



# Process for Determination of Compatible Land Use Surrounding Military Lands

Utah Code 10-9a-537  
Effective 5/3/2023

## INTRODUCTION

Utah's defense industry provides unique training lands and facilities that significantly contribute to the readiness of our nation's military. The military installations in Utah are steeped in history with a track record of strategic and economic impact. The last assessment shows the defense industry in Utah contributing over \$19 billion in economic activity (over 10% of Utah's overall GDP). Many installations are facing rapid development from surrounding communities that constrain military training and operations. These constraints threaten the readiness of our armed forces and create challenges for both the military and surrounding communities. In addition to incompatible development, there are environmental and cultural issues that may impact certain activities on military lands. Compatibility, in relationship to military readiness, is the balance between community, environmental, and military needs and interests. The goal of compatibility planning is to promote an environment in which all relevant entities can coexist successfully.

The Utah Legislature and Governor of Utah have taken a proactive approach in protecting the interests of the military, landowners, and communities in the state of Utah. The Governor signed into law HB 265, effective May 3, 2023, which establishes specific requirements to ensure land use surrounding military installations remains compatible to the military mission. The law decrees the Utah Department of Veterans and Military Affairs (UDVMA) as the responsible organization to consult with relevant communities, evaluate lands surrounding specified military installations/ranges/facilities, and grants rulemaking authority to ensure compliance. The Executive Director of UDVMA has designated the Installation Resiliency Program Manager to oversee and manage this program.

The statute identifies the following eight military installations, facilities, or ranges (hereafter referred to as "military lands") that are considered vital to both state and federal military interests. These installations and surrounding municipalities/counties are therefore subject to the provisions stipulated in the law:

1. Camp Williams (AGCW)
2. Hill Air Force Base (HAFB)
3. Dugway Proving Ground (DPG)
4. Tooele Army Depot (TEAD)
5. Utah Test and Training Range (UTTR)
6. Nephi Readiness Center
7. Cedar City Alternate Flight Facility
8. Little Mountain Test Facility (LMTF)

It is imperative that all stakeholders involved in this process work in collaboration and in the spirit of partnership. The property rights and desires of the landowner/applicant will be given every possible consideration as all elements are weighed to arrive at the best possible solution. The desired outcome is that land use surrounding military lands are conducive to the mission of

the installation, landowners retain maximum value and benefit of their land, and surrounding communities can enjoy the benefits of well managed landscapes that support outdoor recreation, wildlife habitat, agriculture, economic vitality, and resiliency.

Pursuant to [Utah Code Title 10-9a-5-537](#), Land use compatibility with military use, the following three step process is established to provide landowners and municipalities/counties with instructions to be followed when an application is submitted for change of land use on parcels within 5,000 feet of military lands. Land use is the term used to describe the way the land is used such as urbanization, agriculture, or recreation. Land usage typically falls into one of the six broad categories: residential, commercial, industrial, agricultural, recreational, and transportation. Change in land use means the change in primary activity conducted on the property such as from non-residential to residential or one use to another that significantly differs from the former use. It also involves the change in land use laws, ordinances, or policies that manage the way the land is used within a specific category. For example, changes in density or land cover such as changes in water bodies or other physical features of the land that may impact the environment, biodiversity, water/air quality, and wildlife habitat that may result in unfavorable outcomes affecting the military mission,

The purpose of Utah Code Title 10-9a-5-537 is to create a process in which changes of land use around military installations support the resiliency of the military mission and surrounding communities. The process presented below is designed to ensure consistency, meet the intent of the law, and protects the interests of all stakeholders. The following are some examples of applications for land use changes:

1. General Plan or Future Land Use Map amendments
2. Zoning Map amendments
3. Zoning Text amendments that reduce setback requirements
4. Zoning Text amendments that reduce minimum lot size
5. Zoning Text amendments that increase maximum development density
6. Zoning Text amendments that adjust conditional use standards
7. Planned Unit Development (PUD) requests
8. Master Development Agreement (MDA) requests
9. Preliminary subdivision or subdivision amendment requests
10. Any other applicable land use application that would result in a significant land use change

#### **STEP/REQUIREMENT #1: Compatible Use Plan**

*Municipalities and counties that surround any of the 8 military lands shall, in consultation with the Utah Department of Veterans and Military Affairs (UDVMA), develop and maintain a compatible land use plan to ensure land uses related to land within 5000 feet of the installation boundary are compatible with military activities.*

1. Before any determination can be made as to what is considered “compatible use”, there must be a comprehensive analysis conducted on the proposed land use. The assessment or study provides the information necessary to develop a compatible use plan. The plan must adhere to the following criterion:

- a. Assesses all parcels of land at least out to 5000 feet from the installation border surrounding the installation. Particular emphasis should be given to areas necessary to successfully perform military training and operations with little to no impediments.
  - b. Identifies and assesses all relevant compatibility factors (page 3) as it pertains to the interface between the military activities conducted on the installation and the corresponding activities conducted or planned by the surrounding communities.
  - c. Provides mitigation strategies for each relevant compatibility factor identified so that planners from both the military and surrounding communities can make informed decisions regarding compatible land use.
2. There are 2 methods or types of compatible use studies, external and internal. An external study is performed by an outside organization or firm, typically one that provides engineering and community planning services, having the relevant expertise and credentials. External studies can take anywhere between 6-18 months depending on the scope of work. The funding to conduct external studies can be provided by the local communities and other stakeholders. The Department of Defense's (DoD) Office of Local Defense Community Cooperation's (OLDCC) Installation Resilience Program provides grant funding for contracted study and plan development services to qualified entities who are successful in the competitive application process. The UDVMA can provide information on how to apply for these funds. The outcome of a compatible use study is a community-driven plan derived from extensive collaboration between the military installation, local and state governments, landowners, businesses, and other stakeholders to address resilience and encroachment risks and threats likely to have negative impacts on the military mission. Camp Williams, Hill Air Force Base, Dugway Proving Grounds, Tooele Army Depot, and Utah Test and Training Range are installations that cover a broad region of private and public landscapes and therefore, the scale of such assessment would be significant. It is imperative these larger military lands conduct an external study.
3. The scope and scale of the assessment should be commensurate with the size and mission of the military lands. Although external studies are a viable option for any military lands, applying for and being granted funding from OLDCC for small facilities would be highly unlikely given the very competitive nature of the program. Nephi Readiness Center, Cedar City Alternate Flight Facility, and Little Mountain Test Facility may consider conducting an internal study where all components of a compatible study exist but on a much smaller scale. An internal compatible use study would be conducted by designees from the military lands, surrounding communities, landowners, and other relevant stakeholders. The UDVMA can facilitate internal plans by providing assistance and guidance to complete a compatibility plan given the size and mission of their facilities.

4. The law stipulates that a compatible land use plan must be completed by July 1, 2025. Any installation that has a plan as of January 1, 2023, is not required to develop a new plan.
5. An effective compatible land use plan is to be based on a series of factors of compatibility that provide a baseline but vary at any given location. Compatibility factors are overarching categories of natural and man-made variables that often create or result in a range of compatibility issues between military installations and surrounding communities. As the study or assessment commences, other factors may be identified and should be included in the assessment along with mitigation strategies. The following factors of compatibility are not all inclusive and may or may not be relevant to certain military lands:
  - a. Resilience Activities (utility infrastructure, climate adaptation, ecosystems)
  - b. Air Quality
  - c. Biological Resources (wildlife habitat, endangered species)
  - d. Cultural Resources (Native American sites, historical landmarks)
  - e. Dust/Smoke
  - f. Frequency Spectrum Capacity, Impedance and/or Interference
  - g. Major Infrastructure Projects Planned
  - h. Land/Air Space Competition
  - i. Land Use/Ownership (conflicts or concerns, both existing and potential, for military and community)
  - j. Legislative Initiatives
  - k. Light and Glare
  - l. Noise
  - m. Roadway Capacity, Access, and Connectivity
  - n. Safety
  - o. Security
  - p. Vertical Obstructions
  - q. Vibration
  - r. Wildland Fire
6. Irrespective of an external or internal study, the outcome must be a well-documented plan that can be disseminated to military and community leaders/planners, and relevant state and federal agencies. The plan must be accessible by the municipalities/counties to landowners, potential buyers, developers, and other stakeholders. The plan should be a desk reference referred to often when planning occurs within the study area. The plan must be consistently reviewed and updated as necessary.

**STEP/REQUIREMENT #2: Municipality/County receives the request from Landowner/Developer for Land Use Change and notifies the Utah Department of Veterans and Military Affairs (UDVMA)**

*Upon receipt of a land use application related to land within 5000 feet of a boundary of military lands, the municipality/county shall notify the UDVMA before approval for the land use can be granted. Once the UDVMA receives the notification of land use change application, the determination process will commence taking no longer than 90 days. The deadline will run simultaneous to and concurrently with any timelines imposed by the city or county.*

1. The municipality/county is to notify the UDVMA by visiting [veterans.utah.gov/military-affairs-installations/landusecompatibility/](https://veterans.utah.gov/military-affairs-installations/landusecompatibility/). The information requested is:
  - a. Applicants name
  - b. Date of application
  - c. Current zoning of land
  - d. Brief description of proposed/requested land use change
  - e. City/County initial assessment of compatibility concerns or issues based on the CUP if applicable
  - f. Point of contact from municipality/county
  - g. Map of proposed area
2. Upon receipt of the completed form, UDVMA will contact representatives from the Municipalities/County, military installation, and other relevant stakeholders to coordinate efforts by organizing a small informal working group to ensure the interests of all are being considered. The compatible land use plan will be referenced and discussed to ensure existing or committed land use or activity can co-exist with a neighboring use/activity or uses/activities, without either creating or experiencing off-site adverse effect(s) to the military mission. UDVMA may consult other agencies, landowners, or attorneys as needed to conduct due diligence and arrive at a determination.
3. If a compatible land use plan has yet to be developed or is in-process prior to the July 1, 2025, deadline, the UDVMA will consult with the municipality/county and representatives from the military lands to determine compatible land use applying the best information readily available and assess accordingly.

**STEP/REQUIREMENT #3: The Executive Director of UDVMA conducts an assessment and makes determination. Notifies the Municipality/County who then notifies the Requestor.**

*The UDVMA will determine whether the proposed land use is compatible with the military mission. The UDVMA Executive Director shall respond within 90 days to the municipality/county with the determination.*

1. The compatible land use plan will be used as a key reference for the land use change determination. Other input, documents, maps, or relevant references may be submitted as attachments. The Installation Resiliency Program Manager will consult with the working group and present a recommendation to the Executive Director of UDVMA who will arrive at the final determination in accordance with this process in a timely,

conscientious, and professional manner. The director will provide a signed letter to the municipality/county indicating a determination of “compatible” or “incompatible” with the military mission. The municipality or county is thereby responsible for taking appropriate and reasonable steps to ensure the land use remains compatible with the military mission. In the event the land use change request is determined incompatible, the director will provide an explanation to support the determination.

2. Should the landowner, municipality, county, or other stakeholders disagree with the determination, they may contact the Installation Resiliency Program Manager who will take all factors into consideration and provide recommendations. The UDVMA Executive Director is the decision authority for any alterations to the determination.
3. The Installation Resiliency Program Manager will compile and file all trip reports, meeting minutes, memos, maps, and other relevant documentation to provide for historical purposes.