

# Little Rock Air Force Base Compatible Use Study

## Chapter 4: State of Arkansas Planning and Land Use Framework

### I. General Planning Overview

Arkansas categorizes municipalities into three classes, first, second, and incorporated, which determines the municipality's legislative autonomy. First class cities have populations exceeding 2,500; second class cities have populations exceeding 500; and incorporated towns have populations under 500. Arkansas is a limited home rule state, and grants home rule authority to first class cities, while maintaining Dillon's Rule authority over second class cities and incorporated towns. Unless specified by statute, cities not expressly granted home rule authority are limited in their legislative autonomy.

Home rule grants to municipalities and/or counties the power to govern and pass laws as they see fit and where not preempted by state and federal constitutions or laws. Section 14-43-602 of the Arkansas Code of 1987 Annotated (A.C.A.) states that "a [first class] municipality is authorized to perform any function and exercise full legislative power in any and all matters of whatsoever nature pertaining to its municipal affairs, including, but not limited to, the power to tax." In contrast, Dillon's Rule only confers onto municipalities and counties the powers expressly granted in the constitution, those necessarily implied or necessarily incident to the powers expressly granted; or those powers that are indispensable or absolutely essential to the municipality or county. The State of Arkansas has several regulations regarding land use planning authority for local governments and land use planning requirements around military airfields.

The Primary Concern Jurisdictions involved in this study include Pulaski County and Lonoke County and the cities of Cabot, Sherwood, and Jacksonville, which are first class municipalities. These municipalities have the power to enact their own planning ordinances and can regulate the area around Little Rock Air Force Base to ensure compatibility with and safety near the base. Section 14-56-404 of the Arkansas Code states that a first class municipality may elect a planning commission to adopt and enforce plans for the development of the municipality. Arkansas also permits joint planning agreements between two or more cities of the same class or between adjacent cities and counties, which permits joint cooperation in the exercise and performance of planning powers, duties, and functions as provided by state law for cities and counties (A.C.A. § 14-17-302).

### II. Extraterritorial Jurisdiction

Arkansas allows municipal planning commissions to exercise territorial jurisdiction over lands beyond the corporate limits. The cities must adopt ordinances that specify the extraterritorial jurisdiction is based on population size; cities of 8,000 to 60,000 may exercise jurisdiction up to 1 mile beyond the city limits, cities of 60,000 to 150,000 may exercise jurisdiction up to 2 miles outside the city limits and cities with a population over 150,000 may exercise jurisdiction up to 3 miles outside the city limits (A.C.A. § 14-56-413). If the corporate limits of two or more municipalities are less than 10 miles apart, like the cities of Jacksonville and Sherwood, the limits of their respective extraterritorial jurisdictions is a line equidistant between them, or as agreed on by the municipalities (A.C.A. § 14-56-413).

The state grants five miles of extraterritorial jurisdiction for any first class city that has an active military base within its corporate limits. (A.C.A. § 14-56-426). The statute requires cities with an active military base to adopt an ordinance that restricts or prohibits future uses within the five-mile area that might be hazardous to aircraft operation, including activities that do the following:

- A. Release into the air any substance that would impair visibility or otherwise interfere with the operation of aircraft, i.e., steam, dust, or smoke; produce light emissions, either direct or indirect, that are reflective and that would interfere with pilot vision;
- B. Produce electrical emissions that would interfere with aircraft communications systems or navigational equipment;
- C. Attract birds or waterfowl, including, but not limited to, the operation of sanitary landfills, maintenance of feeding stations, or the growing of certain vegetation;
- D. Provide for structures within ten feet (10') of aircraft approach, departure, or transitional surfaces; or
- E. Expose persons to noise greater than sixty-five (65) decibels

Cities with an active military base must also ensure that the ordinance restricts future uses in the five-mile area that violate the height restriction criteria of Federal Aviation Regulation, 14 C.F.R. Part 77, Subpart C. The ordinance must also comply with the 2011 Little Rock Air Force Base AICUZ Study, focusing on public safety and the safe practice of airway operations. The ordinance may not prohibit single-family residential use on tracts one acre or more in area, provided that future construction complies with Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations, Wyle Research Report WR 89-7 and is regulated and inspected in accordance the city's existing building permit and inspection ordinances and procedures (A.C.A. § 14-56-426).

### III. State Programs

This section discusses the relevant state statutes, commissions, and departments related to the development and compatibility of land around or near the Little Rock Air Force Base.

**Arkansas Department of the Military** A.C.A. § 25-43-1201 establishes the Department of the Military as a cabinet-level division within the state government. The executive head of the Department of the Military is the Secretary of the Department of the Military, who is appointed by the Governor subject to confirmation by the state Senate. Section 12-63-101-305 governs military affairs and property, including armories, landing fields, and hangars at air force bases. The Secretary of the Department is responsible for designating, purchasing, and constructing armories and airfields, granting easements or disposing of military property in a manner he or she sees fit that does not interfere with the operation of the air force base. The Secretary is authorized to enter into reciprocal agreements with any surrounding state regarding the loan, lease, or exchange of Arkansas National Guard equipment under his or her authority and control.

**Arkansas Economic Development Commission** A.C.A. § 25-11-101 establishes the Arkansas Economic Development Commission (AEDC), which creates economic opportunity by attracting higher paying jobs, expanding and diversifying state and local economies, increasing income and investment, and

generating positive growth throughout Arkansas. The Commission supports various military-related programs around the state that strengthen and sustain military installations in Arkansas, and that result in economic growth in the host community, surrounding regions, and the state.

**Relevant Environmental Law** The Division of Environmental Quality is involved with military property purchases and economic development projects that ensure any project is compatible with environmental protection efforts. A.C.A. § 8-13-101 establishes the role of Director of the Division of Environmental Quality, who is responsible for establishing and prescribing the duties of each division or office, of the state government for the conduct of environmental affairs.

**Rural Development Commission** A.C.A. § 15-6-102 creates the Arkansas Rural Development Commission and the Rural Services Division of the AEDC, which serves as the focal point for generating rural development policy initiatives for the State of Arkansas. The goal of the commission is to revitalize rural communities and provide assistance and attention to those communities from state government. If rural lands develop around or near the LRAFB, it is important that the development remain consistent with the use, safety, and height requirements for military airfields. The Commission provides assistance to the Secretary of the Department of Commerce and the General Assembly in the integration and formulation of state rural development and revitalization policy and long-range plans for rural areas.

## A. Local Government

Arkansas Code Title 14 establishes the form and function of county and municipal governments. Counties and first class municipalities have the authority to create planning commissions and draft zoning ordinances to regulate local zoning. Local zoning ordinances should be consistent with the state and federal guidelines for air force compatibility and must comply with any relevant laws regarding development near active military facilities. This section highlights the state statutes that grant authority to county and municipal governments to exercise control over local zoning and planning.

### i. County Government

The Arkansas Constitution, Amendment 55, §1, permits county governments to exercise local legislative authority that is not expressly prohibited by the Arkansas Constitution. Each County has a County Planning Board charged with promoting the public interest in planning and preparing an official plan for its development. The board may prepare and recommend an official plan for the development of the county (A.C.A. § 14-14-801). The board shall have the authority to confer with federal, state, municipal, and other county and regional authorities regarding matters pertaining to or affecting the planning or development of the county, or vice versa, for the purpose of assuring proper coordination of county development with that of other political subdivisions (§ 14-17-205(b)). The county plan must promote the health, safety, convenience, prosperity, and welfare of the people in the county, while remaining harmonious other federal, state, and local regulations and plans in the state. This includes ensuring that the county development plan is congruent with active military airfields, conservation and environmental protection, flood abatement, the provision of adequate public facilities and utilities, housing and transportation, and other matters that are logically integral to the long-term plan for orderly development or redevelopment of a county.

The county planning board has the authority to administer ordinances controlling the development of land through subdivision layout requirements, setbacks, and other zoning ordinances. The board has the authority to prepare a zoning ordinance for all or part of the unincorporated area of the county. It may provide for districts of compatible uses; for large-scale unified development; for the control and elimination nonconforming uses; and for such other matters as are necessary to the health, safety, and general welfare of the county. The zoning ordinance designates districts or zones of such shape, size, or characteristics as deemed advisable for all, or part, of the unincorporated area of the county. Finally, the regulations imposed within each district or zone must be uniform throughout the district.

#### *ii. Municipal Government*

First class cities, second class cities, and incorporated towns have different levels of autonomy for purposes of zoning and land use planning. All three types of municipalities have the power to adopt and enforce plans for the coordinated and harmonious development of the municipality and its environs. Following the adoption and filing of the land use plan, the planning commission may prepare for submission to the legislative body a recommended zoning ordinance for the entire area of the municipality. (A.C.A. § 14-56-101 et seq).

Cities of the first and second class are authorized to establish zoning districts. Zones may be of three classes: manufacturing and industrial; commercial; and residential. The state grants additional powers to cities of the first class. This includes granting building permits for the construction of houses, pursuant to established guidelines establishing the local quality requirements. A city may not issue a permit for a house or structure deemed unsafe, unsanitary, obnoxious, or detrimental to the public welfare. First class cities also have the authority to appoint and remove department heads, including the building official.

Second class cities and incorporated towns may also enforce building and safety codes for the building and construction of houses and other structures. Erection of structures requires a building permit, and permits may not be issued for the building of any house or structure deemed to be unsafe, unsanitary, obnoxious, or detrimental to the public welfare.

#### *a. First Class Cities and Active Military*

As previously discussed, the Arkansas Code imposes certain requirements on cities to ensure safety for current and future uses of property near active airfields. Section 14-56-426 requires the ordinance to be consistent with the recommendations of the 2011 AICUZ Study for Little Rock AFB and must comply with height and safety requirements of 14 CFR Part 77, Subpart C.(d)(1), which regulates the safe, efficient use and preservation of navigable airspace.

# Little Rock Air Force Base Compatible Use Study

## Chapter 5: Local Government Zoning and Land Use Authority

This section explains the relationship between Little Rock Air Force Base’s operational impacts and the local planning and zoning ordinances of the Primary Concern Jurisdictions, which include Lonoke and Pulaski Counties, and the cities of Cabot, Jacksonville, and Sherwood. Most of these jurisdictions have zoning ordinances that regulate the land uses within their territorial jurisdictions. Arkansas Code Title 14 regulates local government. Subtitle 2, Chapter 17, of the Arkansas Code grants authority to counties to engage in zoning and planning while Subtitle 3, Chapter 56, governs municipal zoning and planning. This section also summarizes the military impacts experienced in each of the Primary Concern Jurisdictions.

A summary of military operational impacts experienced in the non-Primary Concern Jurisdictions in the CUS Study Area (Faulkner and White Counties and the cities of Austin, Lonoke, Maumelle, North Little Rock, and Ward) is provided in Section III.

### I. Counties

#### A. Lonoke County

##### i. LRAFB Impacts

Lonoke County is located northeast of LRAFB and includes the City of Cabot within its boundary. Lonoke County does not have a comprehensive plan or zoning ordinance. However, much of the land encompassed by the 65–69 dBA DNL noise zone in unincorporated Lonoke County is illustrated on the City of Cabot Comprehensive Plan map as floodplain. Table 5- 1 illustrates the military impacts experienced in unincorporated Lonoke County.

Table 5- 1: Military Impacts in Unincorporated Lonoke County

	<b>INSTALLATION / FACILITY THAT AFFECTS THE JURISDICTION</b>									
	<b>LRAFB</b>				<b>All-American Landing Zone</b>				<b>Blackjack Drop Zone</b>	
	Noise	Imaginary Surfaces	Flight Tracks	APZs	Noise	Imaginary Surfaces	Flight Tracks	APZs	Dropzone Buffer	Flight Tracks
<b>Lonoke County</b>	65-69 dB	OH, A/D, T	yes	no	no	no	yes	no	no	no

**Key:** OH = Outer Horizontal Surface | A/D = Approach/Departure Surface | T = Transitional Surface

##### ii. Comprehensive Plan

Lonoke County currently does not have a comprehensive plan, though it is authorized by A.C.A. § 14-17-205(b) to adopt a plan and enact zoning ordinances.

*iii. Zoning Regulations*

Lonoke County does not have an adopted zoning ordinance. The portion of the 65–69 dBA DNL noise zone within Lonoke County is unzoned. This area is largely rural/agricultural/undeveloped but also includes some subdivided residential lands.

**B. Pulaski County**

*i. LRAFB Impacts*

Pulaski County includes Little Rock AFB and surrounds it to the west, south, and east, including the cities of Jacksonville and Sherwood. Though the base itself is located within the City of Jacksonville’s jurisdiction, most of the off-base portions of the accident potential zones and noise zones to the northeast of LRAFB are located within unincorporated Pulaski County.

The Pulaski County Code of ordinances does not contain provisions related to the Little Rock Air Force Base or an AICUZ Overlay District. The cities of Jacksonville and Sherwood exercise extraterritorial jurisdiction within the unincorporated county and enacted zoning provisions related to the air force base. , The extraterritorial jurisdictions of Maumelle and North Little Rock also encompass portions of the imaginary surfaces and flight tracks for both LRAFB and All-American Landing Zone.

Table 5- 2 illustrates the military impacts experienced in unincorporated Pulaski County.

*Table 5- 2: Military Impacts in Unincorporated Pulaski County*

	<b>INSTALLATION / FACILITY THAT AFFECTS THE JURISDICTION</b>									
	<b>LRAFB</b>				<b>All-American Landing Zone</b>				<b>Blackjack Drop Zone</b>	
	<i>Noise</i>	<i>Imaginary Surfaces</i>	<i>Flight Tracks</i>	<i>APZs</i>	<i>Noise</i>	<i>Imaginary Surfaces</i>	<i>Flight Tracks</i>	<i>APZs</i>	<i>Dropzone Buffer</i>	<i>Flight Tracks</i>
<b>Pulaski County</b>	65-69 dB	IH, C, OH, A/D, T	yes	no	no	A/D	yes	no	no	no

**Key:** IH = Inner Horizontal Surface | C = Conical Surface | OH = Outer Horizontal Surface | A/D = Approach/Departure Surface | T = Transitional Surface

*ii. Comprehensive Plan*

The Pulaski County Planning Department is established in section 14-18 of its code of ordinances. Pulaski County does not have a countywide comprehensive plan, but has adopted a Master Highway Plan, a Stormwater Management Plan, a Subdivision Development Code, and a comprehensive land use plan for the Lake Maumelle Watershed. However, these documents do not address military-related land uses and do not include policies related to military land use compatibility.

*iii. Zoning Regulations*

Pulaski County applies zoning in the Lake Maumelle Watershed area, but the County’s zoning regulations do not address the Little Rock AFB. Note, however, both the City of Jacksonville and City of Sherwood, which are located in Pulaski County, incorporate AICUZ Overlay Districts in their zoning ordinances and subdivision regulations.

## II. Municipalities

### A. City of Cabot

#### i. LRAFB Impacts

The City of Cabot is situated about 9 miles northeast of Little Rock Air Force Base and includes areas within the base’s 65–69 dBA DNL noise zone, but not the accident potential zones. However, the City’s extraterritorial jurisdiction encompasses lands in APZ 2.

Most Air Force aircraft generally depart and arrive north of Little Rock AFB. The DNL noise zones from aircraft operations at Little Rock AFB only encompass approximately 76 acres of land in the City of Cabot (LRAFB AICUZ Study 2011), which is currently zoned industrial, along with smaller parcels of general commercial and open-display commercial zoning.

Table 5- 3 illustrates the military impacts experienced in the City of Cabot and its ETJ.

Table 5- 3: Military Impacts in the City of Cabot and its ETJ

	INSTALLATION / FACILITY THAT AFFECTS THE JURISDICTION									
	LRAFB				All-American Landing Zone				Blackjack Drop Zone	
	Noise	Imaginary Surfaces	Flight Tracks	APZs	Noise	Imaginary Surfaces	Flight Tracks	APZs	Dropzone Buffer	Flight Tracks
<b>City of Cabot</b>	65-69 dB	OH, A/D, T	yes	no	no	no	yes	no	no	no
<b>Cabot ETJ</b>	65-74 dB	OH, A/D, T	yes	APZ 2	no	no	yes	no	no	no

**Key:** OH = Outer Horizontal Surface | A/D = Approach/Departure Surface | T = Transitional Surface

#### ii. City of Cabot General Plan

The *City of Cabot General Plan*, adopted pursuant to A.C.A. § 14-56-412, serves as an official public statement by the City of Cabot for facilitating orderly growth and development within its territorial jurisdiction. The City of Cabot exercises extraterritorial jurisdiction up to one mile beyond its corporate limits.

The General Plan provides Cabot’s history, topography, utility capacity, transportation systems, financial condition, existing infrastructure, and surrounding land use. The land use policies of the plan include promoting additional residential and commercial growth, avoiding “strip” type commercial development, and protecting existing neighborhoods from adverse land uses (City of Cabot 1999). The Plan does not include information pertaining to land use compatibility with Little Rock AFB.

One of the goals of the *City of Cabot General Plan* is to promote additional residential growth. About 88 percent of the land within the Cabot planning area boundary is designated for low density residential use, which as defined in the General Plan as no more than 3.5 dwellings per acre (City of Cabot 1999). USAF guidelines consider low density residential use at densities less than or equal to one dwelling per acre. Compliance with USAF-recommended compatibility guidelines will support quality of life and land use compatibility, particularly as to noise impacts, in the western portion of the city (LRAFB AICUZ Study 2011).



### *iii. Zoning Regulations*

The City of Cabot is a first class city in Lonoke County. The city adopted a *Universal Development Code* (UDC) pursuant to A.C.A. § 14-56-402, which includes a *Subdivision and Development Code* and a *Zoning Code*. The ordinance provides that the section of the UDC dealing with subdivision and development regulations apply to the entire Planning Area, which includes the extraterritorial jurisdiction one mile outside the city limits. The portions dealing with zoning apply only within the corporate limits of the City of Cabot (Cabot, AR Code of Ordinances, Part II, Section 1.3).

The *City of Cabot, Arkansas Zoning Code* was adopted pursuant to A.C.A. § 14-56-416 to implement the land use portion of the Cabot General Plan. The zoning code regulates lot coverage; the height, area, bulk, location, and size of buildings; open space; and the uses of land, buildings, and structures. The zoning code consists of 13 zoning districts, including 7 types of residential districts, as well as business, commercial, and industrial districts. The code also describes three annexation methods (City of Cabot 2007b). However, currently, the code does not include land use restrictions related to impacts on or from Little Rock AFB, though it does contain provisions related to airport land use in general. The lands within the City that experience sound impacts within the 65–69 dBA DNL noise zone are zoned predominately industrial, along with smaller parcels of general commercial and open-display commercial zoning.

### *iv. Current and Future Development Projects*

There are several projects within Cabot to encourage economic development and expansion, primarily in the western part of the city. The City also is currently developing the Arkansas Highway 321 corridor in its southern and eastern portions. This includes all of Highway 321 and its primary traffic-shed from U.S. Highway 67/167 to just east of Highway 321's intersection with Dogwood Lane. A large portion of the area near the U.S. Highway 67/167 Interchange is zoned for industrial development. However, this area may not be suitable for modern industrial development because of the mix of residential and commercial uses nearby. The Highway Plan discourages future intrusion of industrial development into the 321 corridor and proposes the transition of areas zoned for industrial development to commercial or residential (City of Cabot Highway 321 Corridor Plan, 2013, p. 9).

At the Highway 321/5 Interchange, much of the land west of the interchange is outside the Cabot city limits. The planning commission recommends annexing these surrounding areas so the city can rezone the area around the corridor. The interchange serves as Cabot's "front door," and the commission wants to beautify this area with landscaping and development. The expansion will likely result in increased residential districts around the Highway 321 corridor, which may pose compatibility issues with the Air Force Base noise zone.

To further accommodate city expansion, the Cabot planning commission also proposes the Master Street Plan within its comprehensive plan as a means to develop transportation improvements in the area. This plan must be consistent with state and local planning requirements and provide guidelines for future development. As Cabot continues to expand, compliance with the LRAFB AICUZ recommendations and those of this Study may avoid incompatible uses in the future.



## B. City of Jacksonville

### i. LRAFB Impacts

The City of Jacksonville is a first class city located in Pulaski County, and is located south and southeast of Little Rock AFB. The base itself is within the Jacksonville city limits, and the City has zoned the installation boundary to address land uses in the current accident potential zones. The housing area at Little Rock AFB was annexed by the City of Jacksonville in the 1970s and the remainder of Little Rock AFB, including the airfield, was annexed in 1993 (LRAFB AICUZ Study 2011).

Although Jacksonville houses the Air Force Base and is entitled to extraterritorial jurisdiction up to five miles outside the corporate limits, the city adopted an ordinance that extends extraterritorial jurisdiction into unincorporated Pulaski County up to one mile outside its limits plus the accident potential zones around the air force base, allowing for control over future development and zoning (Jacksonville Municipal Code §17.04.020, 2015).

Table 5- 4 illustrates the military impacts experienced in the City of Jacksonville and its ETJ.

Table 5- 4: Military Impacts in the City of Jacksonville and its ETJ

	<b>INSTALLATION / FACILITY THAT AFFECTS THE JURISDICTION</b>									
	<b>LRAFB</b>				<b>All-American Landing Zone</b>				<b>Blackjack Drop Zone</b>	
	<i>Noise</i>	<i>Imaginary Surfaces</i>	<i>Flight Tracks</i>	<i>APZs</i>	<i>Noise</i>	<i>Imaginary Surfaces</i>	<i>Flight Tracks</i>	<i>APZs</i>	<i>Dropzone Buffer</i>	<i>Flight Tracks</i>
<b>City of Jacksonville</b>	65-80+ dB	IH, C, OH, A/D, T	yes	APZ 2	no	no	no	no	no	no
<b>Jacksonville ETJ</b>	65-80+ dB	IH, C, OH, A/D, T	yes	APZ 1 + 2	no	no	no	no	no	no

**Key:** IH = Inner Horizontal Surface | C = Conical Surface | OH = Outer Horizontal Surface | A/D = Approach/Departure Surface | T = Transitional Surface

### ii. Comprehensive Plan

Although the City of Jacksonville does not have a comprehensive plan, it adopted a *Master Development and Street Plan map* and the *Official Zoning Ordinance of the City of Jacksonville, AR* pursuant to A.C.A. § 14-56-416.

The Master Development and Street Plan map designates Little Rock AFB as “Air Base” land use. Areas along US 167 within APZ 2 and noise zones are designated for commercial land uses, which is generally compatible with Air Force guidance.

### iii. Zoning Regulations

The *Official Zoning Ordinance of the City of Jacksonville* regulates lots, structures, and uses within the City of Jacksonville corporate limits and extraterritorial jurisdiction. The zoning ordinance includes 17 zoning districts, including multiple types of residential, commercial, and industrial districts; as well as several overlay districts (City of Jacksonville 2004b). Little Rock AFB is within the Jacksonville city limits, the northern and eastern portions of the installation are zoned as an air force base district and the southern portion (military family housing) is zoned as single-family residences.

The land within the eastern and western CZs is completely within the installation boundary and is part of the air force base zoning district. A portion of the eastern and western APZs is also within the installation boundary; this land is also zoned air force base district.

In compliance with A.C.A. § 14-56-426, the City of Jacksonville implemented the AICUZ Overlay District as Chapter 18.66 of the zoning ordinance, *AICUZ -- Air Installation Compatible Use Zone*. Jacksonville's AICUZ overlay provides for compatible uses of property within Jacksonville's planning jurisdiction and areas impacted by the Little Rock AFB. As authorized under Arkansas Code, the Jacksonville AICUZ Overlay District applies to extraterritorial lands within unincorporated Pulaski County, adjacent to the City's corporate limits. This includes the Jacksonville city limits and extended territorial jurisdiction out to one mile, plus the Clear Zone (CZ) and the Accident Potential Zones (APZ I and II). The purposes of the overlay district are to provide for the health, safety, and welfare of citizens in compliance with Arkansas law and the 2011 LRAFB AICUZ Study. In addition to promoting safety around LRAFB, the goal of the overlay district is to address environmental concerns created by violations of the overlay district provisions and to preserve and enhance the economic value of the property within the overlay district.

The Jacksonville AICUZ Overlay District limits land uses as specified in A.C.A. § 14-56-426 and directs the future development and use of land within the CZ, APZ I, and APZ II. Permissible uses, with some limitations, include agriculture, manufacturing, public assembly, public service, recreation, residential, shopping districts, trade, business and offices, and transportation and utilities. Certain uses are restricted based on the type of zone, including the Clear Zone and Accident Potential Zones I and II. Noise attenuation is required for construction in the CZ, APZ-I, and APZ-II where noise exceeds 75 dB.

As currently drafted, there are some inconsistencies between the permissible uses in the Jacksonville AICUZ Overlay District and those recommended by federal guidelines. The Jacksonville ordinance provides that all permissible uses are conditional uses of the property and are required to be low-density and low-intensity uses. Permissible uses within the overlay district's Clear Zone include only agricultural and low density residential, limited to one single-family home per one acre of land. This allowance for one single-family home per acre is a statutory requirement, though current Air Force guidance recommends against any structures in the CZ, other than those associated with airfield navigation.

All uses except Shopping Districts are permitted in APZ I, and all others are permitted in APZ II. By contrast, current Air Force guidance recommends against, for example, residential uses in the CZ and APZ I, and limitation of residential uses in APZ II to two dwelling units per acre or less. Current Air Force guidance recommends a more limited set of land uses in the APZs than what Jacksonville's Overlay District allows. See Chapter 3 for further discussion of zoning compatibility in the accident potential zones and noise zones.

In addition, the Overlay District also prohibits vegetation that would inhibit the safe operation of aircraft at Little Rock AFB. The ordinance provides that land uses may not release materials into the air that impair aircraft operation or include light or electromagnetic emissions or conditions that attract wildlife that would create a hazard to air operations. Further, no structure may be placed within 10 feet of an aircraft approach or departure surface, violate height restrictions, or create a hazardous interference with the operation of aircraft.

### C. City of Sherwood

#### i. Little Rock AFB Impact

The City of Sherwood is located west/southwest of Little Rock Air Force Base in Pulaski County. It is a first class city and its population is approximately 29,500. The City of Sherwood annexed part of the land in the westernmost APZs and enacted an AICUZ overlay pursuant to its statutory, one-mile extraterritorial jurisdiction (City of Sherwood 2007). This Planning Area Boundary, as denoted on the Sherwood Vision 2040 Map, extends territorial jurisdiction one mile to the west of the Sherwood City Limits, to include the APZs and CZ.

Current land use in the APZs is largely compatible with Air Force guidance (see Map 3.5), though current zoning is incompatible in parts of APZ I (see Map 3.7). Both APZ I and II are partly within Sherwood city limits as well as the City’s ETJ.

Table 5- 5 illustrates the military impacts experienced in the City of Sherwood and its ETJ.

Table 5- 5: Military Impacts in the City of Sherwood and its ETJ

	INSTALLATION / FACILITY THAT AFFECTS THE JURISDICTION									
	LRAFB				All-American Landing Zone				Blackjack Drop Zone	
	Noise	Imaginary Surfaces	Flight Tracks	APZs	Noise	Imaginary Surfaces	Flight Tracks	APZs	Dropzone Buffer	Flight Tracks
<b>City of Sherwood</b>	65-69 dB	IH, C, OH, A/D, T	yes	APZ 1 + 2	no	no	no	no	no	no
<b>Sherwood ETJ</b>	65-69 dB	IH, C, OH, A/D, T	yes	APZ 1 + 2	no	no	no	no	no	no

**Key:** IH = Inner Horizontal Surface | C = Conical Surface | OH = Outer Horizontal Surface | A/D = Approach/Departure Surface | T = Transitional Surface

#### ii. Comprehensive Plan

The City of the Sherwood Comprehensive Plan is consistent with and adopted in accordance with the provisions of A.C.A. § 14-56-403. In 2017 the Sherwood Planning Commission revised its Comprehensive Plan, *Sherwood Vision 2040*, to guide the city through the next couple of decades. The Comprehensive Plan provides a broad and flexible guideline for growth and development, but, under Arkansas law, is not regulatory in nature; does not stand in for the zoning and subdivision regulations themselves (*Sherwood Vision 2040*). Though Little Rock AFB is not directly addressed in the plan, Sherwood’s AICUZ Overlay ordinance provides for development requirements and zoning districts that are consistent with noise zone and APZ safety requirements. This is discussed below.

#### iii. Zoning Regulations

The City of Sherwood enacted zoning regulations pursuant to A.C.A. § 14-56-412 to address development within the corporate limits of the City of Sherwood. The ordinance includes fourteen zoning districts, including multiple types of residential, commercial, and industrial districts (City of Sherwood 1986). The Sherwood AICUZ overlay district regulations are very similar to Jacksonville’s, and prohibit the uses enumerated in A.C.A. § 14-56-426.

The Sherwood AICUZ Overlay District sets forth the compatible uses within the overlay district in Section 14.09.02 of the City of Sherwood Zoning Code. Like the Jacksonville ordinance, Sherwood’s AICUZ Overlay District ordinance states that no use may create a hazardous interference with operation of aircraft within the Overlay District. This includes houses or any construction within the AICUZ Overlay District that releases a hazardous substance or light emission that would impair the operation of aircraft. In addition, the overlay prohibits development that may attract waterfowl, including landfills, feeding stations, and plants and vegetation. Finally, the ordinance prohibits the maintenance of structures within ten feet of an aircraft approach/ or departure surface and requires that no use exposes any person to a noise level greater than DNL 65 dB or violates the height restriction criteria of FAR Part 77 (City of Sherwood Zoning Code § 14.09.02).

The City of Sherwood AICUZ Overlay District is identical to Jacksonville’s in terms of allowable uses. Sherwood also allows uses in the CZ and APZs that are inconsistent with current Air Force guidance. Most uses allowed under the overlay are permissible only as conditional uses. For example, limited agriculture is permissible as a conditional use with a low intensity non-disruptive crop and operation required. Other uses like manufacturing, or any category of public assembly, service, or utility are permissible as low intensity and low density uses as a conditional use of the property. According to the ordinance, the only permissible uses within the clear zone include conditional use agricultural and low density residential. APZ I permit all uses except shopping districts and APZ II permits all uses, subject to conditions set forth in the ordinance.

Current Air Force guidance recommends a more limited set of land uses in the APZs than what Sherwood’s Overlay District allows. See Chapter 3 for further discussion of zoning compatibility in the accident potential zones and noise zones.

### III. Non-Primary Concern Jurisdictions

Table 5- 6 summarizes the military impacts experienced in the non-Primary Concern Jurisdiction, which include Faulkner and White Counties and the cities of Austin, Lonoke, Maumelle, North Little Rock, and Ward.

Table 5- 6: Military Impacts in non-Primary Concern Jurisdictions

	<b>INSTALLATION / FACILITY THAT AFFECTS THE JURISDICTION</b>				<b>INSTALLATION / FACILITY THAT AFFECTS THE JURISDICTION</b>				<b>Blackjack Drop Zone</b>	
	<i>Noise</i>	<i>Imaginary Surfaces</i>	<i>Flight Tracks</i>	<i>APZs</i>	<i>Noise</i>	<i>Imaginary Surfaces</i>	<i>Flight Tracks</i>	<i>APZs</i>	<i>Dropzone Buffer</i>	<i>Flight Tracks</i>
<b>Faulkner County</b>	no	OH	yes	no	no	A/D	yes	no	no	yes
<b>White County</b>	no	no	yes	no	no	no	yes	no	yes	yes
<b>City of Austin</b>	no	A/D	yes	no	no	no	yes	no	no	no
<b>City of Lonoke</b>	no	no	no	no	no	no	no	no	no	no
<b>Lonoke ETJ</b>	no	no	no	no	no	no	no	no	no	no
<b>City of Maumelle</b>	no	no	yes	no	no	A/D	no	no	no	no

**INSTALLATION / FACILITY THAT AFFECTS THE JURISDICTION**

	LRAFB				All-American Landing Zone				Blackjack Drop Zone	
	Noise	Imaginary Surfaces	Flight Tracks	APZs	Noise	Imaginary Surfaces	Flight Tracks	APZs	Dropzone Buffer	Flight Tracks
<b>Maumelle ETJ</b>	no	no	yes	no	no	A/D	yes	no	no	no
<b>City of North Little Rock</b>	no	OH, A/D	yes	no	no	no	no	no	no	no
<b>North Little Rock ETJ</b>	no	OH, A/D	yes	no	no	no	no	no	no	no
<b>City of Ward</b>	no	A/D	yes	no	no	no	yes	no	no	no

Key: A/D = Approach/Departure Surface | OH = Outer Horizontal Surface

DRAFT

# Little Rock Air Force Base Compatible Use Study

## Chapter 6: Federal Land Use Requirements & Opportunities

This section discusses Federal land use requirements and programs related to active military bases that influence the state and local zoning requirements around the Little Rock Air Force Base. Many of the Federal land use programs offer financial assistance to public and private entities to sell their land surrounding the air force base and bring the land into compliance with the AICUZ Overlay Districts, encouraging the conversion of noncompliant land into compatible, low density uses, including conservation, wildlife habitat restoration, or light agricultural uses.

### I. Air Force Encroachment Management (AFEM) Program and Air Installation Compatible Use Zone (AICUZ) Studies

The Air Force Encroachment Management Program (AFEM) and Air Installation Compatible Use Studies (AICUZ) provide the guidelines for zoning practices within cities that host active military bases. AICUZ studies provide recommendations for municipalities to revise certain aspects of their zoning codes to be compliant with the recommended safety practices specified by the AFEM Programs. For example, the cities of Jacksonville and Sherwood have discrepancies in their zoning codes that differ from the federal recommendations. Those ordinances can be revised to better reflect the safety standards set forth by the Air Force.

The Air Force Encroachment Management (AFEM) Program is a cross-functional program that uses a variety of planning and management efforts to address potential encroachment and sustainment challenges facing military installations and their surrounding communities (AFI 90-2001, 3 September 2014). Compatible Use Studies, formerly known as “Joint Land Use” studies, implement the AFEM Program, as do other planning efforts, including AICUZ Studies, Installation Development Plans, range management programs, environmental management plans, airspace management programs, and communications programs.

Air Installation Compatible Use Zone (AICUZ) studies are a component of the AFEM Program. AICUZ studies assess the noise and accident potential associated with active military air installations, as well as the compatibility of nearby civilian land uses. The objective of the AICUZ program is to protect the public health, safety, and welfare while sustaining military training and operational missions.

As is the case with this compatible use study, the AICUZ study is a foundational document for the planning efforts that following it. An AICUZ study also uses sound modeling to identify noise contours associated with the type of aircraft used. Using this information, the AICUZ study recommends the most appropriate land uses for maintaining compatibility between military operations and the adjacent community. The most recent AICUZ Study for Little Rock Air Force Base was conducted in 2011.

## II. Other Federal Programs Related to Military Base Compatibility

### A. Air Force Community Partnership (AFCP) Program

The Air Force Community Partnership (AFCP) Program brings together civic and Air Force leaders to identify potential areas of mutual benefit and value and to develop initiatives to achieve those benefits. The AFCP Program promotes coordination at the local level through implementation of initiatives such as: cooperative medical/EMT training; shared firing ranges; coordination with local nonprofit organizations to donate excess/unsold commissary supplies; and shared recreational resources. Currently, Little Rock Air Force Base receives private grant funding for the base library. The cooperative initiatives developed through the AFCP Program provide mutual financial benefits and, perhaps more importantly, strengthen relationships between a military installation and the surrounding community.

### B. Department of Defense Siting Clearinghouse

The Department of Defense (DoD) developed a structured process for developers to request a mission compatibility evaluation of a proposed energy project (Part 211 of Title 32 CFR). Some states have incorporated notifying DoD about proposed energy projects into their requirements. In accordance with 10 U.S. Code § 183a (c)(6), if an energy project proposed is known to be inside a military training route or in a radar surveillance line-of-sight that the DoD owns or operates in, then the project must be filed at least one year prior to construction.

Renewable energy conflicts have not been identified during the 2020 LRAFB Compatible Use Study, but it will be likely be a continuously emerging issue affecting all air force bases.

Development of energy infrastructure has the potential to create hazards to military aircraft and training and testing activities, including glint, glare, radar and electromagnetic interference. Tall structures also create potential hazards to aircraft flying at lower altitudes. Recognizing the need for a coordinated evaluation process, Congress directed, in 2011, the establishment of the DoD Siting Clearinghouse to assess proposed energy projects, including wind turbines, solar power towers, and electrical transmission lines, and to analyze their potential impact on the military mission. This review process provides the DoD an opportunity to identify ways to prevent, minimize, or mitigate potential adverse impacts before the Secretary of Transportation takes final action on an energy developer's application.

### C. Bird/Wildlife Aircraft Strike Hazard (BASH) Plans

Little Rock AFB has an Integrated Natural Resources Management Plan (INRMP) that includes a Bird/Wildlife Aircraft Strike Hazard (BASH) plan, drafted in 2018. It is discussed in more detail in the Community Profile Chapter. The installation-specific Environmental Management Plan (EMP) is based on the U.S. Air Force's (AF) standardized INRMP template, and is developed in cooperation with applicable stakeholders, which may include Sikes Act cooperating agencies and/or their local equivalents, in order to document how natural resources will be managed.

The Department of Defense created the BASH prevention program in response to concerns with safety and property damage. An estimated 3,000 strikes involving military aircraft occur each year, resulting in over \$75 million in property damage (DoD, <http://www.dodpif.org/groups/bash.php>). A BASH plan specifies procedures to minimize hazards, including through education, operational changes, land



management practices, and bird eradication using, for example, bio-acoustic devices or pyrotechnics. BASH plans are a component of a military air installation's INRMP.

#### D. Readiness and Environmental Protection Integration (REPI) Program

Established in 2003, the DoD's Readiness and Environmental Protection Integration (REPI) Program helps maintain military readiness by addressing encroachment near military installations, primarily through buffer partnerships. Partnerships are established through voluntary agreements between the military, state and local governments, and environmental conservation organizations. The REPI Program offers funding to acquire easements from willing landowners in order to preserve existing compatible land uses and wildlife habitat on lands around military installations. According to Air Force guidance, REPI projects should enhance Air Force operational requirements for current and future missions, however, REPI funds generally cannot be used to protect Clear Zone lands, but should be "part of a larger comprehensive compatible land use strategy" (AFI 32-7063, Section 5.3.2.2).

There have been no REPI projects in the State of Arkansas. The development of a REPI program would benefit the Little Rock Air Force Base and the surrounding municipalities in Arkansas, to assist land owners in selling their land to avoid holding land that is subject to the strict permissible use guidelines of the AICUZ overlay districts, and general prevention of future encroachment of incompatible uses around the military base

([http://www.repi.mil/Portals/44/Documents/Resources/REPI\\_FactSheet\\_EncroachmentPartnerships\\_032917.pdf?ver=2017-03-31-111658-547](http://www.repi.mil/Portals/44/Documents/Resources/REPI_FactSheet_EncroachmentPartnerships_032917.pdf?ver=2017-03-31-111658-547)).

#### E. United States Department of Agriculture (USDA) Partnerships

##### *i. Agricultural Conservation Easement Program (ACEP)*

The Natural Resources Conservation Service (NRCS), a division of the United States Department of Agriculture (USDA), administers the Agricultural Conservation Easement Program (ACEP). Authorized by the 2014 Farm Bill, this program replaced the Farm and Ranch Lands Protection Program and the Grassland Reserve Program. The ACEP helps protect agricultural lands, wetlands, and forestlands by providing financial and technical assistance to landowners, state and local governments, American Indian tribes, and non-governmental organizations. On August 6, 2020, the USDA announced that the NRCS will award up to \$360 million dollars to locally driven, public-private partnerships that improve the nation's water quality, combat drought, enhance soil health, support wildlife habitat, and protect agricultural viability (USDA News Release, USDA to Invest up to \$360 Million in Partner-Driven Conservation, August 6, 2020). The three USDA programs include compensation for Agricultural Land Easements, the Healthy Forests Reserve Program, and the Wetlands Reserve Enhancement Partnership.

##### *a. Agricultural Land Easements (ALE)*

The NRCS provides up to 50% of the market value of Agricultural Land Easements (ALE) that protect working agricultural lands and other lands with conservation value. Light agriculture is a permissible use in both the municipal zoning ordinances of the primary concern jurisdictions and is generally recommended as a compatible use by current Air Force guidance. Landowners who own property near the APZs can receive compensation for providing easements on their land if the base expands or encroaches further into the cities. Where grasslands with special environmental significance are protected, up to 75% of the easement's market value may be provided.

*b. Healthy Forests Reserve Program (HFRP)*

The Healthy Forests Reserve Program (HFRP) protects private forestlands through easements, 30-year contracts, and 10-year cost-share agreements. The three main objectives of the HFRP are to promote the recovery of endangered and threatened species, improve biodiversity, and enhance carbon sequestration.

*c. Wetlands Reserve Enhancement Partnership (WREP)*

The Wetlands Reserve Enhancement Partnership (WREP) assists in the protection, enhancement, and/or restoration of high priority wetlands. High priority wetlands are those offering critical habitat for migratory birds and other wildlife.

*ii. Sentinel Landscapes Partnership*

The Sentinel Landscapes Partnership, established in 2013, is a collaborative effort between the USDA, DoD, and United States Department of the Interior (DOI). There have been no partnerships with LRAFB, but other air force bases have participated. The partnership is intended to leverage resources in locations where the priorities of these three agencies overlap. The Partnership defines Sentinel Landscapes as “working or natural lands important to the Nation’s defense mission – places where preserving the working and rural character of key landscapes strengthens the economies of farms, ranches, and forests; conserves habitat and natural resources; and protects vital test and training missions conducted on those military installations that anchor such landscapes” (<http://sentinellandscapes.org/about/>).

While the Sentinel Landscapes Partnership is not a grant program per se, designation of a Sentinel Landscape may increase the likelihood of success in obtaining funding from a partner agency (i.e., USDA, DoD, DOI) or other program. Of the six designated Sentinel Landscapes, all include well over a dozen local, state, and federal partners working to advance shared goals of resource conservation and maintenance of military readiness.

*iii. United States Forest Service Forest Legacy Program (FLP)*

The United States Forest Service (USFS) Forest Legacy Program (FLP) encourages voluntary protection of privately owned forestlands. The FLP provides grants to State agencies, and this funding is utilized to acquire conservation easements on or provide for the fee simple purchase of environmentally important forests under threat of development or conversion to non-forest uses. Landowners can participate in this program to sell their land if it is impacted by the zoning restrictions related to the LRAFB.