

CITY OF YUMA / YUMA COUNTY JOINT LAND USE PLAN

IMPLEMENTATION STRATEGIES REVIEW

POTENTIAL IMPLEMENTATION MEASURES



ARIZONA MILITARY REGIONAL COMPATIBILITY PROJECT

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PREPARED FOR:



ARIZONA DEPARTMENT OF COMMERCE

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PREPARED BY:



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INTRODUCTION

The Joint Land Use Plan (JLUP) Land Use Element Amendment of the City of Yuma General Plan / Yuma County General Plan is intended to guide the decisions made by a variety of public and private entities in relation to compatible land use around Marine Corps Air Station (MCAS) Yuma as well as to plan for other land uses meeting City and County growth objectives within an area that extends beyond the immediate airfield environment to the boundaries of the Barry M. Goldwater Range (BMGR).

Marine Corps Air Station (MCAS) Yuma is one of the United States Marine Corps' (USMC) premier aviation training bases. Located in Yuma County and adjacent to the City of Yuma, MCAS Yuma covers 4,600 acres. The mission of MCAS Yuma is to support aerial weapons training for the Atlantic and Pacific Fleet Marine Forces and Navy. With access to 2.8 million acres of bombing and aviation training ranges and superb flying weather, MCAS Yuma supports 80 percent of the Corps' air-to-ground aviation training.

The base is only three miles from the western border of the Barry M. Goldwater Range (BMGR), and the JLUP includes all of the land area between MCAS Yuma and BMGR extending from County 17th Street on the south to Avenue 10E on the east. Within the portion of BMGR adjacent to the JLUP area, the primary facility is the Cannon Air Defense Complex.

The base's clear weather conditions are ideal for year-round training, with Visual Flight Rules (VFR) applying over 99 percent of the time. MCAS Yuma is the busiest air station in the Marine Corps and the third busiest in the Naval service. In addition to Marine Corps aviation training, the base conducts joint training with other services, as well as training for allied units (including Dutch, Belgian, German, and British units).

MCAS Yuma is a joint military/civilian-use airfield. The Yuma County Airport Authority (YCAA) is responsible for a commercial operation at MCAS Yuma that serves general aviation and scheduled commercial airlines. Under the operating agreement between MCAS Yuma and YCAA, civilian aircraft use the base's runways and taxiways but have their own terminal and maintenance facilities.

In addition to MCAS Yuma and local jurisdictions, the State of Arizona and private interests within the area can contribute to the implementation of the recommendations of the JLUP.

In April 2002, the Arizona Department of Commerce began the Regional Military Compatibility Project was conceived as a proactive endeavor to convene the stakeholders around each active military base, including the relevant political jurisdictions, landowners, base personnel, developers, environmental groups and other interested parties to address land use compatibility issues. The Compatibility Project is the result of legislation passed in 2001 that appropriated funds to develop comprehensive land use plans in the hazard zones surrounding active military airports. The ADOC project team was established in response to this legislation.

The statewide approach is phased into different project areas defined by base location. Luke AFB was the first project area, and subsequently, Joint Land Use Studies have been completed for Davis-Monthan AFB, Luke Auxiliary Field #1, and the Barry M. Goldwater

Range / Gila Bend Air Force Auxiliary Field. As part of each of the Joint Land Use Studies, an implementation program was prepared incorporating financing mechanisms, and potential funding sources for development rights compensation.

The following section presents a number of Implementation Measures that have been developed through the Joint Land Use Studies of the Arizona Military Regional Compatibility Project, and that could be considered for future implementation under the MCAS Yuma JLUP. Following a description of the measure, a Potentially Responsible Party (or Parties), that could be responsible for implementing the measure is indicated.

While the changing nature of economics and politics could change the scope and timing of the implementation measures, they could provide additional tools for achieving long-term compatibility of development with continued military operations.

POTENTIAL IMPLEMENTATION MEASURES

1. Coordination with the Governor's Military Affairs Commission

The Military Affairs Commission, created by Executive Order in March 2004, is the permanent body to monitor and make recommendations to the Governor on executive, legislative and federal actions necessary to sustain and grow Arizona's network of military installations, training and testing ranges and associated airspace. Creation of the Military Affairs Commission (MAC) was a recommendation of the Governor's Military Facilities Task Force in its Report of December 2003. Other recommendations of the Task Force, including the designation of dedicated funding to assist military installation preservation and expansion projects have been implemented by legislative action. Under this measure, the City of Yuma and Yuma County, along with interested community and civic organizations would take an active role in coordinating their activities related to MCAS Yuma with the Military Affairs Commission, and support implementation of its recommendations at the State level.

- Potentially Responsible Party(s) – City of Yuma, Yuma County and other organizations

2. Support for State Trust Land Reform

The ability for the State Trust to engage in land exchanges and the ability to transfer densities and land uses between various State Trust lands is potentially an important element for achieving compatibility in the development of State Trust lands in the vicinity of MCAS Yuma. Although the most recent attempt to provide this important tool through a constitutional amendment was defeated in the November 2004 election, indications are that various groups may support a future measure to provide for such transfers. Under this measure, the City of Yuma, Yuma County and other interested organizations would actively support efforts to develop and adopt such a mechanism as any future mechanism to allow this will likely require legislative action and / or a vote of the electorate to modify the State Constitution.

- Potentially Responsible Party(s) – City of Yuma, Yuma County and other organizations

3. Land Acquisition

- **Department of Defense.** In recent years, through the efforts of local jurisdictions and organizations in the vicinity of Luke AFB along with the Arizona Congressional delegation, money has been provided in the Department of Defense budget for acquisition of critical parcels to protect Luke’s mission from encroachment. Under this measure, the City and County along with other interested groups such as the Yuma County Chamber of Commerce would continue to work with the State’s Congressional delegation to obtain appropriations in the Department of Defense budget dedicated to the purchase of critical parcels to protect the JLUP area from encroachment, including critical parcels in the Accident Potential Zones.
 - Potentially Responsible Party(s) – City of Yuma, Yuma County, Arizona Congressional delegation and other interested organizations
- **Local Financing Tools.** The City of Yuma and Yuma County could consider other local financing tools for purchasing land in critical areas such as the APZs. Depending upon the use intended for the property to be acquired, and whether there is private participation in the proposed land use, other financing methods include use of municipal property corporations, general obligation bonds, revenue bonds, and improvement district bonds. It should be noted that there are restrictions on all of these methods depending on participation and use of the property.

In certain cases, communities that pursue land purchase may save money by using the Greater Arizona Development Authority (GADA). GADA is empowered by state statute to sell bonds at a lower interest rate by subsidizing the costs of issuance. Participation in the GADA program requires that there be an estimate of the total cost of the land to be purchased and a determination that GADA has enough capacity to loan.

- Potentially Responsible Party(s) – City of Yuma and/or Yuma County (and Greater Arizona Development Authority for use of GADA bonds)
- **Gift or Donation.** The City of Yuma and Yuma County could accept title to land and/or development rights from landowners who desired to give or donate land and/or development rights within the JLUP area. The gift or donation could provide a tax benefit for the owner, and the City and County could facilitate such actions on the part of interested landowners.
 - Potentially Responsible Party(s) – City of Yuma, Yuma County, and interested landowners

4. Department of Defense Purchase of Conservation Easements

The Department of Defense (DOD) is implementing a program of purchase of conservation easements around military installations in order to address environmental and encroachment issues.

The “Bob Stump National Defense Authorization Act” for Fiscal Year 2003 (P.L. 107-314) provided new statutory authority that permits the Department of Defense to enter into agreements with eligible entities to address the use or development of real property near a military installation, and to accept on behalf of the United States Government any property

or interest acquired pursuant to such agreements. The Department of Defense is working to determine how this new authority will be used, and each of the Military Departments are developing specific program guidance.

In general terms the new authority includes the following specific elements:

Eligible entities are States, political subdivisions or private conservation organizations.

The amendment provides for the acquisition by an eligible entity of all right, title, interest in and to any real property, and sharing by the Government and the entity in acquisition costs. The amendment also requires the entity, upon request of the DOD, to transfer to the Government the minimum property or interests necessary to avoid encroachment from the use or management of the property.

Department of Defense funds may be used for such agreements for purchase from willing sellers. It is important to note that the amendment does not provide specific funding for these purchases. The Department of Defense will determine if, and how much funding will be available for this initiative.

The amendment also permits Department of Defense to convey surplus real property to states or other eligible entities for conservation of natural resources.

Under this measure, the City and County would work with MCAS Yuma and the Department of Defense to acquire conservation easements in appropriate locations within the JLUP, such as within the APZs.

- Potentially Responsible Party(s) –City of Yuma, Yuma County, MCAS Yuma, Department of Defense and private landowners

5. Land and Water Conservation Fund

The Land and Water Conservation Fund (LWCF) was established by Congress in 1964 to create parks and open spaces, protect wilderness, wetlands, and refuges, preserve wildlife habitat, and enhance recreational opportunities. The LWCF has a matching grants program that provides funds to states for planning, developing and acquiring land and water areas for state and local parks and recreation areas. These funds could be used to match state monies to purchase critical parcels of land within the JLUP for use as conservation / open space.

- Potentially Responsible Party(s) – Federal, State and local governments

6. Military Installation Fund

One of the recommendations of the Governor's Military Facilities Task Force was the creation of a Military Installation Fund (MIF), to be administered by the State and funded by dedicated revenue at the State level. The MIF, as established in 2004 under ARS §41.1512.01, will provide grants to local governments for land acquisition or other activities to preserve or expand military installations. Under this measure, the City and County would consider use of MIF funding to support acquisition of land or development rights in critical areas (most likely in combination with other funding), or for other activities that would support compatible land use.

- Potentially Responsible Party(s) – City of Yuma, Yuma County and State of Arizona

7. Purchase of Development Rights

An alternative to the purchase of land is the purchase of development rights that would be negotiated with the owner of the development rights. Participation in the purchase of development rights would be voluntary on the part of the owner. This type of acquisition may be effective in appropriate situations and areas, particularly where the issue of compatibility involves density of development rather than the type of land use proposed. When development rights are purchased, a landowner is paid fair market value for the rights that are purchased. The value of the purchased rights is roughly equal to the value of the land without any special restriction less the value of the land with the land use restrictions. The use of this strategy would be dependent on securing funding for the purchase through one of the other strategies identified in this chapter.

- Potentially Responsible Party(s) – Federal government, State government, and local jurisdictions

8. Transfer of Development Rights

The use of Transfer of Development Rights (TDRs) can reduce the intensity and density of use in areas identified as significant to preserving the Base's mission while increasing density in other areas by encouraging local political jurisdictions to create incentives for developers to use the density transfer technique in appropriate situations and areas affected by aircraft operations. The transfer of development rights is similar to the purchase of development rights, except rather than a public agency buying development rights, which are then in effect "retired," the landowner is compensated by having the permitted uses of other land expanded or intensified. The land to which the rights are transferred may be owned either by the landowner, or by someone else. In addition, for counties under recently passed legislation, the sending and receiving land must be within the County's jurisdiction. In the latter case, compensation is paid to the "sending" landowner by the "receiving" landowner. Participation in TDR programs would be voluntary on the part of the landowner(s). Under the TDR scenario, the use of land currently zoned for lower intensity use outside the affected areas could be modified to allow higher density development at the same time the use of land in the affected areas currently zoned to permit higher density development would be restricted to lower density use.

- Potentially Responsible Party(s) – City of Yuma and Yuma County

9. Partnerships with Non-Governmental Organizations to Facilitate Transfers of Development Rights

Governmental or non-governmental entities such as the Trust for Public Land (TPL), may acquire development rights for land adjacent to a military installation or facility, especially for land in the high hazard and noise zones, and dedicating it to uses compatible with military missions or to transferring those lands to public ownership for conservation or open space uses. TPL also has a program to assist communities in pursuing a preservation ballot initiative, providing services that include political analysis and campaign strategy.

- Potentially Responsible Party(s) – Local jurisdictions and TPL or other entity

10. Enhanced Local Notification and Disclosure

The Governor’s Military Facilities Task Force recommended that current notification and disclosure provisions in State law for military facilities be strengthened, including a recommendation that the Arizona Department of Real Estate develop a “rule” to strengthen and standardize the notification process for its licensees. Increasingly, communities have determined that there is value to their citizens in going beyond the minimum public notification and disclosure standards outlined in State law. Under this measure, the City and County would consider other mechanisms to enhance public notification and disclosure including:

- Requiring notices and maps to be posted in real estate sales and leasing offices, including identification of noise contours
- Requiring notices placed in model home complexes and sales offices advising potential buyers that the area is subject to military aircraft over flight
- Installing over flight signage at roadway intersections within the noise contour lines
- Monitoring the effectiveness of aviation disclosure statements and easements

Experience has shown that notification is highly effective in educating nearby residents about the presence of military activities and avoiding complaints.

- Potentially Responsible Party(s) – City of Yuma and Yuma County

11. Best Practice Techniques

A process to assess the usefulness of various techniques used by other political jurisdictions with similar military air base encroachment issues is an effective means to ensure that the “best practices” are being used to guide development around the State’s military facilities. This evaluation of “best practice” techniques will need to determine their potential to be adapted to the needs of various political jurisdictions in the State, and the State will continue its role as convener and clearinghouse in these efforts. The City, County and MCAS Yuma can contribute to this process by participating in data collection with respect to the performance of the JLUP in support of the statewide effort. Results of the Best Practices research will be compiled into the State Policy Guide developed as part of the statewide effort by the Department of Commerce to address land use compatibility and encroachment issues under the Arizona Military Regional Compatibility Project. This Policy Guide also could be used in the future by the City, County, and MCAS Yuma to identify additional implementation measures for the JLUP.

- Potentially Responsible Party(s) – State government, local jurisdictions, and other stakeholder groups

APPENDIX A – IMPLEMENTATION MEASURES CONSIDERED BUT NOT CARRIED FORWARD

1. Ongoing Coordinating Body for JLUP Implementation

Under this measure, the City, County and MCAS Yuma would consider the joint designation of an ongoing coordinating body to provide a means to maintain communication and coordination as the JLUP is implemented. This body could be an existing organization providing for the inclusion of representatives from area landowners and other local organizations that have an interest in compatible land use around the Base. This body could also serve as the interface with the Governor’s Military Affairs Commission on issues related to MCAS Yuma.

- Potentially Responsible Party(s) – City of Yuma, Yuma County, MCAS Yuma, area landowners and other local organizations

Reasons Why the Measure Was Not Carried Forward. Efficient and effective communication between the local jurisdictions, area landowners, other local organizations, and MCAS Yuma is critical to the successful implementation of the JLUP. In the nearly 10 years since its adoption in 1996, the City, County and MCAS Yuma have demonstrated the ability to successfully implement the JLUP. When necessary, on a case-by-case basis, a broad range of local stakeholders are brought together to address and resolve specific issues. Most recently, this occurred in the successful amendment of the JLUP in December 2004. For these reasons, a formally designated continuing body coordinating JLUP implementation was not considered necessary.