport Land Use Compatibility Program Evaluation guide in 2005. This resource is included as Appendix J.







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