



**Grissom Air Reserve Base Joint Land Use Study
Joint Policy Committee and Technical Working Group
Meeting Summary
January 9, 2018, 9:30 a.m.**

Mr. Tyson Smith, White & Smith Planning and Law Group, welcomed everyone to the meeting, and introduced the Consultant Team members in attendance:

- Vagn Hansen, with Benchmark Planning;
- Brooke Thomas, with American Structurepoint; and
- Phil Huber, with Marstel-Day.

Mr. Smith reviewed the meeting agenda, and stated the main purpose is to review the draft JLUS report provided to the committees. He stated the JLUS Consultant Team developed Grissom ARB zoning overlay district ordinances for Miami County and the Town of Bunker Hill, and to ensure the committee members are aware of the process, he would also review the proposed ordinances during the meeting. He noted this is an implementation project started in September and largely wrapped up in December.

Mr. Smith reviewed the provisions of the overlay districts with the Committees. He showed maps of the Clear Zone (CZ) and Accident Potential Zones (APZ) associated with Grissom Air Reserve Base (Grissom ARB). He noted Cass County already has an overlay district, but Miami County and Bunker Hill do not. The ordinances address accident potential by limiting land uses to those that do not concentrate people and do not have significant property improvements because these areas are where aircraft accident potential is greatest. The ordinances also address noise through avoidance of noise sensitive uses in these areas, and the noise contours associated with both the existing KC-135 aircraft and the potential KC 46 aircraft are addressed.

Mr. Smith clarified there are two separate ordinances, and reviewed maps showing the areas of each jurisdiction located or partially located in the APZ and/or Noise Zones. The only accident potential in Miami County is a small bit of the CZ on the southwestern end of the runway and another small bit on the northeastern end. With respect to Noise Zones, a small section of the 65-69 dB noise zone and an even smaller portion of the 70-74 dB noise zone falls within Miami County on the northeastern end of the runway.

A committee member asked why, on the Miami County map, there is only a small triangle of CZ on the southwestern end of the runway. Mr. Smith responded that it is a corner of the southwestern CZ that just happens to go into Miami County. The committee member asked whether it reflects noise impacts. Mr. Smith answered in the negative and stated it reflects accident potential. Another committee member noted the rest of the southwestern CZ is in Cass County. Mr. Smith concurred.

Mr. Smith stated the ordinances identify compatible land uses for the APZ and Noise Zones and are consistent with U.S. Air Force recommendations in terms of what land uses are appropriate.

Mr. Smith noted draft ordinances were provided to town and county staff as well as to Cass County Planning Department staff. Mr. Smith indicated he also met with Grissom ARB officials, and feedback from the military and local governments staffs was incorporated into the ordinances.

A committee member asked at what noise level is residential not permitted or recommended and whether it is at 70 dB and above. Mr. Smith responded that these residential uses are allowed in all of the Noise Zones in the ordinances, but there is a footnote in the table encouraging use of noise attenuation in construction.

Mr. Hansen noted the Air Force AICUZ [Air Installation Compatible Use Zone] guidance prefers no residential in any of the Noise Zones. However, when community needs dictate allowing residential uses in these areas, the Air Force guidance recommends use of noise attenuation techniques in construction. He confirmed Air Force guidance does not recommend residential in any Noise Zone above 65 dB. Mr. Smith clarified the draft ordinances allow residential, based on staff feedback, with the option to noise attenuate.

Mr. Smith noted the third area addressed in the overlay districts is airspace. He showed maps of Grissom ARB's imaginary surfaces. Following discussions with staffs and Grissom ARB officials, it was agreed, due to the relatively low number of land use applications in the area, that Grissom ARB should review all development proposed within its imaginary surfaces.

Mr. Smith stated the ordinances require Grissom ARB to review all development applications in the overlay district to determine whether the proposed development may present an obstruction or interference with operations. The ordinances identify certain land uses that are prohibited if they create interference. This is one reason to send the applications to Grissom for review — because planning staffs will not know whether a proposed development would cause interference. Also prohibited if they cause interference are uses that can attract birds and wildlife, like landfills, and renewable energy facilities. These uses will be reviewed on a case by case basis instead of precluding them entirely.

Mr. Vernon Keller, Town of Bunker Hill, asked about the minimum height that triggers a review by Grissom. Mr. Smith responded that any proposed development within the imaginary surfaces will require review by Grissom ARB. Mr. Keller asked if even a deck on a house will require review. Mr. Smith answered in the affirmative. He stated that, in discussions with local government staff and Grissom ARB officials, it was determined that finding a threshold for what should or should not be reviewed by Grissom ARB was very difficult; this is why the consensus was to send everything. Mr. Smith noted if staff wants to make an adjustment to the ordinances, we can revisit this. Committee members felt a short turn around time and the ability to review everything to ensure nothing slips through the cracks was preferable.

Mr. Greg Lipscomb, Grissom ARB, noted staffs discussed revisiting the ordinances in a year after everyone has had a chance to work with them.

Mr. Keller expressed concern that certain development we know is not going to be an issue, such as

houses or swimming pools, will have to go to Grissom ARB for review.

Mr. Smith referred to the imaginary surfaces map and noted that, in certain areas, the surfaces go all the way to the ground. He stated that, in his experience, most staffs do not want to make the determination as to whether a proposed structure or development will cause an obstruction.

Mr. Smith noted an earlier draft of the ordinance had three different height zones; in the one closest to Grissom ARB, more development applications would be reviewed, and certain types of development in areas further from the installation would not need to be reviewed. Since the local governments are issuing only 45-50 building permits a year, it became simpler and less of a burden to just send everything to Grissom ARB for review. Mr. Smith agreed with Mr. Lipscomb that it may be appropriate to give it a year and see how things go and then amend the ordinances if needed.

Mr. Smith noted there are drafts of the overlay district ordinances posted on the JLUS website and tonight there will be a public meeting with elected officials to review the ordinances. The next steps will be for plan commission review, followed by consideration for adoption by the elected officials.

Mr. Smith began reviewing the draft JLUS report. He noted today's focus will be on the compatibility analysis in Chapter 3 and the recommendations in Chapter 6.

Mr. Smith provided a general review of the contents of Chapter 1.

Mr. Huber noted Chapter 2 covers what is going on at Grissom ARB and in the region. Chapter 2 provides context for the compatibility analysis in Chapter 3. He stated there are three potential incompatibility issues in this region. The first of these is urban growth, which is not unexpected as it is a significant factor at most military bases in the United States. He noted urban growth is not the issue; rather, it is what results from urban growth that is the issue- noise, light, etc. He stated Grissom ARB is in fairly good shape, with generally compatible land uses in the area.

Mr. Huber state the second potential incompatibility issue is energy development, which is a new encroachment concern for the military. Energy development is important to national energy policy, but it also bumps up against national defense policy. Because of the potential conflict between two major national policies, Congress directed the creation of the Clearinghouse process. Mr. Huber noted rotating wind turbine blades affect radar, and can obstruct low level flight training and testing. He showed a map of existing and planned wind energy developments in the area, none of which are an issue for Grissom ARB. He stated national defense and energy development currently are compatible here, and we want to make sure it stays that way.

Mr. Jim Tidd, Miami County Economic Development Authority, asked about currently proposed wind energy project sand whether they should be shown on these maps, with corresponding text confirming there is currently no concern with wind energy developments in the areas they are being proposed. This could help encourage economic development, as well as help educate the public on the actual versus perceived impacts to Grissom ARB. Mr. Smith concurred and stated if it is Grissom's opinion that wind energy developments in these areas do not pose a concern, then that could be added to the report.

Mr. Smith noted a challenge the Consultant Team encountered was a consistent and reliable source of location data for potential wind energy developments. There are no official data points for the wind energy development proposed north of Grissom ARB. Mr. Smith asked whether the committee members are aware of more firm plans for the facilities and, if so, those locations can be added to the map with a note that the locations have not been finalized. If not, the language could be more general.

Mr. Tidd stated that, to protect the base, we should also clarify that further investigation will be needed to confirm the locations are appropriate and not a threat to base operations.

Committee members described the general location of the referenced wind energy development project, and confirmed the southernmost extent of the project is known and can be mapped.

Mr. Lipscomb liked the idea of keeping the language general since there are other potential wind projects near Grissom ARB.

Mr. Huber stated the final potential incompatibility issue is security, and used the vacant former steam plant near the installation's main gate as an example.

Mr. Huber reviewed additional components of Chapter 2, including Grissom ARB's economic impact, regional population trends, employment figures, and economic development initiatives in the region.

Ms. Thomas reviewed potential improvements to US 31. She noted a high-level engineering assessment conducted in 2016 resulted in identification of a locally preferred alternative for improvements to US 31. Chapter 2 reaffirms this locally preferred alternative.

Mr. Tidd indicated the community has developed a list of priority intersections. Mr. Smith said a call-out box can be added to the report to reflect this.

Mr. Hansen reviewed Chapter 3 and the compatibility analysis. He noted the Air Force AICUZ guidance was used to determine land use compatibility. Mr. Hansen stated there is a high degree of compatibility between existing land uses and military operational compatibility factors. He also reviewed maps of the imaginary surfaces, planned wind turbines, special use airspace, and night lighting maps.

Mr. Hansen mentioned Public Law 261, which regulates wireless support structures in the public right-of-way. He showed a map of potential areas of conflict between small wireless facilities and military operations.

Ms. Arin Shaver, Cass County, noted there was an opportunity for local governments to pass laws prior to adoption of the state statute, which Cass County did.

Mr. Smith stated that Chapters 4 and 5 identify what plans and regulations local governments already have in place and what state law authorizes Indiana local governments to do. He referred to the

jurisdictional overview spreadsheet provided to the committee members in October, which identifies plans and regulations adopted by the local governments in the Study Area. He noted the overview provides context for some of the recommendations in Chapter 6.

Mr. Smith stated Chapter 5 describes the statutory provisions, local authorities in general, statutes specifically related to the military, and federal compatibility tools and programs. He provided a brief overview of the chapter's content.

Mr. Smith stated that, notably, there are several state statutes related to the military that do not include Grissom ARB. One of these statutes requires notice to military installations when certain type of development is proposed within three miles of the installation. He noted we are providing for that notice locally with the overlay zoning district ordinances discussed earlier. Another statute involves the Military Base Planning Council, a state-level planning group, of which Grissom ARB is not a member. Another state law regulates tall structures located within five miles of certain military installations, and again excludes Grissom ARB. The State requires real estate disclosures for properties located near airports, but not military airports. Finally, there is purported immunity for the military for noise and telecommunication interference occurring within two miles of the installation.

A Committee member asked whether the state laws exclude Grissom ARB by name. Mr. Smith responded in the negative. He stated that it is the way the law describes the installations to which the regulations apply; when you apply the descriptions, the law does not include Grissom ARB. The Committee member asked what other military installations the law captures and whether it includes Crane. Mr. Smith affirmed the laws apply to Crane. He stated different states have different methods for identifying the installations; for example, in South Carolina, the law specifies the names of the installations to which the law applies.

Mr. Smith noted Chapter 5 also reviews new laws adopted in 2017, including Public Law 107 pertaining to drones (or "unmanned aerial vehicles") and Public Law 261, which Mr. Hansen discussed earlier.

Mr. Smith began reviewing the contents of Chapter 6. He listed the seven categories of recommendations, and stated there are currently a total of about thirty recommendations. The report excerpt on the screen lists the nineteen recommendations considered high priority. Mr. Smith pointed out the call-out box on this page of the report, which notes the KC-46 aircraft has been a priority in the JLUS process, the community is planning for it locally, and if Grissom ARB is under consideration again for that aircraft, the community is ready.

Mr. Smith emphasized these are the Consultant Team's suggested recommendations for the committees' consideration, so anything the committee members do not think is appropriate can be changed.

Mr. Smith presented a chart summarizing the recommendations, and noted each recommendation will be discussed in more detail in a narrative. The chart includes a brief description of the recommendation, level of priority (high, medium, or low), responsible party, timeframe, estimated cost, and potential funding sources. He noted some recommendations are eligible for OEA [Office of

Economic Adjustment] implementation funding. Mr. Smith stated that funding is not guaranteed — an application must be made — but in the Team’s experience, these are the types of implementation efforts OEA has funded in other communities.

Mr. Smith reviewed each category and its associated recommendations. He stated these recommendations are for the community to consider adopting during the JLUS implementation phase.

Mr. Smith and Mr. Tidd; Ms. Tammy Gamble, Miami County; Ms. Shaver; and other members of the committees discussed nonconforming structures in the CZ and the relationship of zoning to the deed restrictions of the Miami County Economic Development Authority property located in the CZ. They also discussed the effects of the proposed overlay districts on changes in land use. The Committee members expressed concern that if the overlay districts are adopted and an existing building in the Clear Zone is destroyed (by fire, for example), it could not be rebuilt – even in the same footprint – since aboveground structures would be prohibited in the CZ.

Mr. Smith suggested if there are concerns about the relationship of Miami County’s and Bunker Hill’s nonconforming provisions to the overlay districts, they should be discussed before the overlay districts are adopted. With respect to the CZ, he noted the Town’s and County’s existing nonconforming provisions could prevent a building from being used if it has been vacant for more than six months.

Mr. Smith reviewed the next steps for the project. He requested the committee members submit any comments on the draft JLUS report to him or to Mr. Tidd by the end of the month. Mr. Smith noted the revised draft will be posted on the website in February or March. After that, we will hold the final committee and public meetings and complete the JLUS report. He anticipates wrapping up the project in the March timeframe. He reminded the committees of the meeting tonight regarding the overlay districts, which will go to the Miami County and Bunker Hill plan commissions and elected officials for final action in the March timeframe as well.

Mr. Smith thanked everyone for attending.

The meeting adjourned at approximately 11:15 a.m.