

Meeting Summary
Joint Land Use Study Policy Committee Meeting
Benbrook Senior Citizens' Center
1010 Mercedes, Benbrook, Texas
July 16, 2007
1:30 pm

Chairman Chuck Silcox, Council Member, City of Fort Worth, called the meeting to order at 1:30 p.m. The Chairman mentioned the public meeting mailer and asked for opinions on the subject. There was some debate on the content of the mailer regarding Lockheed Martin. Changes were recommended and then the Chairman asked for approval of the changes. All changes were approved. Ron Sauma, Council Member, City of Benbrook made a motion to adopt the June meeting summary; the summary was approved unanimously.

Rachel Wiggins, senior transportation planner, North Central Texas Council of Governments, presented an update on June and July activities, showing public meetings during the months of August and September, 2007. Jim Falvo of DFWAdvisors reported on the June meeting of builders, developers and realtors hosted by the Fort Worth Chamber and emphasized the need to develop a process so that land parcels are readily identified if they in areas designated as incompatible or incompatible with conditions with the base. The concept, design and text of the mailer announcing the second public meeting, as well as all other public meetings in September, were discussed and an affirmative vote was taken to move forward to mail to the distribution list developed for this project.

Consultant Mike Coker reported that the concept of a joint airport zoning board is challenging because of the participation and full cooperation that is required by multiple political subdivisions. With this concept, cities give up their authority to zone property that encompasses airport hazard areas or land use compatibility areas contained within the participating municipalities. Jurisdiction is not based on noise contours. According to the state's local government code, "a subdivision to whose benefit an airport is used in the interest of the public or in which an airport owned or operated by a defense agency of the federal government or the state may create a joint airport zoning board with another political subdivision in which an airport hazard area or a controlled compatible land use area relating to the airport is located." The code defines compatible land use area as an "area of land located outside airport boundaries by lines located no farther than 1 ½ statute miles from the centerline of an instrument or primary runway and lines located no farther than 5 statute miles from each end of the paved surface of an instrument or primary runway."

Mr. Coker further explained that the governing body of a political subdivision may not hold a public hearing or take other action concerning an airport zoning regulation until it receives the final report of the airport zoning commission. Carter Burdette, Council

Member, City of Fort Worth, observed that each participating city would need to fund a joint zoning board and that this could be expensive. Ken Bailey, Council Member, City of Benbrook, said that its creation could be politically challenging because residents could perceive that councils are giving their zoning responsibilities to another jurisdiction. Chairman Silcox said that all six cities will need to cooperate, should another BRAC occur. Mr. Sauma said that he personally does not have a problem with this concept if all cities are working together, but he wants to review all of the consultants' recommendations before moving forward.

Gunnar Rasmussen, Council Member, City of White Settlement, asked whether state law would conflict with federal law in the area. He said he wants to move very cautiously because the area being discussed could encompass as much as 90 percent of his city. Mike Sims, program manager, NCTCOG, said the board would not have authority to change any land use designations on base; only adjacent to the base. Mr. Coker noted that state legislation may be required to address land use compatibility with the base, in lieu of a joint airport zoning board.

In a second presentation, Mr. Coker analyzed land planning tools generally as they would apply to all jurisdictions. Currently, he said, zoning and subdivision ordinances have the following shortcomings:

- Federal Aviation Regulations, Part 7, *Objects affecting Navigable Airspace*, as they pertain to NASJRB Fort Worth, have not been incorporated into local ordinances.
- Do not authorize more restrictive airfield zoning districts within the 65 Ldn.
- Do not address density and land use issues regarding Accident Potential Zones (APZ's) or Clear Zones (CZ's).
- Do not require disclosure of proximity to a military installation, airport or noise contour as part of site plan submittal.
- Do not address encroachment.

Examples of development or land use activities that might be incompatible with the mission of a military installation include:

- Intensive residential development;
- Building/tower height;
- Lighting;
- Electromagnetic spectrum interference;
- Loss of endangered species habitat outside of military installations resulting in a curtailment of mission activities to prevent impacts to similar habitat areas inside the installation.

As a part of this study, each jurisdiction surrounding NAS was analyzed to determine whether incompatible uses still exist since the 2002 AICUZ and, if so, do they exist "by right?" The results show that incompatible uses still exist in each jurisdiction that permits

incompatible uses with the 65 ldn or higher noise contours and APZ and CZ zones. He presented the following “incompatible land use troubleshooting matrix.”

Incompatible Land Use Troubleshooting Matrix		
Land Use	Potential Impact	Example Actions Available
Existing Residential Development	Noise Concern	Soundproofing
	Safety Concern	Fee Simple Acquisition
Proposed Residential Development	Noise Concern	Hold Harmless Agreement/ Fair Disclosure Statement
	Safety Concern	Comprehensive Plan Update
Landfills	Safety Concern	Overlay Zoning
School, Hospital, and Church Development	Noise Concern	Soundproofing
	Safety Concern	Overlay Zoning
Radio / Television Tower	Safety Concern	Avigation Easement
		Height Limitation Zoning
Factory Smoke	Safety Concern	Avigation Easement
		Overlay Zoning
Golf Courses	Safety Concern	Avigation Easement
		Overlay Zoning
Auditoriums/Outdoor Theater	Safety Concern	Overlay Zoning
Power Lines	Safety Concern	Avigation Easement
		Height Limitation Zoning
Agricultural	Safety Concern	Avigation Easement
Water Impoundments	Safety Concern	Avigation Easement

In general, he said, DoD recommends that noise sensitive uses (houses, churches, amphitheaters, etc.) be placed outside the high noise zones and that people-intensive uses (regional shopping malls, theaters, etc.) not be placed in the APZs.

Encroachment is defined as “any non-military action planned or executed which inhibits, curtails, or possesses the potential to impede the performance of military activities.”

Types of encroachment are:

- Urban Growth
- Airborne noise
- Competition for air space, land, and sea space
- Frequency spectrum
- Ordnance –Unexploded OXO/Munitions
- Threatened and Endangered Species
- Maritime issues
- Air Quality
- Water Quality
- Competition for scarce resources- i.e., oil, gas and minerals
- Inter-Agency Coordination
- Challenges to Military Activities
- Legislative initiatives

Mr. Coker said local land use planning and zoning are among the most effective tools to resolve urban growth encroachment, and recommend the following:

- Developing plans & zoning regulations to guide compatible development
- Enacting legislation to implement appropriate development controls
- Seeking financial assistance to develop & implement effective encroachment prevention measures
- Acquiring land for conservation
- Protecting existing installation mission from incompatible land uses.

In general discussion following the report, Mr. Burdette asked if condemnation would be a tool in this regard, and Mr. Sims said that eminent domain has a place in protecting the public’s safety. Consultant Jim Falvo noted that the FAA does use eminent domain and aviation easements.

Bill Thornton, CEO of the Fort Worth Chamber of Commerce, noted that the annual direct and indirect impact of NAS to the Fort Worth area is \$4.2 billion, which is approximately the same impact of gas drilling in the Barnett Shale last year. Mr. Sauma asked if it is too late to combat incompatible land uses around the base, and Mr. Sims responded that unless action is taken now, there could be problems with keeping the base here in the future even though it is critical to DoD because of its strategic location. Randall Brown, Public Works Director, City of White Settlement, asked if there are dollars for mitigation measures, and it was reported that the state of office of military preparedness is attempting to identify funding. The consulting team is also researching funding.

Consultant Linda Pavlik continued to seek input from the Policy Committee about communication and outreach activities in order to pull the community together in support of the base. Committee members are continuing to offer suggestions and contact names to her.

In looking forward at what could occur after the study is complete, Mr. Sims presented the following possibilities:

- Creation of a Joint Airport Zoning Board
- Keeping the JLUS Police Committee in place through 2008
- Implementing a comprehensive community education and support program
- Creating partnerships with conservation groups to preserve open space and assure compatible land uses

Noting Mr. Sims' needs approval to seek funding opportunities for these efforts from COG's executive board, the policy committee asked him to move forward although the programs have yet to be fully developed and approved.

Committee members were provided a copy of the bylaws and operating procedures for the committee, and staff was requested to determine whether members are required to complete and file a conflicts/ethics statement with the state based on their committee service.

The meeting was adjourned with the announcement that the next meeting will be at 7 p.m., Aug. 27, at the New Brewer High School.