



Determination of Compatible Land Use Surrounding Military Lands

Reference Utah Code Title 10-20-6-620 and 17-79-6-616

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INTRODUCTION

Utah's defense industry provides unique training lands and facilities that contribute significantly to our nation's military readiness and state's economy. These installations have a long history of strategic and economic impact; our most recent assessment shows the industry contributes over \$22.2 billion to economic activity, representing more than 7.8% of Utah's overall GDP (*Utah's Military and Defense Industry: An economic Impact Study, Kem C. Gardner Policy Institute, January 2025*).

Currently, many installations are facing rapid development from surrounding communities. These constraints, along with various environmental and cultural issues, threaten the readiness of our armed forces and create challenges for both the military and local residents.

The goal of compatibility planning is to balance community, environmental, and military interests. By addressing these factors, we can promote an environment in which all entities coexist successfully while maintaining vital military operations.

The Utah Legislature and the Governor have taken a proactive approach to protecting the interests of the military, landowners, and communities within the state. As part of this effort, HB 265 went into effect on May 3, 2023. This law establishes specific requirements to ensure that land use surrounding military installations remains compatible with military missions.

Under this legislation, the Utah Department of Veterans and Military Affairs (UDVMA) is the designated organization responsible for consulting with relevant communities and evaluating lands surrounding specified military installations, ranges, and facilities. The UDVMA has also been granted rulemaking authority to ensure compliance.

The Commissioner of the UDVMA has designated the Installation Resiliency Program Manager to oversee and manage this program.

The statute identifies the following nine 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 (Construction completed June 2026)
7. Cedar City Alternate Flight Facility (when constructed)
8. Navy Industrial Reserve Ordinance Plant (NIROP) (added during 2026 session)
9. Little Mountain Test Facility (LMTF)

It is imperative that we work collaboratively and in the spirit of partnership throughout this process. We will give every possible consideration to the property rights and interests of the landowner/applicant as we weigh all elements to reach the best solution.

Our objective is to ensure that land use surrounding military installations remains conducive to the mission, while landowners retain the maximum value and benefit of their property. Ultimately, we aim for surrounding communities to benefit from well-managed landscapes that support outdoor recreation, wildlife habitat, agriculture, economic vitality, and resiliency.

Pursuant to Utah Code Title 10-20-6-620 and 17-79-6-616, "Land use compatibility with military use," a three-step process has been established for landowners, municipalities, and counties regarding land use applications for parcels located within 5,000 feet of military lands.

A "change in land use" refers to a significant shift in the primary activity conducted on a property—such as moving from non-residential to residential—or changes to laws and policies governing the land. This includes modifications to density or land cover that could impact the environment or wildlife habitat, potentially affecting military missions.

Please follow the established instructions when an application for such a change is submitted. The purpose of these statutes is to establish a process for land use changes around military installations that supports the resiliency of both the military mission and surrounding communities.

The process outlined below is designed to ensure consistency, fulfill the intent of the law, and protect 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 surrounding any of the nine military lands in Utah are required to develop and maintain a compatible land use plan (CUP). In consultation with the UDVMA, these plans must ensure that land use within 5,000 feet of an installation boundary remains compatible with military activities.

Before a determination can be made regarding "compatible use," a comprehensive analysis must be conducted on the proposed land use. This assessment will provide the information necessary to develop a CUP. The plan must adhere to the following criterion:

1. 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.
2. Identifies and assesses all relevant compatibility factors (pages 4-5) 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.
3. 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.

There are two types of compatible use studies: internal and external. An external study is conducted by an outside firm with expertise in engineering and community planning. These studies typically take 6 to 18 months, depending on the scope of work.

Funding for external studies can be provided by local communities and stakeholders. Additionally, the Department of War (DoW) Office of Local Defense Community Cooperation (OLDCC) offers grant funding through its Installation Resilience Program for qualified entities via a competitive application process. The UDVMA can provide information on the application process for these funds.

The outcome of a CUP is a community-driven plan developed through collaboration between the military installation, government entities, landowners, and businesses. This plan addresses resilience and encroachment risks that could negatively impact the military mission.

Given the significant regional scale of installations such as Camp Williams, Hill Air Force Base, Dugway Proving Ground, Tooele Army Depot, and the Utah Test and Training Range, it is imperative that these larger military lands conduct an external study.

The scope and scale of assessments should be commensurate with the size and mission of each military site. While external studies are an option for all facilities, obtaining OLDCC funding for smaller sites is unlikely due to the highly competitive nature of the program.

Accordingly, the Nephi Readiness Center, Cedar City Alternate Flight Facility, and Little Mountain Test Facility may want to consider conducting internal studies. These internal compatible use studies would be smaller in scale and conducted by designees from the military lands, surrounding communities, landowners, and other relevant stakeholders.

The UDVMA is available to facilitate these internal plans by providing the assistance and guidance necessary to complete a CUP appropriate for your facility's size and mission.

An effective CUP is based on a series of compatibility factors that provide a baseline while varying by location. These factors represent overarching categories of natural and man-made variables that can result in compatibility issues between military installations and surrounding communities.

As the study commences, additional factors may be identified and should be included in the assessment along with corresponding mitigation strategies. Please note that the following factors are not exhaustive and their relevance may vary depending on the specific military lands involved:

- 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

Regardless of whether the study is conducted internally or externally, the final outcome must be a well-documented plan suitable for dissemination to military and community leaders, planners, and relevant state and federal agencies.

The plan must be accessible to municipalities, counties, landowners, potential buyers, developers, and other stakeholders. It should serve as a practical desk reference to be used frequently during planning activities within the study area. Furthermore, 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 for property within 5,000 feet of a military land boundary, the municipality or county must notify the UDVMA before any approval can be granted. Once the UDVMA receives this notification, a determination process will begin. This process will take no longer than 90 calendar days and will run concurrently with any timelines imposed by the city or county.

The municipality/county is to notify the UDVMA by visiting 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

Upon receipt of the completed form, UDVMA will contact representatives from the relevant municipalities, counties, military installations, and other stakeholders to coordinate efforts. We will organize an informal working group to ensure all interests are considered.

The CUP will be referenced to ensure that existing or committed land use can coexist with neighboring activities without creating or experiencing adverse effects on the military mission. UDVMA may also consult other agencies, landowners, or attorneys as needed to conduct due diligence and arrive at a determination.

If a CUP has yet to be developed or is currently in process, the UDVMA will consult with the municipality or county and representatives from the military lands. Together, we will determine compatible land use by applying the best information readily available and assessing the situation accordingly.

STEP/REQUIREMENT #3: The Commissioner 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 Commissioner shall respond within 90 calendar days to the municipality/county with the determination.

The CUP will serve as the primary reference for all land use change determinations. You may submit additional documents, maps, or other relevant materials as attachments for consideration.

The Installation Resiliency Program Manager will consult with the working group to provide a recommendation to the UDVMA Commissioner. The Commissioner will then issue a final determination in a timely and professional manner, not to exceed 90 calendar days.

Following this review, the Commissioner will provide a signed letter to the municipality or county indicating whether the proposal is "compatible" or "incompatible" with the military mission. If a request is determined to be incompatible, the Commissioner will provide a supporting explanation. The municipality or county is responsible for taking all necessary steps to ensure that land use remains compatible with military operations.

If a landowner, municipality, county, or other stakeholder disagrees with this determination, they may contact the Installation Resiliency Program Manager. The Program Manager will review all relevant factors and provide recommendations.

Please note that the UDVMA Commissioner serves as the final decision authority for any alterations to the determination.

The Installation Resiliency Program Manager will compile and file all trip reports, meeting minutes, memos, maps, and other relevant documentation to maintain a historical record.