



Legislative Initiatives Fact Sheet

*One of the recommendations of the Maryland SJRIS was to develop a series of fact sheets that deal with compatibility planning factors and associated tools. The fact sheets are intended to improve outreach and awareness of military and community compatibility planning to help mitigate existing encroachment issues and prevent future incompatibility issues. This fact sheet deals with the **legislative initiatives** compatibility factor and tools / strategies available to the state, communities and military installations to effectively manage related issues. The Maryland SJRIS identified legislative initiatives as one of five compatibility factors with statewide applicability.*

For each type of tool / strategy, a brief overview is provided to assist in communicating a general understanding of the tool's intent. It will be up to each group of stakeholders to determine the best assortment of tools that are appropriate within their specific situation.

Legislative Initiatives Compatibility Factor

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. The focus of this compatibility issue is on initiatives with general and broad implications.

Maryland Military / Community Legislative Initiatives Tools / Strategies

- **Adopt Planning Notification Areas.** With consideration to existing policy at the local jurisdiction level, adopt a Notification / Planning Area “Buffer” to establish enhanced communication and collaboration between jurisdictions and installations.
- **Zoning Regulations.** With consideration to existing policy at the local jurisdiction level, the Secretary of Planning and the Smart Growth Sub-Cabinet should work to determine updates to the Zoning Regulations in the Maryland Land Use Code to include land use regulations for military compatibility.
- **GIS Database.** With consideration to existing policy at the local jurisdiction level, the Smart Growth-Sub Cabinet should develop policy for the implementation of a GIS database that includes data for existing land use, future land use (derived from comprehensive plans), zoning, and the MIA for the local military installation, for communities that are within an MIA.
- **Real Estate Disclosures.** Develop an enhanced real estate disclosure statement that includes appropriate information about installation operations in the state. The disclosure should state that the building / structure for sale or lease is located within a military operations area and that operations conducted may have an impact on the

- community such as noise or vibration. Work with state real estate boards, local real estate representatives, and the development community to develop and implement adequate language for inclusion in disclosure notices. Technical information should be provided by and approved by respective installations prior to release.
- **State Funding Mechanisms.** Consider adopting an amendment to the Code of Maryland to create state funding mechanisms to assist county and municipal governments in long-range land use and infrastructure planning including acquisition of conservation buffers to support military compatibility, and workforce training in geographic areas impacted by military operations, and for the acquisition of land through a land exchange program.
- **Regions of Military Influence (RMI).** An RMI is a new three-dimensional planning model that looks beyond the immediate environs of the home military base and the surrounding jurisdictions. It recognizes the connectivity between the home base and distant test and training ranges. Some RMIs may be within the boundaries of a state; others may not.

To understand the challenges to this interconnected military “system,” it is first critical to define the area or RMI associated with the different system’s component parts. In some cases, the RMIs for the installation, range, and airspace may merge; in other instances, they may not. For example, in the case of an Air Force or Navy installation with a “backdoor” range within a relatively close distance (25 to 50 miles), it is likely that the airspace, installation, and range RMI will merge. If the range is across several States, the RMI will be separate distinct areas, one for the installation, one for the airspace, and one for the range, depending on how they are defined. The strings connecting the two are the MTR.

- **Military Influence Planning District (MIPD) Element.** A Comprehensive or General Plan element devoted to the presence, impact, and future of the partnership between local government and the local military is an important consideration in the planning process and is highly recommended. Much like a transportation or housing element of a Comprehensive / General Plan, an MIPD element would recognize the existence and mission (expanding or otherwise) of a military installation within a community’s or region’s planning area.
- **Subdivision Regulations.** Subdivision regulations play as important a role in land use planning as zoning. Also known as record or subdivision plan or plat, they are next steps in the land development process prior to a property owner obtaining vesting. The steps can include land use, grading and erosion control plans, and building and occupancy permits, generally in that order.

In nearly all cases, the local planning commission is the subdivision approving authority. Appeals to a planning commission decision may be made either to the local legislative body or to the circuit court, depending on State and local law. The approval of a subdivision plan or plat by a planning commission is considered an administrative action as opposed to a quasi-judicial or legislative action. It is viewed as implementing the community Comprehensive Plan and Zoning Ordinance as it applies to a specific property.

- **Easements.** Easements are an implementing tool for the military’s conservation partnering program. The authority extended by Congress for DOD to encourage conservation partnering with nongovernmental organizations and state and local governments focuses on securing specific development rights to property for conservation and natural resources protection purposes. In addition, its purpose is to prevent incompatible development from encroaching upon and interfering with the mission of a nearby military installation. Types of easements include subsurface, surface, and above surface, even aerial (avigation). Easements are secure surface and subsurface rights to access and sustain public and private services and facilities, such as underground and aerial utilities, transportation facilities, and navigation (aerial and surface) and the preservation of farmland, natural resources, and scenic views.