

HOUSE BILL 3398  
By McMillan

AN ACT to amend Tennessee Code Annotated, Title 13, Chapter 7, relative to communication procedures between county or municipal governments, or regional planning commissions and active military installations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 13, Chapter 7, is amended by adding the following sections as a new part thereto:

§13-7-501.

(a) The general assembly finds that incompatible use or development of land within the vicinity of active military installations, including military bases or military airfields, can adversely affect the ability of such installations to carry-out its mission. The general assembly further finds that such use or development can also threaten public safety and the general welfare because of the possibility of accidents, high noise levels and other potential disruptions occurring within the vicinity of the military installation.

(b) Despite the cooperation on the part of the county or municipal governments, or regional planning commissions, the potential remains for unplanned development or incompatible uses in areas adjacent to active military installations that could undermine the military installations utilization of federal lands and airspace. Therefore, the general assembly finds it desirable for the county or municipal governments, or regional planning commissions in the state to communicate and cooperate with active military installations to encourage compatible land uses and help prevent encroachment on the military installations mission.

(c) Nothing in this part shall be construed to apply to former military installations, or approaches or accesses related thereto, that are in the process of closing or redeveloping pursuant to a base realignment and closure law or excess federal property proceeding.

§13-7-502.

(a) In any county or municipal government, or regional planning commission which has established a planning department or other similar agency charged with the duty of establishing and reviewing zoning or development proposals, or land use plans, such planning department or other agency with respect to each proposed land use or development, or zoning decision involving land that is adjacent to or within one (1) mile of any active military installation; or within the Air Installation Compatible Use Zones (AICUZ) adopted by the military installation for that airfield in accordance with applicable federal regulations (32 C.F.R. Part 256) shall:

(1) At least forty-five (45) days prior to any hearing required by or conducted pursuant to §13-7-105(b)(1), request from the commander of such military installation a written recommendation or response with supporting facts or comments with regard to the appropriate matters specified in §13-7-503 relating to the proposed land use, development proposal, or the proposed zoning decision; and

(2) Upon receipt of the written recommendation or response specified in subdivision (a)(1) make the written recommendations or response a part of the public record, and in addition to any other duties with which the planning department or other agency is charged by the county or municipal government, or regional planning commission, investigate and make recommendations or findings relative to the matters specified in §13-7-503.

(b) If the military installation does not submit a recommendation or response by the date of the public hearing, such information may be provided in the form of oral or written testimony at the hearing. Any such information provided shall become a part of the public record and must be considered by the county or municipal government, or regional planning commission in investigating and making its recommendations or findings.

§13-7-503.

The matters the planning department or agency shall address in its investigation and for which the department or agency shall be required to make recommendations or findings include, but are not limited to, the following:

(1) Whether the proposed land use plan, or zoning or development proposal will permit a use that is compatible with the uses or mission of an adjacent or nearby military installation;

(2) Whether the proposed land use plan, or zoning or development proposal will adversely affect the existing use or usability of nearby property within the vicinity of a military installation;

(3) Whether the property to be affected by the proposed land use plan, or zoning or development proposal has a reasonable economic use as currently zoned;

(4) Whether the proposed land use plan, or zoning or development proposal will result in a use which will or could cause a safety concern with respect to excessive or burdensome use of existing streets, transportation facilities, utilities, or schools due to the use of nearby property as a military installation;

(5) If the local planning department or agency has an adopted land use plan, whether the zoning or development proposal is in conformity with the policy and intent of the land use plan; and

(6) Whether there is other existing or changing conditions affecting the use of the nearby property as a military installation which give supporting grounds for either approval or disapproval of the proposed land use plan, or zoning or development proposal.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

<http://www.legislature.state.tn.us/bills/currentga/BILL/HB3398.pdf>