



COMPATIBLE USE STUDY PHASE II REPORT

IMPLEMENTATION FOR LITTLE ROCK AIR FORCE BASE AND ENVIRONS

FEBRUARY 28, 2023 REPORT





FRONT COVER PHOTO CREDITS:

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This Study was prepared under contract with White & Smith, LLC, with financial support from the Office of Economic Adjustment, Department of Defense. The content reflects the views of White & Smith and its subconsultants Benchmark Planning and Marstel-Day, and the input of the local steering committees and does not necessarily reflect the views of the Office of Economic Adjustment or the Department of Defense.



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Special Acknowledgments

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I. Project Overview & Summary



As part of a joint planning effort, over the past thirty-six months, the Little Rock Air Force Base (LRAFB), the state of Arkansas, and eleven (11) local governments surrounding the base have formed a regional planning program that will protect the long-term compatibility of military and civilian land uses in the region for decades to come. In addition to protecting the base itself from encroachment, the program is designed to protect Air Force operations at the Blackjack Drop Zone, north of the base, and the All-American Landing Zone on Camp Robinson, west of the base.

This planning partnership began in the fall of 2019. The initial effort – preparation of the *Little Rock AFB Compatible Use Study* – was completed in January 2021. That study included thorough assessments of land uses around the installations, statutory and local government authorities affecting land use, and the full scope of documented land use impacts that can be associated with typical military operations at these three installations. In the case of Little Rock AFB, these included:

1. Land Use Encroachment
2. Airspace and Interference
3. Safety and Accident Potential
4. Noise Impacts
5. Transportation, Including Aviation and Highways
6. Civilian UAS Usage affecting LRAFB Operations
7. Explosives Safety
8. Cultural and Natural Resources



The Phase I report was completed in January 2021.



Chapter 7 of the Compatible Use Study also set out “Strategies and Recommendations” that would implement the findings of the Study by building on the community’s existing history of cooperation in local planning and military land use compatibility efforts. The recommendations were divided into seven subject matter areas that were evaluated during the Compatible Use Study, which included:

1. Land Use and Small Area Planning
2. Zoning and General Code Provisions
3. Subdivision Regulations
4. Notice to Property Owners and Occupants
5. Inter-Agency Cooperation
6. Public Outreach and Communication
7. Ongoing Land Use Planning Activities

Of the thirty (30) total recommendations set in the Compatible Use Study (summarized in Appendix C to the study), the committees characterized twenty-two as “high priority” for immediate implementation. Then, just five months after publication of the Compatible Use Study, the City of Jacksonville initiated implementation of the study, which it designated as “Phase II.”

This report represents the culmination of Phase II, which focused specifically on the twenty-two high-priority strategies from the Phase I Compatible Use Study. These strategies are set out in Figure 1.

Starting in September 2021, the White & Smith Planning Team began a series of virtual stakeholder sessions to kick-off Phase II. These allowed the team to hear from several new participants for implementation input, as well as a chance to touch base with some who had participated

in the initial CUS stakeholders sessions in January 2020. Participants this time around included representatives from:

1. Little Rock Air Force Base
2. City of Jacksonville
3. City of Sherwood
4. City of Maumelle
5. City of North Little Rock
6. Pulaski County
7. White County
8. Faulkner County
9. Lonoke County
10. City of Lonoke
11. City of Ward
12. City of Austin
13. City of Cabot
14. Arkansas Department of Transportation
15. MetroPlan
16. Arkansas Economic Development Commission
17. Civilian airports
18. Real Estate / Business Community



Figure 1: High Priority CUS Strategies and Recommendations

The Compatible Use Study identified 22 high-priority recommendations to be prepared in Phase 2.

The highest-priority recommendations within each procedural context are:

Procedural Context: Land Use and Small Area Planning

- Prepare or Revise Land Use Plans to Address Military Impact Areas
- Update Existing Land Use Plans in Sherwood and North Little Rock

Procedural Context: Zoning and General Code Provisions

- Prepare Updates to Existing AICUZ Overlay Boundaries in Sherwood and Jacksonville
- Prepare Updates to Existing AICUZ Overlay Regulations in Sherwood and Jacksonville
- Prepare AICUZ Overlay Regulations within Pulaski County, Lonoke County, and Cabot
- Add Height and Interference Review to Local Development Review Processes
- Include Review of Military Impacts During Consideration of Annexation Applications

Procedural Context: Subdivision Regulations

- Prepare Regulatory Requirement for Plat Acknowledgments

Procedural Context: Notice to Property Owners and Occupants

- Provide Notice on Local Permit Approval of Potential Military Impacts on Property
- Prepare Purchaser and Tenant Awareness Disclosures

Procedural Context: Inter-Agency Cooperation

- Appoint CUS Implementation Committee
- Seek Funding from State Military Affairs Grant Program
- Prepare a Memorandum of Understanding (MOU) for Regional Coordination with LRAFB
- Prepare Legislative Revisions to Clarify Scope of Local Government Authorities
- Prepare GIS Layers Illustrating Extent of Local Government Regulatory Authorities
- Facilitate LRAFB Input Prior to Local Approvals of New Growth-Inducing Infrastructure
- Monitor Defense Community Infrastructure Program (DCIP) for Funding Opportunities in the Region

Procedural Context: Public Outreach and Communication

- Set Up Military Planning & Coordination Website
- Prepare Public Outreach Materials on Civilian UAS Regulations and Risk Areas, Including Street Signs

Procedural Context: Ongoing Land Use Planning Activities

- Establish a Standing Military Planning & Coordination Committee
- Maintain Updated MOU for Continued Community-Wide Coordination
- Support the Jacksonville Economic & Cultural Alliance as the Coordinating Agency for Ongoing Inter-Agency Coordination



A. Planning for Military Compatibility

Several of the communities that participated in the Compatible Use Study were identified to have a higher degree of exposure to military impacts with land use compatibility implications; generally, those communities with the greatest degree of proximity to Little Rock Air Force Base. To support the implementation of compatible use regulation in these jurisdictions: the cities of Cabot, Jacksonville, North Little Rock, and Sherwood, as well as Pulaski County, the CUS recommended that planning documents be adopted or amended for each to provide a rational basis for adopting regulations supporting compatible use.

All of the cities have adopted planning documents covering their respective jurisdictions, ranging from full comprehensive plans to less detailed plans, such as Master Street and Land Use Plan maps - each with varying degrees of currency. Pulaski County does not have a county-wide land use or comprehensive plan, but does have a small area plan that was adopted for the Lake Maumelle Watershed prior to its enactment of a zoning ordinance for that portion of the county. Due to the varying nature and degree of currency of existing plans, the plans prepared for the CUS implementation project are generally intended to be “supplements” or appendices to each city’s primary planning document, with the exception of Pulaski County, where the plan is intended to be a standalone document.

The intent of the development of these planning documents is for them to be adopted by each jurisdiction to supplement their generally applicable jurisdiction-wide plans, except in the case of Pulaski County where the document will serve

as a small area plan for the portion of the county to which it applies. Each planning document contains information related to the nature and extent of the compatible use concerns in each jurisdiction, information about Little Rock AFB and its mission, a discussion of compatibility tools, and a set of recommendations. Together, the information and recommendations in each plan form the basis for the subsequent adoption of compatible use regulations, engagement in the Regional Planning Committee, and other actions that the communities have expressed interest in pursuing in furtherance of the goal of realizing growth that is compatible with and sustains Little Rock AFB’s training mission.



B. Military Compatibility and State Law

From the start of this effort in 2019, project steering committees gave consideration to all tools that could protect these important installations in the long-run. The committees looked at tools with which other Air Force communities had found success, like zoning overlays, military technical committees, and memoranda of understanding. However, it became clear early on that this community would explore tools and opportunities that went above and beyond, so the resulting framework reflected Arkansas's unique – and challenging – statutory scheme, the criticality of protecting these key defense installations, and the unique character of these to the eleven local governments engaged in the effort.

First, in 1995, the Arkansas Legislature adopted a statute specifically aimed at protecting LRAFB from the encroachment of incompatible land uses outside the base boundaries.¹ However, by 2019, it had become difficult for some cities to achieve compliance with the statute's requirements, given changes in the operational environment at LRAFB, as well as subsequent changes in state laws related to city and county land use authorities. Also, as is discussed in Chapter IV, interpretation of the statute's requirements varied among the jurisdictions and, in fact, was the subject of an Arkansas Supreme Court case.

Second, and posing more of a challenge to implementing each of the high-priority recommendations from the Compatible Use Study, was the extent to which the eleven local governments varied from one another in terms of:

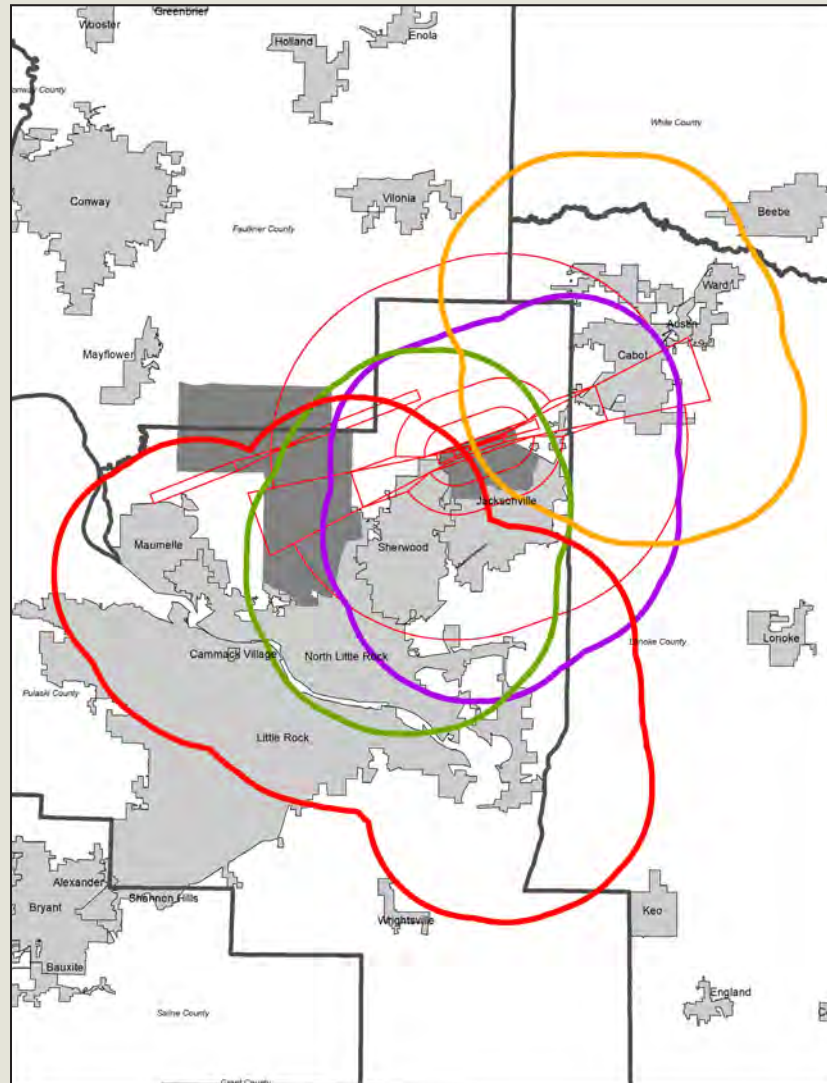
1. the extent of rural versus suburban land uses impacted by base operations;
2. whether extraterritorial land use powers had been or could be exercised within unincorporated areas outside the cities;
3. relative distance from Little Rock Air Force Base, Camp Robinson, or Blackjack Drop Zone;
4. local government statutory classifications;
5. whether all or a portion of the jurisdiction had a comprehensive land use plan or a zoning or subdivision ordinance; and
6. the economics upon which each relied and how they could be impacted by military operational impacts or, conversely, the regulation of those impacts.

Finally, the landscape was further complicated by the wide-ranging nature of different documented off-base impacts and the overlay of those areas with conflicting or overlapping local government jurisdictions. Figure 2 resulted from a GIS analysis performed during this phase, which illustrates the complexities this community faced as it built a formal compatibility program of coordination, under the 5-mile regulatory areas required by A.C.A. 14-56-426.

¹ A.C.A. § 14-56-426, "Control of property use – Proximity to military installation."



Figure 2: Representation of the 5-mile extraterritorial jurisdictions required by A.C.A. 14-56-426





C. The Steering Committees

The above-mentioned steering committees were comprised of a CUS Implementation Committee and an Executive Committee, each assembled in July of 2021 when this phase of the project began. In addition, a Legislative Subcommittee, which was formed during Phase I, reconvened during Phase II to discuss and evaluate options related to the state's 1995 military compatibility statute and to develop an alternative approach.

The committees met nine times over the course of Phase II, including two in-person workshops. In addition, the Legislative Subcommittee was convened in March 2022 to review recommendations of the full committees related to proposed revisions to the Arkansas statute, which is discussed in Chapter IV to this report.

The first of the committees' in-person workshops was a two-day series of meetings in June 2022. The second workshop was held in October of 2022 to finalize project recommendations and to discuss a proposal from Pulaski County's committee members to revisit the structure of the draft "Military Planning and Coordination Committee" (MPCC) and "Military Planning and Coordination Agreement" (MPCA) the committee had developed previously. The Phase II Materials Supplement includes the presentations used to facilitate each of these workshops.

As is discussed in detail in Chapter V, over the following three months, the County's proposal gained the support of the three other local governments closest to LRAFB, resulting in a revised and more formal approach to ongoing coordination and planning in the region.



Committee members and stakeholders gather for a two-day workshop in June 2022.

The chapters that follow, along with the appendices to this report, describe the analyses and discussions of the consultant team and committee members over the 18-month period of this project, and include the deliverables produced.

Chapter IX includes a detailed action plan for finalizing implementation of the recommendations and documents that are part of this report, which is designated as "Phase IIIA."

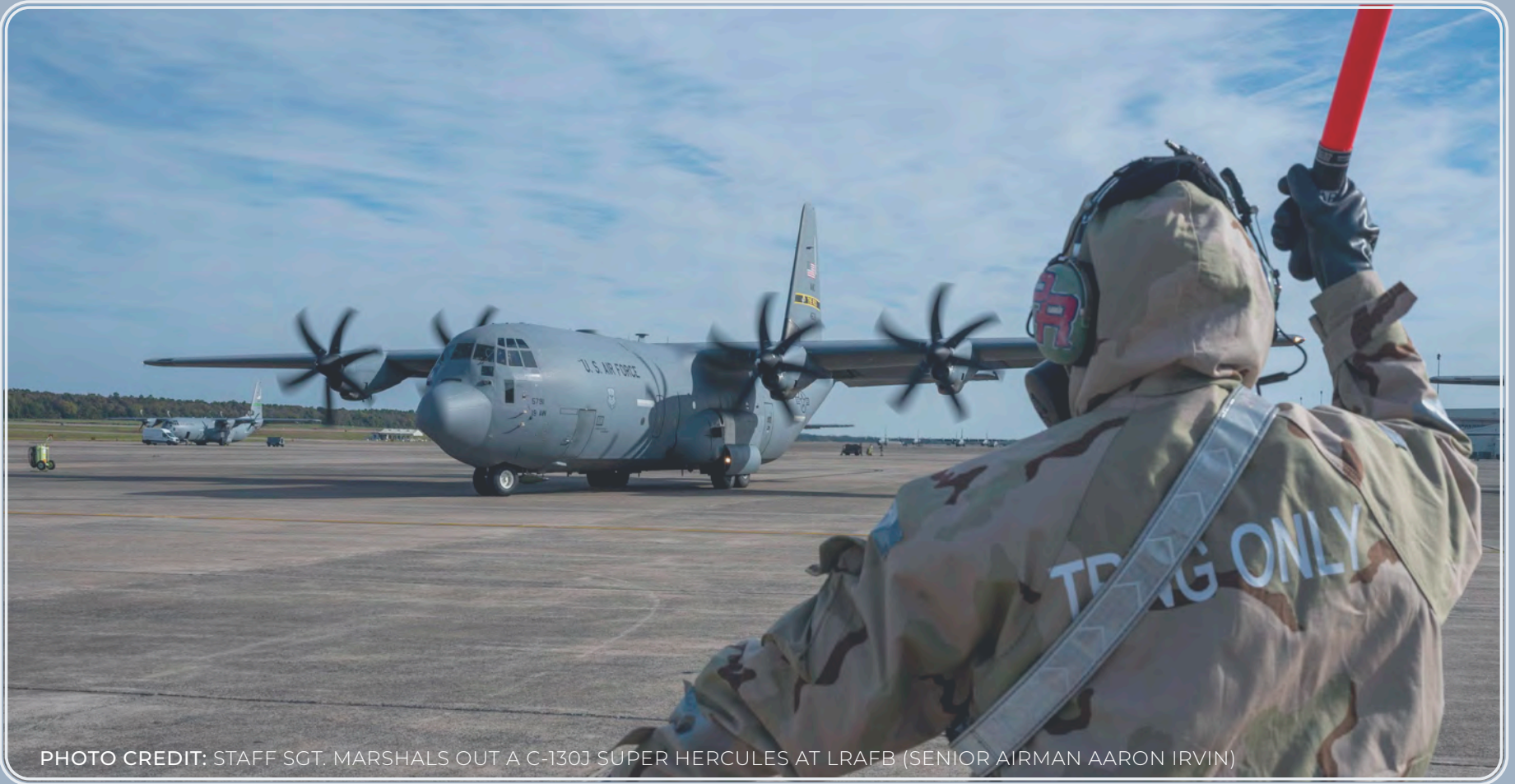


PHOTO CREDIT: STAFF SGT. MARSHALS OUT A C-130J SUPER HERCULES AT LRAFB (SENIOR AIRMAN AARON IRVIN)

II. Relevant Military-Related Impacts



The Compatible Use Study assessed the nature of several operational impacts associated with Air Force operations at LRAFB, All-American Landing Zone, and Blackjack Drop Zone, which have been described through Department of Defense documentation and studies. The primary among these were:

1. Aircraft accident potential
2. Aviation noise
3. Obstructions to aerial navigation and landing operations

As Figures 3-5 illustrate, these impacts can be mapped and the extent to which they overlap with military or civilian lands can be evaluated.

In addition, the committees identified a number of uses that could be incompatible with or negatively affected by base operations, depending on the nature of a specific proposed land use. These the committee referred to as "*potential* incompatible land use actions," which are defined as follows:

1. The following land uses:
 - a. Private and general aviation airports, runways, helipads, and other aviation facilities;
 - b. Landfills;
 - c. Concentrated animal feeding operations;
 - d. Renewable energy facilities;
 - e. Open pit mining and sand or gravel dredging operations;
 - f. Manmade waterbody impoundments or wetlands of one (1) acre or more; and

- g. Any other land use or structure a Local Government Coordinating Official or the LRAFB Official determines, after consultation with one another, to pose a potential threat to or encroachment on military operations at a LRAFB Installation.

2. The following local government applications:
 - a. Rezoning and other regulatory or plan amendments that change the permitted uses of property;
 - b. Revisions to a local Military Zoning Overlay ordinance;
 - c. Variances;
 - d. Special exceptions; and
 - e. The subdivision of land into three (3) or more parcels for residential purposes.²

² See, for example, the Phase II Materials Supplement.



Figure 3: LRAFB Accident Potential Zones, Outer Extent

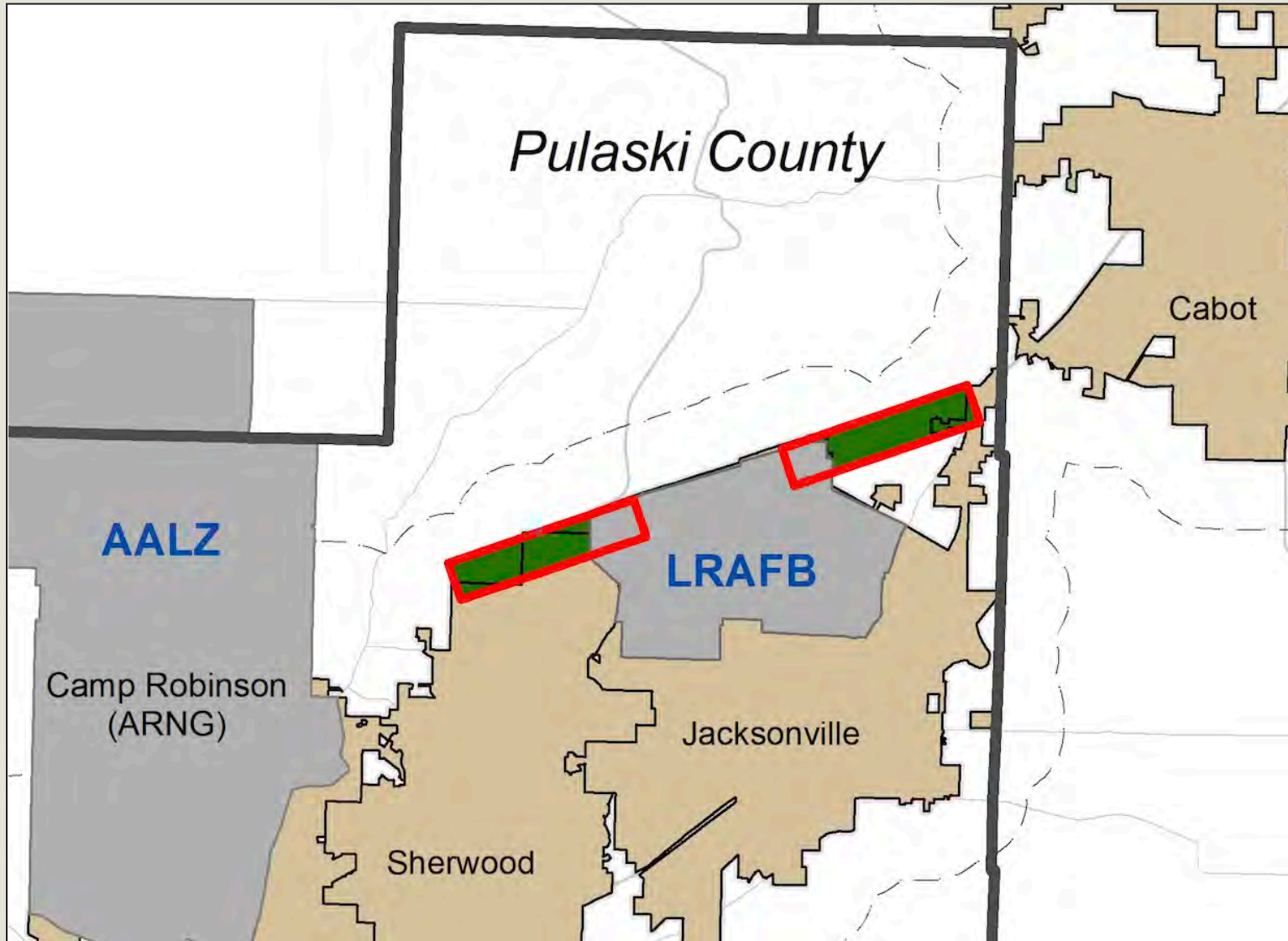




Figure 4: LRAFB 70+ dB ADNL Noise Zones, Outer Extent

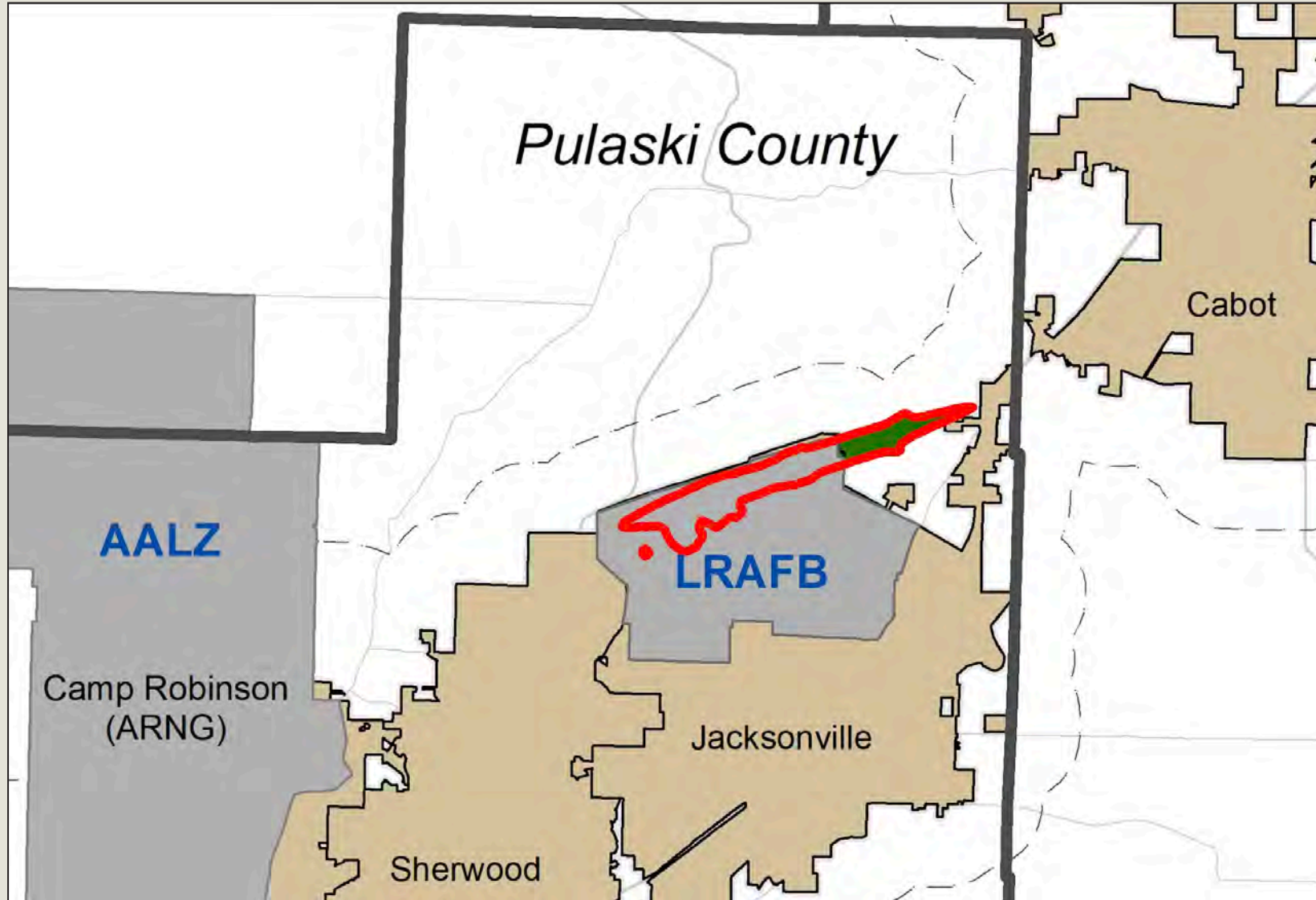
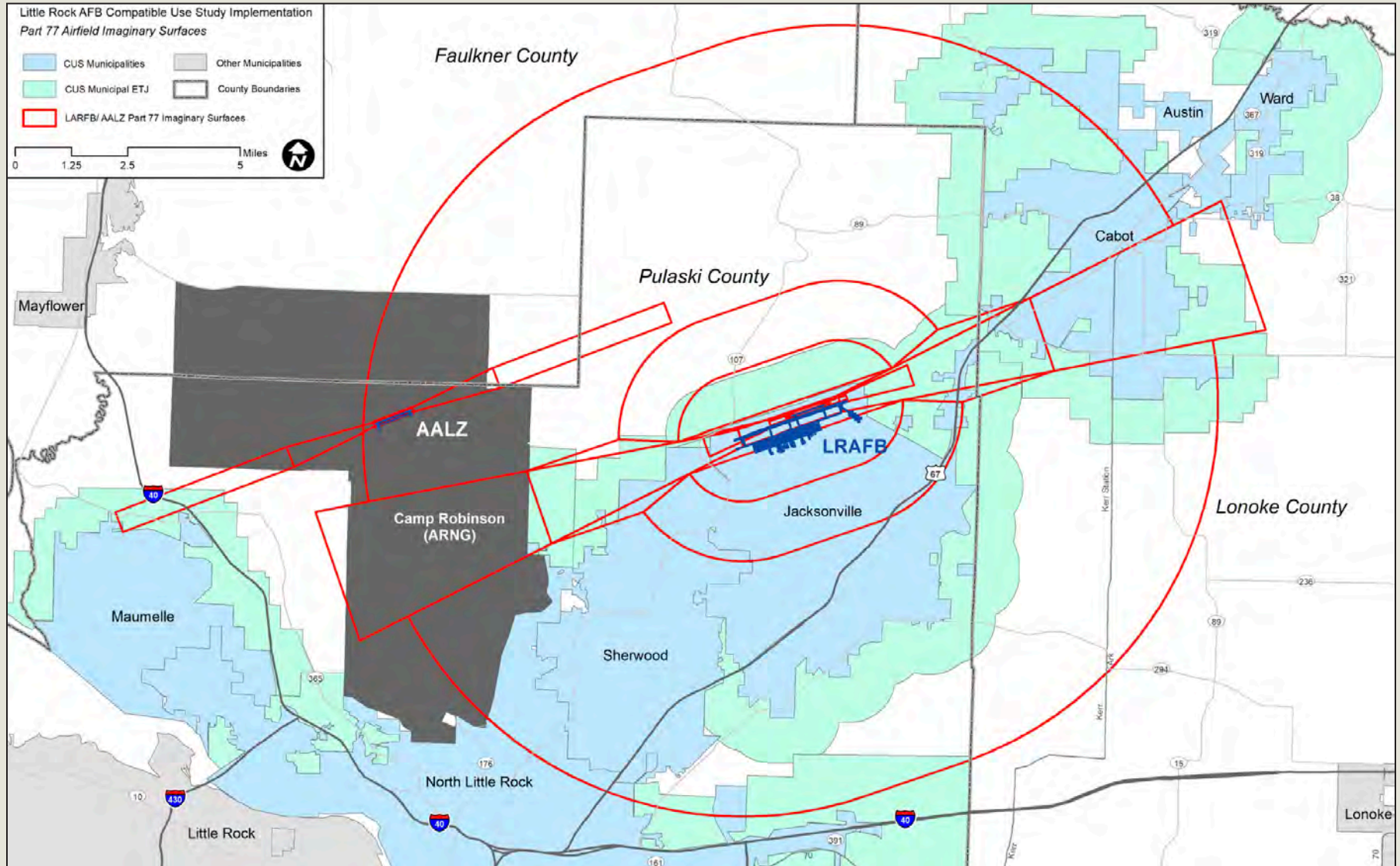




Figure 5: LRAFB Part 77 Imaginary Surfaces





Because these actions or proposed actions may well be compatible with military operations from the base, depending on their individual characteristics, each must be evaluated on a case-by-case basis. Therefore, the committees delineated areas around LRAFB (3 miles) and Blackjack Drop Zone (2 miles) within which “potential incompatible land use activities” would be evaluated case by case by base officials, or their designees, to determine whether a particular proposal would create an unacceptable incompatibility. These areas are illustrated in Figure 6.

Finally, similar to the case-by-case review process necessary for potential incompatible land use actions, structures proposed on lands within the imaginary surfaces illustrated in Figure 5 also require case-by-case assessments to determine compatibility with military operations in the area. Based on the grade of the LRAFB runway and the elevation topography surrounding LRAFB, All-American Landing Zone, and Blackjack Drop Zone, the committees recommended that structures proposed over 50’ nearer to the installations must be reviewed case-by-case as well as those over 200’ that are farther from the bases, but within the imaginary surfaces’ outer extent. These areas are illustrated in Figure 7.

The land uses within these areas of impact were evaluated during the Phase I Compatible Use Study to determine the nature of these lands (e.g., as rural, commercial, residential), the extent of subdivision (e.g., < 1 ac., 3-10 acre lots, etc.), and the existing conditions related to compatibility or incompatibility.³ Figures 8-10 illustrate the analysis for lands within the outer extent of the mapped accident potential zones.

³ Chapter 3, *Little Rock AFB Compatible Land Use Study, Final Report*, January 15, 2021.

As noted above, one of several “geographic complexities” the committees faced in Phase II, was related to the varying nature of each local government jurisdiction with regard to current conditions when compared to military impacts. This complicated environment, with its multiple statutory applications jurisdiction-to-jurisdiction, is what led to the development of two different coordination scenarios, each of which are discussed in the following chapters.



Figure 6: Notification Areas for review of Potential Incompatible Land Use Actions

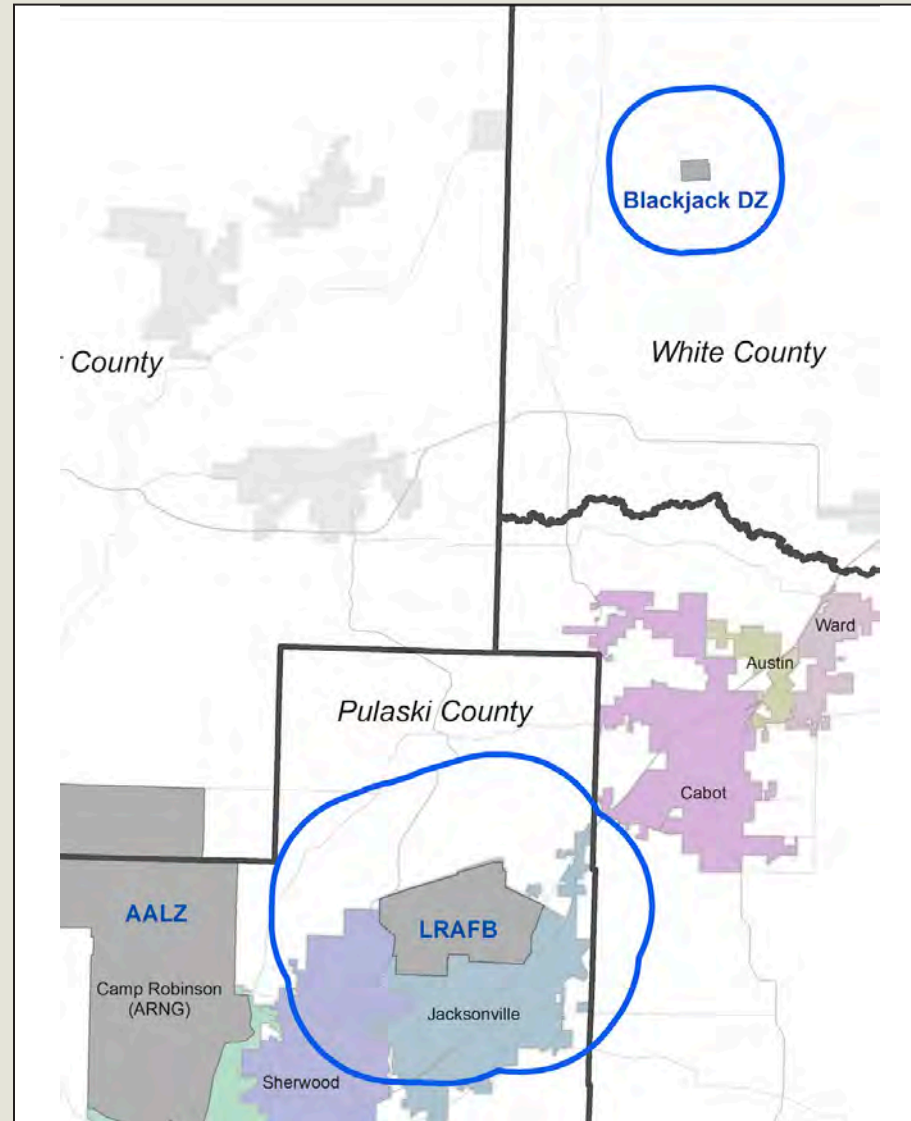
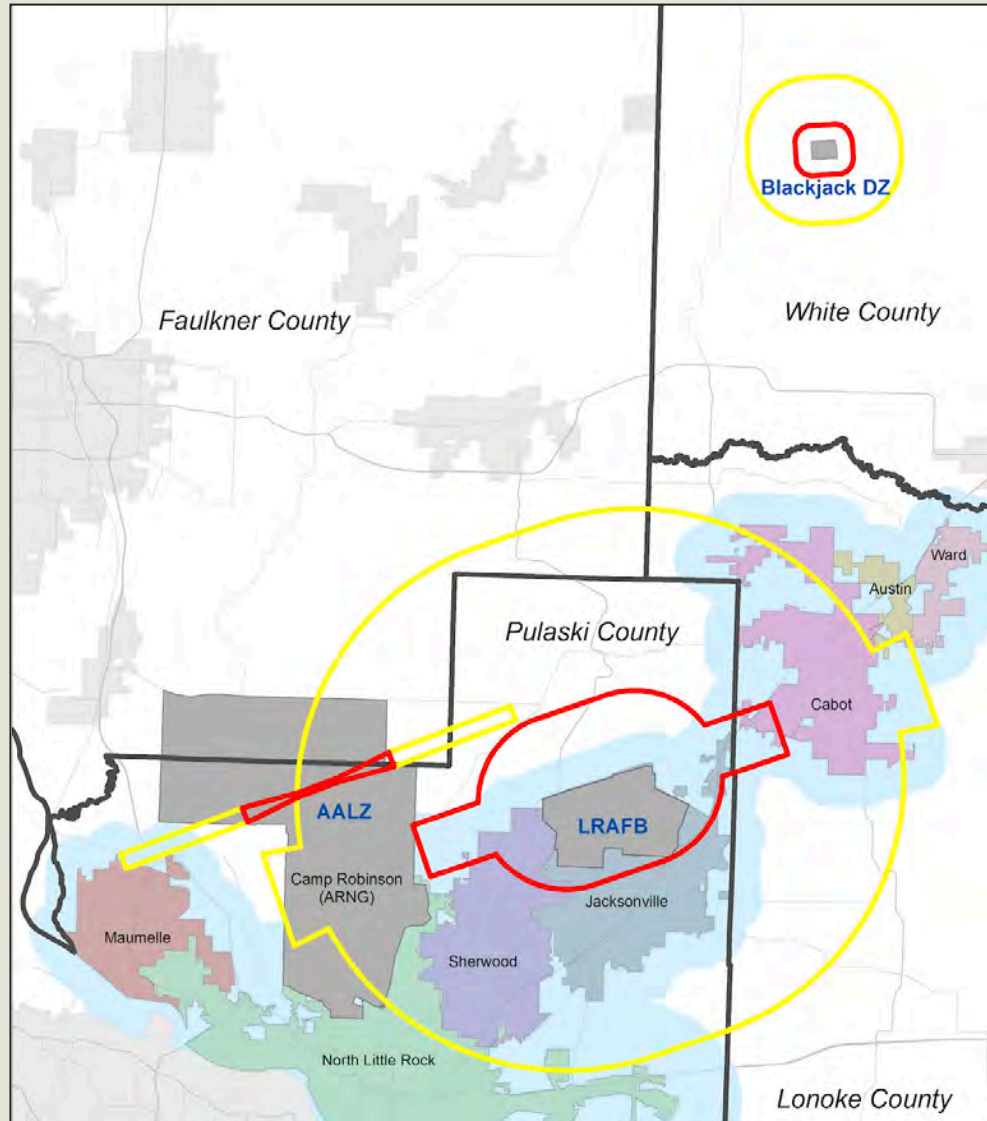




Figure 7: Notification for Low and High Elevation review Areas





Little Rock AFB Compatible Use Study - Phase II
RELEVANT MILITARY-RELATED IMPACTS

Figure 8: Existing Land Uses (see Map 3.3, Compatible Land Use Study)

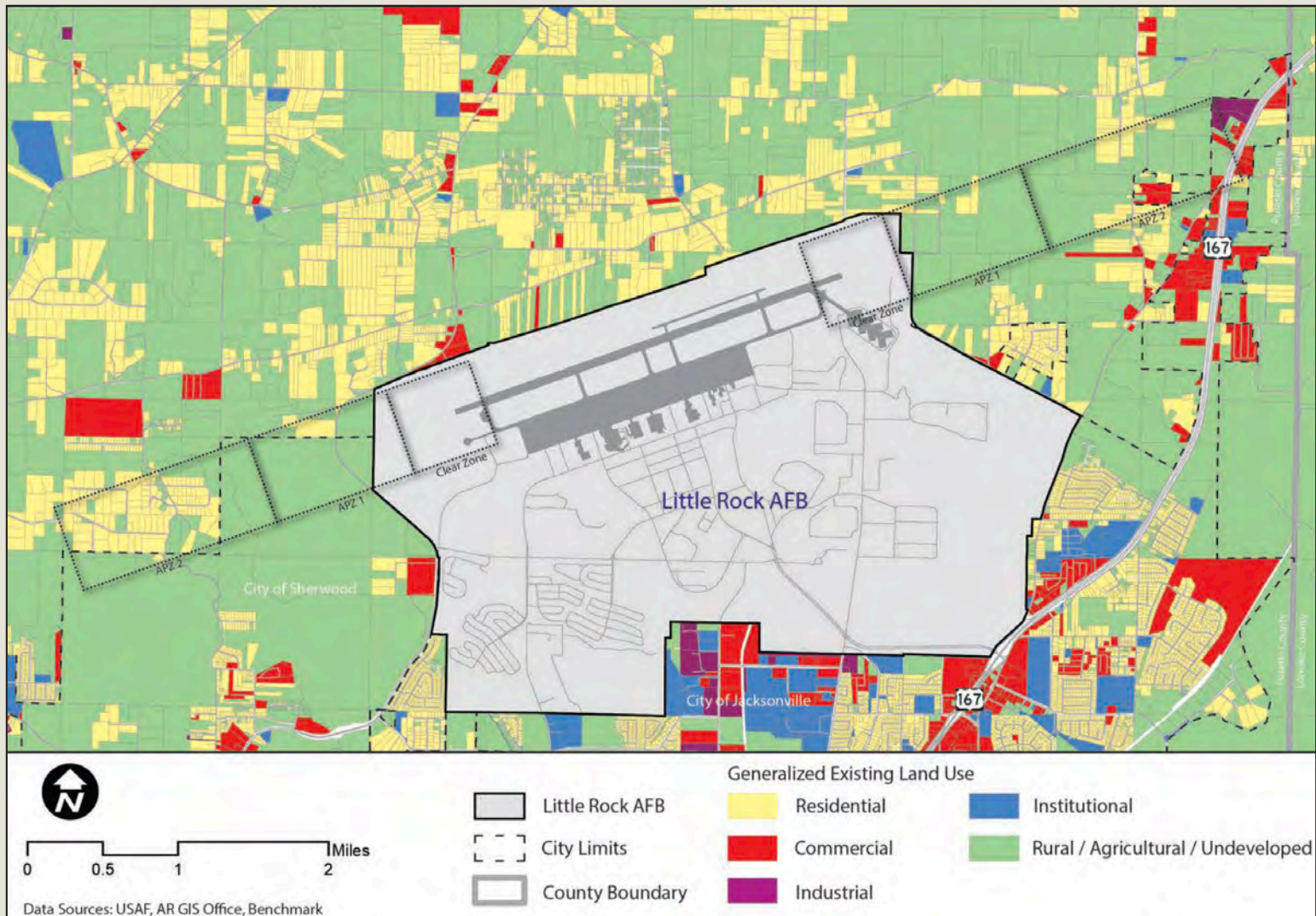
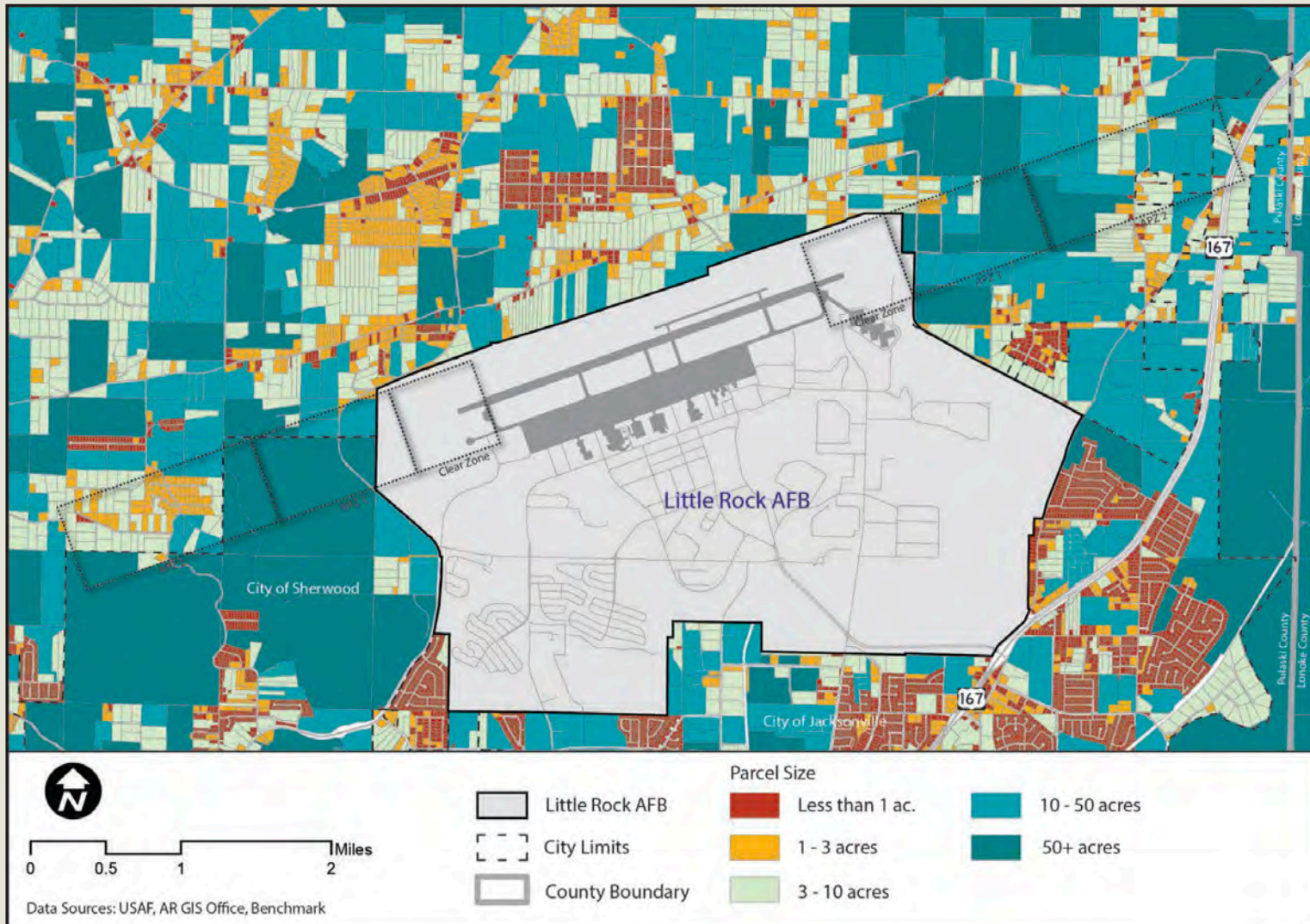




Figure 9: Land Subdivision Patterns (see Map 3.4, Compatible Land Use Study)





Little Rock AFB Compatible Use Study - Phase II
RELEVANT MILITARY-RELATED IMPACTS

Figure 10: Existing Land Use Compatibility (see Map 3.5, Compatible Land Use Study)





PHOTO CREDIT: A C-130J SUPER HERCULES PERFORMS AIRDROPS AS PART OF TRAINING EXERCISE (TECH SGT. DANA J. CABLE)

III. The Military Planning & Coordination and Zoning Overlays



A. Background

As noted, Phase II of the Compatible Use Study process involves developing the tools needed to implement the high-priority recommendations of Phase I. These recommendations were listed in Figure 1 in Chapter I.

Primary among the recommendations were those related to how the base and its surrounding local governments would formalize coordination of future land use actions; on-base and off-base, over the long term.

Having a formalized and “durable” coordination framework was seen as critical to the success of all the other tools and ordinances to be adopted. It was felt that, if the community maintained communication, then the potential for significant incompatible civilian land uses to develop in the region was greatly reduced.

First, by simply requiring communication between the local governments and the base, each agency would remain aware of land use proposals and trends to be aware of that could threaten compatibility. Second, the committees understood that new tools and challenges will emerge over time and that simply adopting the slate of tools that fit current conditions or that are considered best practices today, was not enough to protect this critical asset of the community, state, and country.

This chapter details the initial approach the committees arrived at, based on the recommendations of the 2021 CUS. Chapter IV then details the complexities of state law as it affects military compatibility planning, with Chapter V setting out the preferred approach for ensuring the community’s approach best aligns with state statutes.

B. The CUS Military Planning and Coordination Framework

Based on the committees’ discussions and recommendations during the Compatible Use Study, the study recommended creation of “military planning and coordination committee,” or MPCC, composed of staff members from the jurisdictions and the base. These types of informal committees are common in regions undertaking joint planning, including planning related to military compatibility. They commonly do not have legal standing or status, *per se*.

Recommendation G.1 of the Compatible Use Study suggested creation of such a committee to oversee ongoing cooperative land use compatibility efforts long-term. The full recommendation read as follows:

Establish a Military Planning and Coordination Committee (MPCC) to facilitate ongoing planning and coordination after tools recommended in the 2021 CUS have been approved. The MPCC will monitor the implementation of an MOU (see below). The framework for operating the MPCC may be incorporated into the MOU or into a separate set of bylaws.

In addition, the study recommended the parties – largely those anticipated to be members of the MPCC – enter into a “memorandum of understanding” to facilitate the MPCC’s creation and protocols. Recommendation E.3 of the study read as follows:

Develop a Memorandum of Understanding (MOU) between LRAFB, CUS Jurisdictions, and other stakeholders that will facilitate early




and transparent cooperation between LRAFB and other impacted parties, prior to and in conjunction with the existing development review processes. The MOU should address alternative mitigation and oversight requirements for jurisdictions without land use regulations; as well as an agreed-to framework of authorities as discussed in Recommendation E.4. and E.5.

Memoranda of Understanding, by their nature are not legally-binding, but represent a formalized commitment to cooperation. These are the most common organizing structure for military compatibility coordination bodies resulting from compatible use studies.

Based on the committee's recommendation, during the current study the consultant team prepared drafts of an MOU for the committees' consideration and feedback, which was designated as the "military planning and coordination agreement" (MPCA). The MPCA was the subject of the committees' in-person workshops in June and October of 2022. The final draft of the MPCA is included here as Appendix A, which was a product of several reviews by the committees and a series of revisions by the consultant team. The MPCA addressed two important aspects of long-term coordination among the jurisdictions.

First, the MPCA created the MPCC itself and set out how the committee would operate, including scopes of its activities, purposes, and meetings.

Second, the MPCA provided details for how the parties would coordinate regarding land use trends and applications in the vicinity of the installations, in particular with respect to local governments' coordination with LRAFB compatibility officials.



Little Rock Air Force Base
Compatible Use Study Committee
Workshop Agenda | June 22 and June 23, 2022

Wednesday, June 22

1:30-2:30 Consultant Presentation #1:
An Overview of the "region-wide approach," using maps and other illustrations to summarize the Military Planning and Coordination Agreement (a.k.a. the MOU or "MPCA") and Sample Overlay zoning ordinance – the "Military Zoning Overlay," or "MZO."

2:30-2:45 Break

2:45-3:45 Focus Group Breakout Session #1
Breakout sessions held to discuss feedback regarding the draft MPCA and MZO and to provide "jurisdiction-specific" information for tailoring the MPCA and MZO to each jurisdiction.

3:45-4:45 Focus Group Feedback Session #1:
Receive and record feedback from a designee of Focus Group.
Consultants available to stay as long as the committee members wish.

Thursday, June 23

11-12:00 Consultant Presentation #2:
Overview of Committee and Focus Group Feedback received on Day #1 and responsive revisions to the Military Planning and Coordination Agreement and Military Zoning Overlay.

12:00-1:00 Lunch

1:00-3:00 Committee and/or Focus Group Feedback Session #2:
Receive and record feedback from each committee attendee and, if applicable, Focus Group designee. We will decide prior to the session whether to conduct this final session as a "plenary" session of all attendees or in Focus Group breakouts.
Consultants available to stay as long as the committee members wish.

Committee members and stakeholders gather for a two-day workshop in June 2022.



Although the MPCA and the MPCC constituted the organizational framework for coordination, the CUS recommended adoption of regulatory overlay within eight (8) of the local governments surrounding the base:

1. Jacksonville
2. Sherwood
3. Maumelle
4. North Little Rock
5. Pulaski County
6. Austin
7. Ward
8. Cabot

These jurisdiction are those that are not only most impacted by the bases, but which also already have a history of land use regulation. White, Faulkner, and Lonoke Counties were not recommended to adopt regulations.

C. Military Zoning Overlay Ordinances

In May of 2022, the consultants prepared a draft overlay ordinance – a “regional military zoning overlay” – to use with the committees as an example to establish the agreed-to regulations that would apply *throughout the region*. During its June 2022 two-day workshop, committee members used breakout sessions, Q&A, and facilitation worksheets to arrive at the regulatory approach they felt was appropriate throughout the area – even though each local government would adopt own “piece to the puzzle.” This “regional” MZO is included as Appendix B.

In August, the committees reconvened to review the decision-making from its workshop and to provide final direction to the consultants on the overlay regulations. Following that meeting, the consultants prepared an individual ordinance for each of the eight (8) jurisdictions, based on and consistent with the regional approach preferred by the committees.

The regulations for each jurisdiction related only to that jurisdiction, but were the same as those in other jurisdictions that had the same military impacts within them. For example, the compatibility standards for accident potential protections would be the same for Pulaski County, Jacksonville, and Sherwood, though the protections necessarily must be adopted individually by each.

The approach was reviewed again in early October at a virtual meeting, before a final in-person workshop was held on October 20, 2022, in order to receive final input and direction from the committees, as well as from each local government for which an MZO had been prepared.



Appendix C includes one of the eight MZO's, for the City of Jacksonville, based on the final input of the local governments and the "regional planning commission." Chapter IX sets out a detailed action plan for facilitating the adoption of these ordinances, within the context of a "military regional planning committee," which is discussed in Chapter V.

The statutory adoption process identified through discussion with the committees, for cities and counties adopting land use regulations, included the following listed steps. Therefore, the committee estimated it taking roughly two months for each local government to complete the MZO adoption process.

1. The Planning Commission or Planning Board holds a public hearing and recommends the MZO to its governing body, either a county quorum court or city council.
2. The governing body must hold three (3) readings of the ordinance, on three (3) different days, unless the body votes by 2/3 vote to hold fewer readings.
3. The governing body sets an effective date for the MZO.

As is discussed in Chapters V and IX, the MZO's will be adopted following review and a recommendation of a newly-created military regional planning committee.

Introduction.
Over the last two years, members of the CUS and the CUS Implementation committees have confronted a myriad of complexities; complexities inherent to all military communities formally addressing potential conflicts between military and civilian land uses. These layers of complexity arise from land use patterns, statutory authorizations, economics, and military impacts, which – in the case of the LRAFB community – vary dramatically among twelve (12) different jurisdictions and three (3) separate military installations. Nonetheless, the committee has arrived at a general approach that we believe is balanced, equitable, and effective. At this stage, the challenge we face is bridging this apparently straightforward approach to a legally-solid regulatory framework – a more daunting task. In the weeks leading up to the committee's Workshop, we provided the members with drafts of a Military Zoning Overlay, or "MZO," and a Military Planning and Coordination Agreement, or "MPCA." These tools will underpin the community's compatibility program within a regulatory and coordination framework that fits local historic practices. This Overview illustrates in summary form the complexities of the MZO and MPCA in order to effectuate the general approach the committee has settled upon.

¹ Note that in addition to the 12 jurisdictions covered in the draft MZO and MPCA, the City of Lonoke also was included in the 2021 Compatible Use Study. However, since Lonoke is quite far from the LRAFB installations and does not have any documented military impacts within it, Lonoke is not included in the draft MZO or MPCA.

What to Expect at the Workshop.
During our Workshop on June 22 and 23, we will present the approach proposed in the draft MZO and MPCA, which this Overview generally reflects. We encourage you to review the full MZO and MPCA as well prior to the Workshop. At the Workshop, we will work with the committee – in both plenary and focus group sessions – to confirm we are on the right track. During these sessions we will prompt you for specific inputs and feedback so as to finalize the MZO and MPCA – and other remaining project deliverables – according to the committee's directives.

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A Simplified Approach.
As a starting point, the proposed approach is based on current municipal, city planning ETJ, and county boundaries.

The major impacts to be addressed would be Accident Potential and Noise (70 dB +), requiring regulatory actions by Jacksonville (Noise & APZ's) and Sherwood (APZ's) alone.

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Structures 50' or taller near the base and 200' or taller further away (i.e., "tall structures") would be prohibited case-by-case where LRAFB determines it would directly interfere with military airspace operations. This would require coordination between each jurisdiction and LRAFB when "tall structures" are proposed.

Finally, "Potential Incompatible Development" (i.e., "PIDs") proposed near an installation also would be reviewed by LRAFB case-by-case, however, unlike height determinations, final decisions as to a PID would remain with the local government. The proposed area of LRAFB review for PIDs is 3 miles.

Land uses considered to be a "potential incompatible development" with LRAFB operations are listed on the following page.

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The Military Zoning Overlay and the Military Planning and Coordination Agreement.
It might be ideal for each jurisdiction to adopt the Military Zoning Overlay or a similar "binding" regulation to effectuate these protections (e.g., see Scenario #1, below). That may not be feasible in some instances. However, for jurisdictions that do adopt a "Military Zoning Overlay," the provisions in the "Simplified Approach," above, would be achieved through the MZO and the "Military Planning and Coordination Agreement" together. For jurisdictions not adopting an MZO, the above provisions would be applied through the "Military Planning and Coordination Agreement" only.

Scenario #1.
One scenario, which may provide a very high level of protection, would have each jurisdiction adopting the MZO (or similar regulation) directly addressing just those impacts present in their jurisdiction – and, for cities – within an authorized ETJ. Perhaps, like this:

Noise: Jacksonville regulates for noise between the northeast end of the LRAFB runway and Highway 67.
APZs: Jacksonville and Sherwood regulate for accident potential within APZ-1 and APZ-2, off the northeast and southwest ends of the LRAFB runway.
Height: All jurisdictions regulate height within the imaginary surfaces.
PIDs: All jurisdictions (except Austin and Ward) adopt regulations requiring input from LRAFB when a Potential Incompatible Development is proposed.

During the Workshop, we will explore other scenarios, which may include some jurisdictions relying on "coordination by agreement" instead of regulations to protect base missions and property owners.

² The MPCA also includes a framework (i.e., bylaws) for ongoing coordination among the parties.
³ The 3-mile review areas for "potential incompatible developments" do not extend to Austin or Ward.

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PHOTO CREDIT: COL. ANGELA OCHOA GIVES OPENING REMARKS DURING POW/MIA RECOGNITION DAY (SENIOR AIRMAN MARIAM K. SPRINGS)

IV. State Legislation



In 1995, the Arkansas Legislature adopted A.C.A. § 14-56-426, which required cities in proximity to Little Rock AFB to adopt ordinances governing land uses near Little Rock Air Force Base, for the purposes of protecting the base from incompatible land uses.⁴ The statute was revised in 2005 and in 2017.

Application of the current statute results in four cities (Cabot, Jacksonville, North Little Rock, and Sherwood) with significantly overlapping jurisdictions. (see Figure 2 above). In addition, portions of LRAFB's documented impact areas fall outside these territorial limits, within unincorporated areas of counties without jurisdiction-wide zoning regulations, such that current impact areas related to height and interference did not require regulation by the cities by law.

During development of the CUS in 2020, the steering committees and consultants began discussions related to the statute and of its application across the jurisdictions. At the conclusion of the study, the recommendation of the committees was, during Phase II, to [p]repare and seek support for revisions to A.C.A. § 14-56-426, and other affected statutes, regarding the scope and nature of local government regulatory jurisdiction over areas affected by LRAFB operations; particularly as relates to extraterritorial powers and overlapping areas of authority and impacts.”⁵

During the current study, the consultant team developed a series of analyses related to application of the statute, including as to the meaning and resulting geography.

⁴ See Appendix D, *LRAFB Compatible Use Study*, dated January 15, 2021.

⁵ See Appendix C, *LRAFB Compatible Use Study*, dated January 15, 2021, Recommendation E.4.

Figures 11-13 present examples from the extensive GIS analyses Benchmark Planning conducted, which illustrated for the steering committees a possible application of the A.C.A. § 14-56-426. Note the areas of overlapping jurisdiction, where the sphere of influence of two or three local governments may have applied.

Figure 14 presents one of about thirty (30) proposed scenarios the consultant team generated for the consideration of the committees for allocating responsibility for military compatibility requirements under the statute.

The Phase II Materials Supplement includes the full series of analyses presented to the CUS Implementation Committee, Executive Committee, and the Legislative Subcommittee.

Based on the analyses and the options presented to the committees, the subcommittee presented a preferred approach for the consideration of the full committees in April 2022. However, given the obvious complexities with which the committees had grappled throughout the study and the challenges advancing new legislation necessarily involves, the committees elected to rely on the Military Planning and Coordination Committee and Agreement to allocate responsibility among the jurisdictions, based on existing statutory powers.



Figure 11: Application of Arkansas compatibility statute within LRAFB Part 77 Imaginary Surfaces

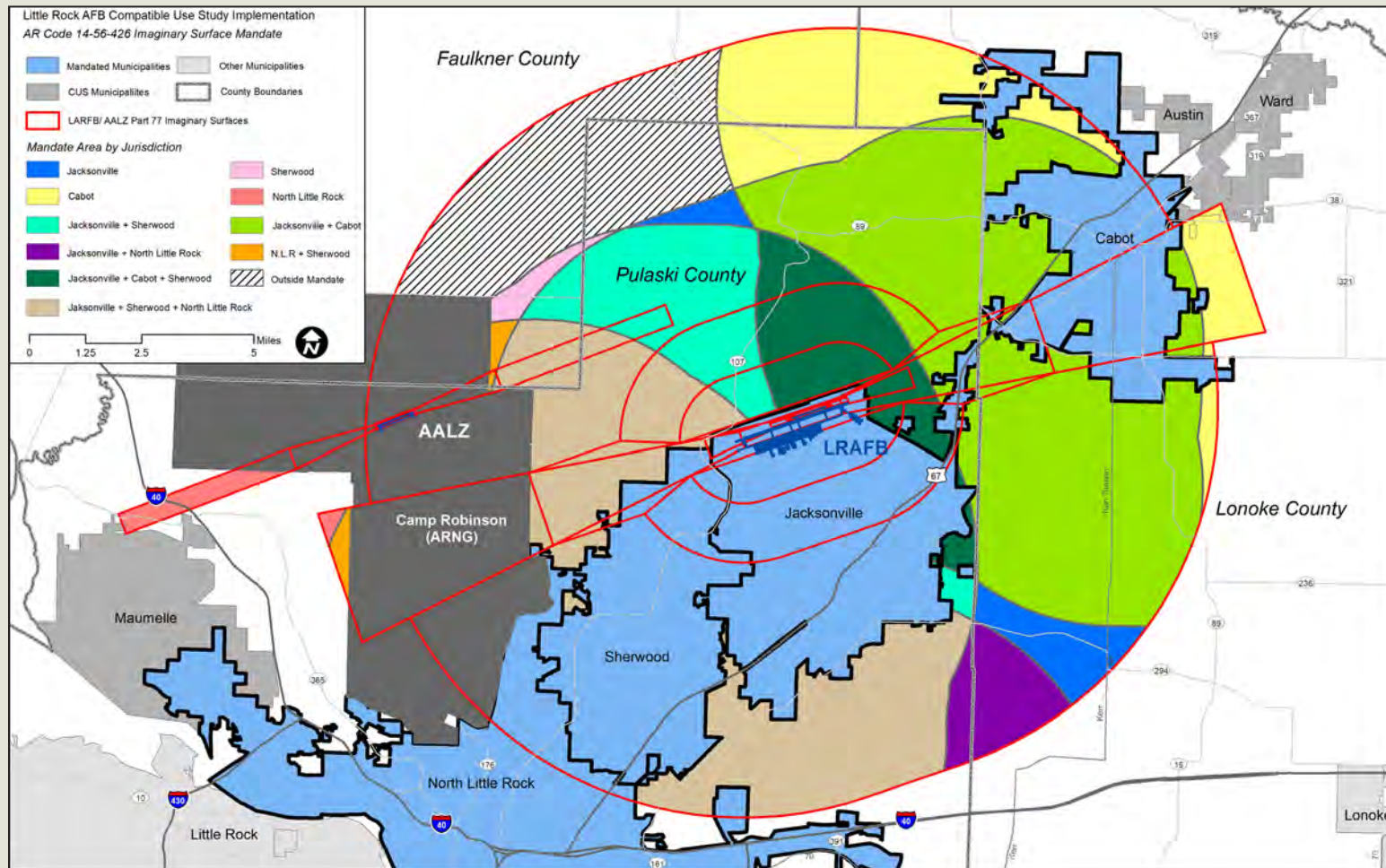




Figure 12: Application of Statutory compatibility statute within LRAFB Noise Contours

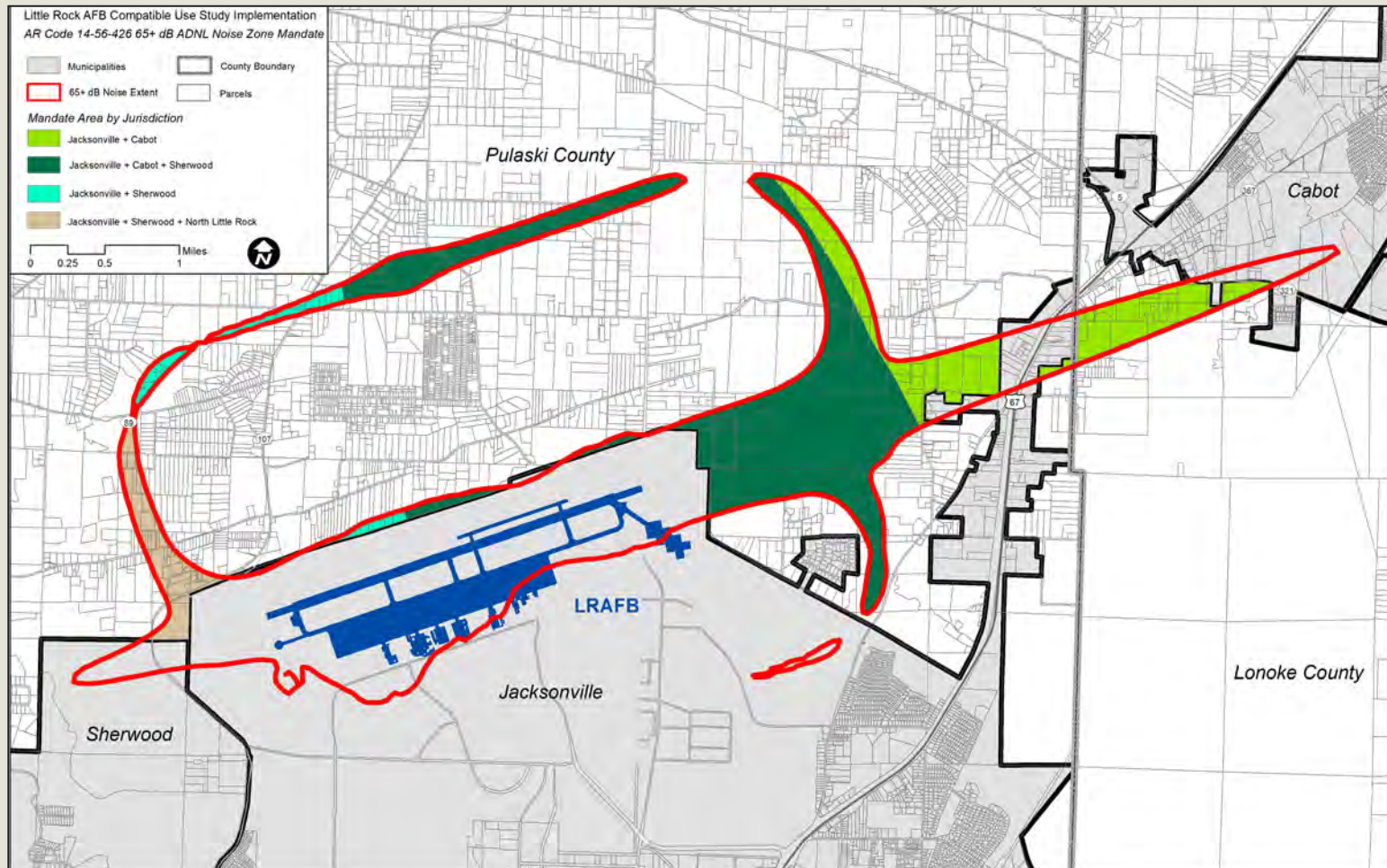




Figure 13: Application of Statutory compatibility statute within LRAFB Accident Potential Zones

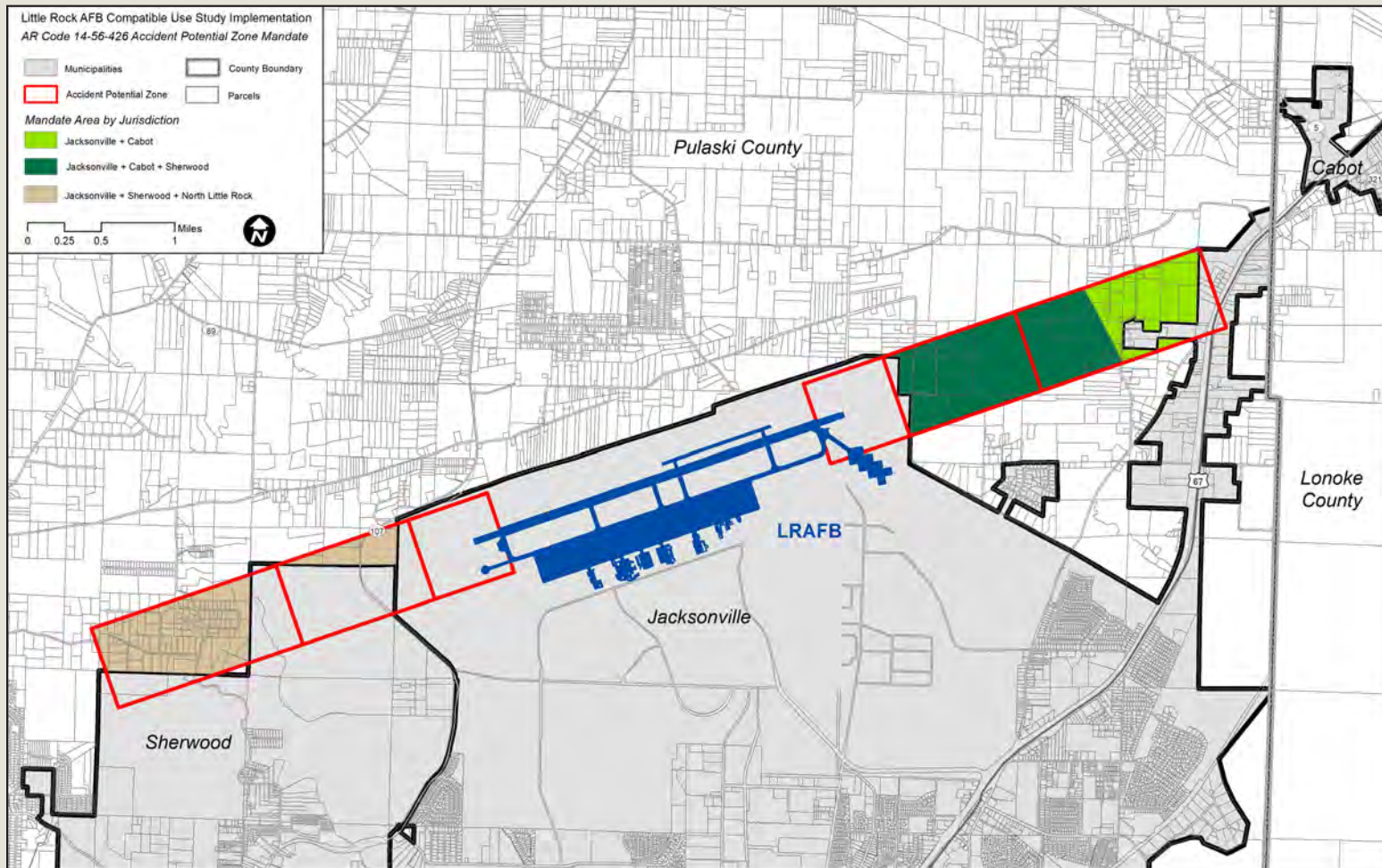




Figure 14: An example of GIS analysis presented to the committee to illustrate a possible regulatory scenario.

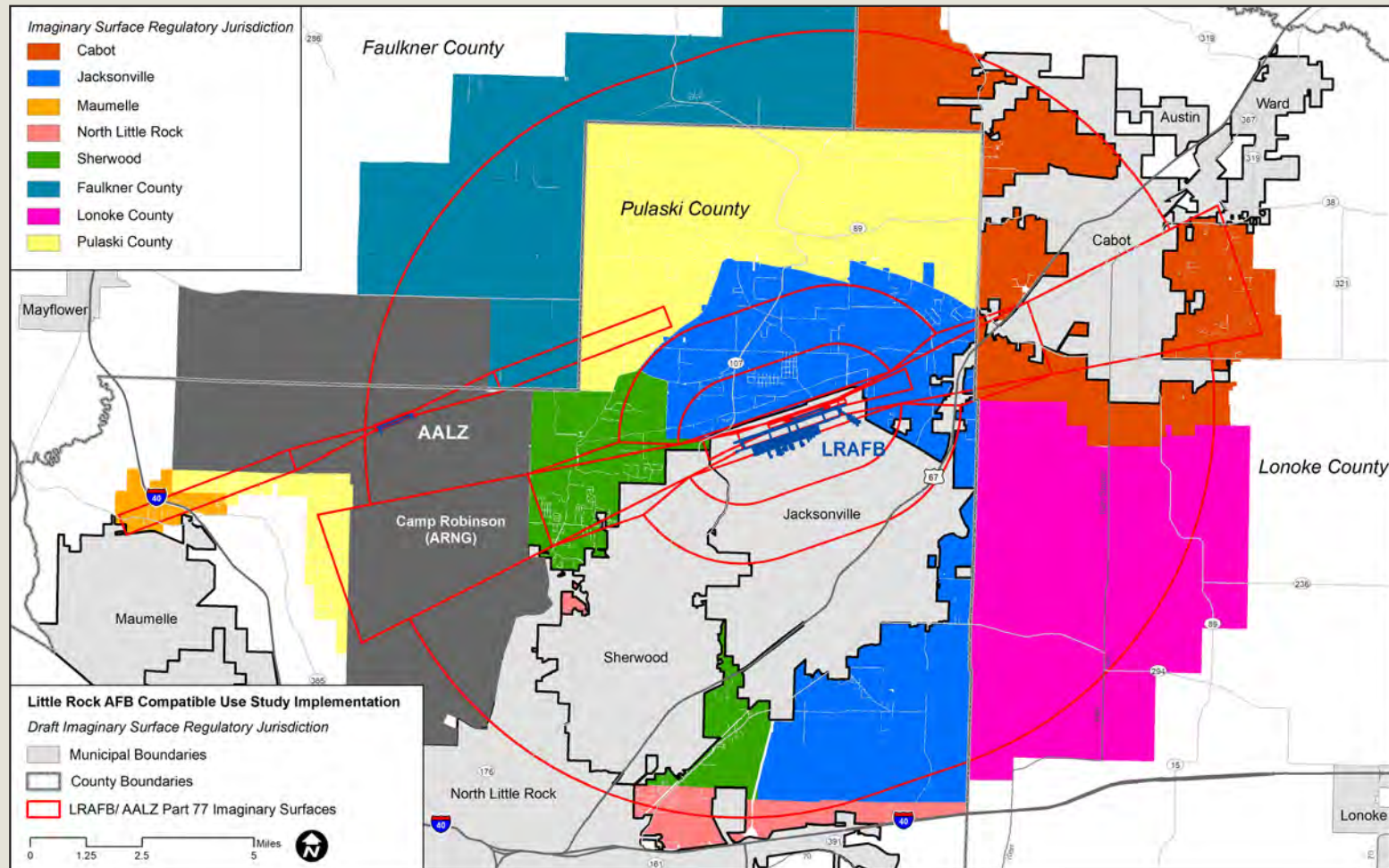




PHOTO CREDIT: A FRENCH CAS CN235 AIRCRAFT ARRIVES AT LRAFB DURING GREEN FLAG LITTLE ROCK 22-03, JAN. 7, 2022.
(AIRMAN 1ST CLASS MARIA UMANZOR GUZMAN)

V. A Regional Planning Commission for LRAFB



A. Background

At the committees' full-day workshop in October 2022, the members reviewed the changes the consultants had prepared since the prior input session in September and finalized remaining substantive aspects of coordination in the MPCA. In addition, the members briefly discussed a proposal by the Pulaski County members and County attorney to consider creating a "regional planning commission," which is authorized under the Arkansas Statutes, for municipalities and counties.

The advantages of creating a statutory planning body were that, compared to a non-binding MOU, a regional planning commission would have as its members the governing bodies themselves of the jurisdictions involved. In addition, as discussed in Chapters IV and V, it was felt that creation of a regional planning commission, under Arkansas law, would facilitate the cities' compliance with A.C.A. § 14-56-426, by clarifying the scope of each jurisdiction's oversight of military compatibility matters and, most important, would establish in a legally binding document the allocation of authorities under this statute.

Under Arkansas law, a regional planning commission could be created by "intergovernmental agreement," or an IGA, between local governments and, by the terms of the agreement, designate which would exercise authorized land use powers in specific geographical areas.

Following the workshop, discussion regarding the concept of an RPC was taken before the four (4) jurisdictions that contained the most land area with the most military impacts around LRAFB and Camp Robinson: Jacksonville, Sherwood, Cabot, and Pulaski County. Over the course of a couple months, the governing bodies of each of the cities passed resolutions supporting their participation in an RPC (included in Appendix D).

**INTERGOVERNMENTAL AGREEMENT
CREATING THE
LITTLE ROCK AIR FORCE BASE REGIONAL PLANNING COMMITTEE
AND
FIXING ITS AUTHORITY AND RESPONSIBILITIES**

This Intergovernmental Agreement is made and entered into this ____ day of _____, 2023, among parties City of Jacksonville, Pulaski County, City of North Little Rock, City of Sherwood, City of Maumelle, City of Cabot, City of Ward, City of Austin, Lonoke County, Faulkner County and White County pursuant to Ark. Code Ann. §§ 14-14-910, 14-56-501 et seq. and 14-17-301 et seq. to create the Little Rock Air Force Base Regional Planning Committee and to fix its authority and responsibilities.

WHEREAS, Little Rock Air Force Base ("LRAFB"), the Local Governments, and the community have historically cooperated to ensure the sustainability of the ongoing mission of LRAFB and its associated local installations, as well as the preservation of quality of life for citizens and businesses in the region; and

WHEREAS, the ongoing presence and operation of LRAFB is critical to the nation's defense, the protection and well-being of the citizens of Arkansas, and to the common good of this community; and

WHEREAS, for more than three (3) years representatives and community members of these participating jurisdictions have been actively meeting on a



With the cities' support, along with that of Pulaski County, Pulaski County legal staff proposed a draft IGA, with support from the CUS consultants, which was presented to legal counsel for each of the parties to the agreement in preliminary form in January 2023. At that time, the Project Director and Pulaski County attorney had not heard any concerns related to the jurisdictions' willingness to enter the IGA or its proposed terms.

The CUS Implementation Committee and CUS Executive Committee convened on February 8, also for purposes of discussing the preliminary draft and to receive a briefing from the consultants regarding the IGA and other Phase II deliverables.

The final IGA is included here as Appendix E, which is the version provided by the CUS Project Director to the legal counsel, mayors, and/or judges of the eleven (11) parties to the agreement prior to the finalization of this report.

The following local government parties are included in the draft IGA.

1. Jacksonville
2. Pulaski County
3. North Little Rock
4. Sherwood
5. Maumelle
6. Cabot
7. Ward
8. Austin
9. Lonoke County
10. Faulkner County
11. White County

B. The LRAFB Intergovernmental Agreement

The LRAFB Intergovernmental Agreement sets forth the structure of the LRAFB RPC, similar to the manner in which the draft MPCA had addressed the structure of the MPCC. These parts of the draft MPCA informed components of the IGA related to the Regional Planning Committee.

The draft IGA, however, does not include the "coordination details" set out in the MPCA, related to day-to-day administration and coordination between the base and local governments. If the community moves forward with the recommended statutory IGA and RPC, then those day-to-day details would be included in a separate set of Administrative Guidelines, which are discussed in Chapter V - RPC Administrative Guidelines.

As to the draft IGA itself, as it was proposed by the County and presented to local governments prior to study completion, there are several key points worth noting (see Appendix E).

1. The RPC is designated as the "Little Rock Air Force Base Regional Planning Committee."
2. Member jurisdictions of the LRAFB RPC are classified as either:
 - a. MZO Area Jurisdictions, meaning they have adopted a military zoning overlay (MZO) ordinance; or
 - b. Advisory Area Jurisdictions, which are those that, based on CUS recommendations, have not adopted an MZO and for whom input from the RPC is only "advisory" in nature.



3. The LRAFB RPC would *administer* the MZO outside of the municipal boundaries within Pulaski County and North Little Rock's adopted planning and zoning territory.
4. The LRAFB RPC would be *advisory* within White, Faulkner, and Lonoke Counties' unincorporated areas.
5. The LRAFB RPC does not supersede any municipal extraterritorial planning or subdivision authorities currently being exercised, unless a municipality requests RPC oversight, through an agreed to process.
6. Each jurisdiction member, regardless of classification, has equal representation on the LRAFB RPC, one (1) appointee for each party.
7. The IGA provides for the RPC's creation, officers, and terms of service.
8. The LRAFB RPC will meet at least once annually, though may convene as necessary with notice.
9. Initially, the LRAFB RPC will be supported by each member's existing staff and resources, though separate or additional funding may be identified later.
10. During the first three (3) years of the RPC's existence, staffing will be provided by Pulaski County's Planning and Development Department, unless or until the LRAFB RPC board decides otherwise.
11. The LRAFB RPC will make recommendations to its member jurisdictions with respect to military-related plans, studies, and MZOs adopted or revised by the local government.

12. The LRAFB RPC was anticipated to act in a regulatory capacity on behalf of Pulaski County, solely within its unincorporated areas, *excluding* the unincorporated areas within which the City of North Little Rock has exercised zoning, planning, or subdivision authorities.
13. The LRAFB RPC will set up and maintain an organizational website.
14. The IGA is effective upon the parties' execution by their executive officer, as authorized by the appropriate governing bodies.

The draft IGA may be revised during Phase IIIA, based on local legal counsel review or the considerations of the individual local governments during adoption, or to facilitate the particular aspects of a party's administration or statutory authorities.

Chapter IX sets out a step-by-step approach to adopt the IGA and associated military zoning overlays.



C. Operational Considerations

The consultants worked with the CUS Project Director and committees to explore key considerations for the community as it made the decision to pursue and RPC approach and, if so, what operational features might be considered as Phase IIIA is pursued. See Chapter IX. The several decades of experience the consultants had with a similar program at Fort Bragg, North Carolina, informed part of that discussion. A case study of Fort Bragg's program is included below.

It should be noted however, there are key differences between the Fort Bragg "Regional Land Use Advisory Commission" (RLUAC) and the anticipated structure of the LRAFB RPC. It should not be assumed, for example, that the LRAFB RPC will require or even benefit from the level of resources and effort the Fort Bragg community has needed to commit. Nonetheless, the statutory framework of RLUAC made it a useful comparison for purposes of structuring the Little Rock Air Force Base RPC.⁶

⁶ Examples of the distinctions between the case study and the LRAFB environment include:

Fort Bragg itself comprises 250 square miles, with an adjacent 5-mile notification area of an additional 580 square miles. By contrast, LRAFB's statutory 5-mile area (under A.C.A. § 14-56-426) is only about 100 square miles. Further, the outer extent of LRAFB's imaginary surfaces is only about 315 square miles in land area covered. In LRAFB's case, the primary issues in that 315 square mile area are mostly related to potential height and interference incompatibilities. RLUAC, by contrast, oversees impacts related to 3 separate airfields, with a total of 5 runways, in addition to extensive threatened and endangered species issues on- and off-base. Other differences include operational ones (use of UASs at Fort Bragg) and urban encroachment pressures (much higher around Fort Bragg), among others.

D. Funding Matters

As the Regional Planning Committee matures, it is expected that the cost of its operations will be shifted from the full responsibility of Pulaski County to the full membership base, as provided for in the Intergovernmental Agreement.

The initial years of operations of the Committee will provide effective guidance to the organization regarding its budgetary requirements over time. While the agreement defines "level of activity" as the basis for determining member jurisdiction budget requirements, options for apportioning the cost of operations among the members include a fixed annual member contribution evenly divided among the members of the LRAFB RPC, a proportional apportionment based on population, or a tiered apportionment based on categories of population (example: small, medium, large).

Local government members could also consider instituting a supplemental fee for land use / development applications within the MZO and dedicate those revenues to LRAFB RPC operations to offset required appropriations from their general funds. The RPC itself could also institute an application or review fee for those matters that it is required to review to reduce the overall required annual contributions of its member governments. Seeking state funding for baseline administrative and operational expenses, either through a direct appropriation from the Legislature or through the AEDC Military Affairs Committee should also be considered by the RPC to supplement local funding.



E. Best Practices

While the initial adoption of Military Zoning Overlay ordinances is anticipated to result in the implementation of uniform, or nearly uniform, standards for military land use compatibility among the member jurisdictions; over time, there may be practical or policy considerations that lead to a need or desire for modification in one or more jurisdictions.

There may also be changes in the compatible use guidance or changes to operations at Little Rock Air Force Base that necessitate changes to each of the local governments' MZOs, the Administrative Guidelines, or the IGA itself. Developing a review process that includes input from LRAFB into any proposed changes will help ensure that member jurisdictions receive clear and competent advice on any locally proposed changes. Where such changes result in better performance, the LRAFB RPC could recommend changes to its full membership, as applicable. To address changes in Air Force guidance, the RPC should consider adopting a regular review schedule – either annually or biannually – where it will consider the need for any updates to military compatible use regulations or guidelines and proposed changes to its membership.

The Little Rock Air Force Base RPC has the opportunity to evolve into a prominent forum for the exchange of ideas and information related to compatible use and growth issues around the Base. While the Committee has a mandatory annual meeting frequency, a more frequent meeting schedule may help the organization gain traction and develop relationships between its members as well as with other stakeholders with similar interests.

With proper planning, the LRAFB RPC could use its meetings to host guest speakers to present on topics

relevant to LRAFB and land use / development trends and issues – thus improving the relevance and value of attendance for its members and guests. The issues and ideas that can be raised through a more frequent and regular meeting schedule can help the RPC and its members identify areas of concern before they become critical issues as well, especially when the meetings include a time for member reports or updates on the agenda.

F. RPC Administrative Guidelines

As noted above, the details of coordination and notice between the local governments and the base, under the MPCA / MPCC framework, were not included in the statutory LRAFB IGA, which set up the LRAFB RPC. Given the contractual nature of the IGA, it is more appropriate to include these details in a separate set of guidelines that can be revised as needed by the RPC in the future, without the need for a contract revision.

Therefore, the coordination and notice elements from the committee's draft military planning and coordination agreement were used as a basis for developing a set of Administrative Guidelines that the LRAFB RPC could rely on for day-to-day coordination with the base and the parties. The draft guidelines are provided in the Phase II Materials Supplement.



PHOTO CREDIT: THE ARKANSAS MILITARY AFFAIRS COMMITTEE POSES WITH THE 19TH AIRLIFT WING COMMAND TEAM DURING A BASE TOUR AT LRAFB. (AIRMAN 1ST CLASS ISABELL A. NUTT)

VI. Local Government Comprehensive & Small Area Plans



A. Overview

Several of the communities that participated in the Compatible Use Study were identified to have a high degree of exposure to military impacts with land use compatibility implications; generally, those communities with the greatest degree of proximity to Little Rock Air Force Base. To support the implementation of compatible use regulation in these jurisdictions: the cities of Cabot, Jacksonville, North Little Rock, and Sherwood, as well as Pulaski County, the CUS recommended that planning documents be adopted or amended for each to provide a rational basis for adopting regulations supporting compatible use.

All of the cities have adopted planning documents covering their respective jurisdictions, ranging from full comprehensive plans to less detailed plans, such as Master Street and Land Use Plan maps - each with varying degrees of currency. Pulaski County does not have a county-wide land use or comprehensive plan, but does have a small area plan that it adopted for the Lake Maumelle Watershed prior to its enactment of a zoning ordinance for that portion of the county.

Because of the varying nature and degree of currency of existing plans, the plans prepared for the CUS implementation project are generally intended to be supplements or appendices to each city's primary planning document, with the exception of Pulaski County, where the plan is intended to be a standalone document. The intent of these planning documents is for them to be adopted by each jurisdiction to supplement their generally applicable jurisdiction-wide plans, except in the case of Pulaski County where the document will serve as a small area plan for the portion of the county to which it applies. The plan revisions prepared for the City of Jacksonville during Phase II are

included as Appendix K to this report. Plan revisions for all the above-stated communities are included in the Phase II Materials Supplement.

Each planning document contains information related to the nature and extent of the compatible use concerns in each jurisdiction, information about Little Rock AFB and its mission, a discussion of compatibility tools, and a set of recommendations. Together, the information and recommendations in each plan form the basis for the subsequent adoption of compatible use regulations, engagement in the Regional Planning Committee, and other actions that the communities have expressed interest in pursuing in furtherance of the goal of realizing growth that is compatible with and sustains Little Rock AFB's training mission.



B. Plan Implementation

Following the adoption of the plan supplements, the staff planners, planning commissioners, and elected officials in each community will utilize the information and recommendations in them to develop and implement local policies and regulations, such as the Military Zoning Overlay applicable to each of these local governments, that promote compatible growth in their communities. They will also help inform local decision-makers as they review requests for rezonings, subdivisions, and other land use and development applications. When a discretionary approval, such as a rezoning, is under consideration; the application should be reviewed in the context of the plan to determine whether approval of the request would be consistent with military land use compatibility standards set forth in the plans and associated compatible use guidance.

The plans should also be consulted to help inform other local policy and planning decisions. For example, when a community is developing its long-range capital plans for major infrastructure, such as water, wastewater, and transportation improvements, they should be reviewed for consistency with the need to grow in a manner that is compatible with the military training impacts identified in the plans. This will help local governments make better decisions with their investments and help direct growth toward areas that can grow without concern for their compatibility with military training impacts. Local governments can also share the information in the plans with other infrastructure providers and developers, such as ARDOT, independent utility organizations, and school districts, to help them inform their plans and investments.

The plans also provide each community with the opportunity to review and update related policies in their overall

land use / comprehensive plans. Where future land use designations are inconsistent with the compatible growth goals of the military compatible use plan supplements, updates should be considered to bring them into alignment. While the Military Zoning Overlay will provide a degree of additional protection from incompatible development, local zoning maps should also be reviewed in the context of the compatible growth guidance. Where significant variance exists between current zoning designations and compatible growth standards, communities should consider amendments to the zoning map to increase consistency with military compatible use goals.



C. Plan Adoption Process - Generally

The process by which local governments in Arkansas adopt plans is similar for cities and counties, with some slight variation. Each involves the local planning commission reviewing the proposed plan and providing opportunities for public comment prior to recommending the plan to the governing board, which then has final authority to adopt the plan. Prior to initiating the adoption process, it is recommended that each municipality review its recorded territorial jurisdiction map, amend it as necessary, and refile it with the city clerk and county recorder if updates are required to ensure compliance with the territorial jurisdiction standards in AR Code § 14-56-413. The following is a more detailed discussion of the full process that cities and counties are required to follow to adopt and amend plans.

D. Municipal Plan Adoption Process

The Arkansas Code establishes the process which municipal governments are required to follow when adopting plans in § 14-56-422. The first requirement is for the planning commission to hold a public hearing on the proposed plan, with published notice given at least 15 days prior to the hearing. In addition to the required public hearing, the municipality is also required to provide mailed notice to the board of directors of each school district within the area subject to the plan to provide the board a reasonable opportunity to comment on the plan.

Following the public hearing, the commission may adopt the proposed plan. Once adopted, the commission is required to certify the plan to the governing board. Once the governing board has received the plan from the planning commission, the governing board may consider adoption of the plan. If the governing board determines that no further modification or study of the topic of the plan is needed, then by a majority vote of its members, it may adopt the plan by ordinance or resolution.

Once adopted, the governing board is required to file the plan with the city clerk. If the plan includes territory outside of the municipality's incorporated area, the city clerk is required to file the plan with the County Recorder as well. Subsequent to the initial adoption of the plan, amendments are governed by AR Code § 14-56-423, which refers to the general adoption process in AR Code § 14-56-422. Alternatively, there is a provision in § 14-56-423 that permits amendment by "a majority vote of the council."



E. County Plan Adoption Process

The process for counties to adopt plans is set forth in AR Code 14-17-207. Unlike municipalities, county planning boards are required to hold a “public meeting” as opposed to a “public hearing.” Prior to the public meeting, the chair of the county planning board is required to inform the quorum court of the purpose and intent of the public meeting, and make such notification in sufficient time for the justices to attend. At the same time that the planning board chair notifies the quorum court, they are required to notify the public through local newspapers and “other media.” Like cities, counties are required to notify local school districts of the proposed plan and provide them a reasonable opportunity to comment prior to considering adoption of the plan.

Once the planning board has held at least one public meeting on the plan and made the required notifications, it may take up consideration of the plan for recommendation to the quorum court. After the board recommends the plan and forwards it to the court and the court determines that no further modification of the plan is required, it may adopt the plan. Unlike municipal plans, there is no explicit requirement to file or record the plan. Subsequent to the initial adoption of the plan, amendments are required to follow the same process as the initial adoption of the plan.



PHOTO CREDIT: COL. JAMES O'BRIEN, 19TH AIRLIFT WING AND INSTALLATION VICE COMMANDER, PREPARES TO CONDUCT A MASS OATH OF ENLISTMENT TO NEARLY 30 MEMBERS OF THE U.S. AIR FORCE AND U.S. ARMY AT THE FARRIS CENTER. (TECH SGT. DANA J. CABLE)

VII. Public Outreach and Awareness



A. Background

The Phase I study recommended consideration of several key outreach elements that would augment community awareness of how LRAFB can be impacted by off-base civilian land uses and, therefore, discourage incompatible uses, even where regulatory tools are not in place or required. These elements included the following:

1. Local government information sheets
2. Voluntary noise attenuation standards and guidance
3. A formalized protocol for consistent updates from the Base to local government elected officials.
4. Regulatory notices of applicable regulations/ limitations on use
5. Real estate disclosures (for sales and residential leases)
6. Roadway signage
7. Recommendations related to Noise Resolution protocols.
8. Unmanned Aerial System protections and awareness tools
9. Compatible use website

B. Local Government Information Sheets

As noted in Chapter II, several local governments within the study are situated farther from the LRAFB installations and have less potential to create incompatible land uses that would affect base operations. For example, the unincorporated areas of Faulkner, White, and Lonoke Counties have lands that are only subject to potential height interferences, but, even then, the likelihood is substantially lower than in Pulaski County and the cities of Jacksonville, Sherwood, and Cabot. In addition, Cabot, Austin, and Ward each share adjacent land use authorities within unincorporated Lonoke County.

Following numerous stakeholder and committee meeting discussions, the consultants recommended supplemental handouts for officials in these jurisdictions, in order to steer personnel and landowners in the right direction if a “potentially incompatible land use action” were proposed beyond the reach of a military overlay zone.

An example of these handouts is included as Appendix F. Handouts for each of the jurisdictions are provided in the Phase II Materials Supplement. These drafts reflect the anticipated designation of Pulaski County Planning and Development as the point of contact for a regional planning commission created within the first six months of this report. Since the initial content of the RPC will be housed on the City of Jacksonville website until that time, the City’s website address is provided on the information sheets at this time. These will be updated once the community finalizes its long-term coordination framework.



C. Voluntary Noise Attenuation

Where aviation noise levels exceed 65 dB ADNL (annual weighted day-night noise level), noise sensitive uses such as homes, schools, and churches can experience disruptions when aircraft are operating nearby. Many communities provide technical assistance, financial support, or other resources for the owners of noise affected properties to attenuate the penetration of noise into their buildings. Examples of this range from providing promotional material or guides to educate builders on noise-resistant construction materials and techniques, to using grant funding to assist homeowners with the cost of making upgrades to limit noise penetration.

In the LRAFB community, the Compatible Use Study identified the cities of Jacksonville, Sherwood, and Cabot, as well as Pulaski County and Lonoke County, as being affected by noise at or above 65 dB ADNL originating from aviation operations at LRAFB.

As proposed in the CUS implementation process, the communities impacted by aviation noise have determined that any regulations related to noise compatibility should focus on 70+ dB ADNL noise zones, where use restrictions and/or mandatory interior noise level reduction could be applicable. This leaves open the likelihood for the construction of new noise sensitive uses in areas subject to 65-70 dB ADNL noise impacts.

In addition, there are a number of existing homes and other potentially affected uses in areas subject to 65+ dB aviation noise impacts. For those property owners who may desire to voluntarily incorporate noise mitigation features into their construction or retrofit existing structures, the local governments with noise impacts can assist by conducting

outreach and helping to direct builders and residents to resources to help guide them through the process.

Appendix G to this report includes an example of noise mitigation construction guidelines developed for contractors for use in aviation noise affected areas by the Metropolitan Council in the Twin Cities region of Minnesota (Builders Guide: Mitigating Aircraft Noise in New Residential Construction Metropolitan Council, 2006). A more detailed guide for mitigating aviation noise developed by the Airport Cooperative Research Board (ACRP Report 89 Guidelines for Airport Sound Insulation Programs) is available to view free at the following link: <https://nap.nationalacademies.org/catalog/22519/guidelines-for-airport-sound-insulation-programs>

Also included in Appendix G is an example of a promotional brochure developed by the Naval Facilities Engineering Command (NAVFAC) that could be emulated by the LRAFB RPC or individual local governments as promotional material that can be made available on local government websites and in local planning and building departments (Sound Insulation of Residences and Other Buildings Exposed to Aircraft Noise, NAVFAC, 2018).

In addition to providing guidelines and promotional materials, there is a pending opportunity for military communities to receive grant funding from OLDCC to assist the owners of noise sensitive uses in 65+ dB ADNL noise zones to implement interior noise level reduction projects. OLDCC is anticipating releasing a final notice of funding availability in October 2023, with funds awarded by the spring of 2024. Details of the program are available on the OLDCC website (<https://oldcc.gov/our-programs/community-noise-mitigation>).



D. LRAFB Updates to Local Elected Officials

As was noted in the Phase I report, the communities in this area have a very long history of close coordination with LRAFB regarding activities on the installations, as well as off, and have avoided significant incompatibilities by doing so. Nonetheless, in order to solidify this awareness, Recommendation E.11 of the compatible use study provided that:

Updates by LRAFB representatives to local governing bodies and planning commissions of ongoing or anticipated future activities at LRAFB, Blackjack Drop Zone, or the All-American Landing Zone should be consistently made and formalized, perhaps as part of the Memorandum of Understanding (MOU).

This requirement was initially included as part of the MPCA the committees developed, and, once the RPC approach was identified as the preferred approach, was included in the Phase II Materials Supplement and discussed in Chapter V - RPC Administrative Guidelines.

E. Regulatory Notice

Similarly, the CUS Recommendations B.5., C.1., and D.1. suggested that local annexation decisions, plat approvals, and zoning and building approvals include notice to applicants of potential military impacts or additional regulations, where applicable. This requirement has been included in both the MZOs (see Chapter III, Appendix C) and the Phase II Materials Supplement.



G. Real Estate Disclosures

a. Mandatory Disclosures for Sellers of Residential and Commercial Property

CUS Recommend D.2. provides:

Make a notice available to indicate potential military impacts and sources of further information and details, for purchasers or tenants of properties in noise, accident potential, and airspace impact areas. Propose legislation to require notice or disclosure.

This was a topic of great discussion during both phases of the study. As noted on page 166 of the 2021 Compatible Use Study, the committee evaluated options including revised legislation, mandatory disclosure (for purchases), and voluntary disclosure. In the even mandatory disclosure was recommended in Phase II, the study recommendation was to do so by revision to current real estate forms, rather than to recommend new forms.

Therefore, during Phase II, the consultant team worked with committee members in the real estate industry to explore each option. Initial drafts of the Military Planning and Coordination Agreement included as an attachment a sample “voluntary” disclosure form local governments would “take reasonable steps to make [] available to the public,” (see Appendix A).

However, as Phase II proceeded and the provisions of the MPCA was divided between the LRAFB RPC and the

Administrative Guidelines, the committee supported advancing a proposed change to residential and commercial real estate disclosures used by the Arkansas Realtors Association (ARA). The consultants prepared draft language and a rationale for a change in the forms, which was submitted for consideration by the ARA's Risk Reduction Committee in the spring of 2023. If approved, the changes would take place in 2024. The change form is included as Appendix H to this report.

The proposed change was simple, adding the following question to seller's disclosures:

“Is the property located within five (5) miles of the boundary of Little Rock Air Force Base, Camp Robinson, Blackjack Drop Zone, Fort Smith, Fort Chaffee Training Center, or Pine Bluff Arsenal?”

The committee recommended including several other installations in the state since the form, if approved with the revision, is used state-wide.

b. Disclosures for Lessors of Residential and Commercial Property

In addition, the committee was interested in having sample language that a landlord or lessor of property could include in a lease agreement or as an addendum, putting the tenant on notice if they are located within 2- or 3-mile notification areas designated around Blackjack Drop Zone and Little Rock Air Force Base, respectively. If so, the tenant is on notice that occupants of the leased property may experience the affects of military operations or training. The sample language also is included in Appendix H to the report.



H. Roadway Signage

Recommendation D.3. of the Compatible Use Study recommended that during Phase II, the committees:

Evaluate the pros and cons of posting signage on roads within the CUS Study Area notifying the public of potential Air Force impacts, including noise, accident potential, and drop zone buffers.

The use of roadway signage is not uncommon around other military communities in other states. However, the committee considered several important factors in deciding not to implement this strategy at this time.

First, the committees felt that community awareness Little Rock's operations is high given both its over 60-year presence in the area and the fact that future growth was not anticipated to include a high percentage of residents unfamiliar with the area.

Second, as was revealed during the team's second round of stakeholder sessions, due to the state's broad jurisdiction over most major roadways, the complexities involved seemed to be outweighed by the limited nature of current off-base operational impacts. In addition, the ARDOT maintains criteria to avoid highway clutter and distractions to drivers and therefore is of limited availability.

Third, there was no identified funding source for designing, making, and installing signage at this time.

Therefore, the committee recommended that signage not be implemented currently, but perhaps reconsidered by the LRAFB Regional Planning Committee at a future time.

I. Noise Resolution Protocols

During Phase II, the consultant team reviewed exiting noise complaint protocols at the base. It learned during Phase I that noise complaints were not common in the area with respect to operations at LRAFB and the other installations. Nonetheless, the base's current online inquiry platform has been updated and is easily accessible to the public, resulting in a reduced likelihood of significant complaints going unresolved. Appendix I includes illustrations of the base's current website "noise resolution" protocols.



J. Drone Awareness and FAA protections

The LRAFB Compatible Use Study identified the private / commercial use of unmanned aerial systems (“UAS” or “drones”) as a potential compatibility hazard due to the absence of coverage by FAA flight restrictions around Blackjack Drop Zone and the All-American Landing Zone on Camp Robinson. While Little Rock Air Force Base is covered by both FAA Facility and National Security UAS flight restrictions, the absence of such restrictions from the other two training facilities increases the likelihood that UAS operators might unintentionally fly their aircraft into areas where pilots from LRAFB are training at low altitudes – performing low altitude airdrops at Blackjack Drop Zone or takeoffs and landings at All American Landing Zone.

While a request for FAA Facility or National Security flight restrictions for the two uncovered training areas would be the responsibility of LRAFB, local governments can assist in raising awareness of the hazard of flying in these areas. Potential actions by local governments could include the installation of road signage in areas proximate to these facilities and the low altitude flight areas around them to notify operators from outside of the region that low flying military aircraft frequently operate in the area. With the increasing use of UAS in agriculture, direct outreach to farmers in these areas to notify them and contractors that they employ to conduct aerial surveys of their fields about the hazard could be an effective awareness tool as well. Even with flight restrictions imposed, additional awareness measures can help to fill gaps in knowledge in the UAS operator community and prevent hazards to military aircraft.

FAA flight restrictions for UAS can be viewed online at the following link:

<https://faa.maps.arcgis.com/apps/webappviewer/index.html?id=9c2e4406710048e19806ebf6a06754ad>

In addition, the FAA’s “Drone Response Playbook” is included as Appendix J to this report.





K. Compatible Use Website

As part of the implementation process, a website has been developed to provide information to the public about the role the Compatible Use Study process has played in avoid encroachments around Little Rock Air Force Base. The website provides an introduction to compatible use planning, the role of the City of Jacksonville and the CUS committees over the last three years, an overview of the history of compatible use planning at Little Rock Air Force Base, and an overview of the structure, authority, and role of the anticipated LRAFB RPC.

The site also includes information about Little Rock Air Force Base and its mission, a GIS based interactive map of compatible use concerns, and a Frequently Asked Questions section.

The website is currently hosted by the City of Jacksonville as a subsection of the City's website, but the intent of the RPC is to migrate the website to a standalone platform once the LRAFB RPC is fully constituted. Chapter IX includes the steps recommended during Phase IIIA to facilitate transfer of the website content and platform from the City to the RPC or, if designated, Pulaski County.



PHOTO CREDIT: COL. ANGELA OCHOA CHANGES A TIRE ON A C-130J SUPER HERCULES AT LRAFB.
(AIRMAN 1ST CLASS ISABELL A. NUTT)

VIII. Plan of Implementation



A. Background

As noted in Chapter I of this report, and throughout, the Compatible Use Study process has, so far, included two Phases. Phase I was the original assessment of impacts and existing conditions and recommendations for addressing future growth and operational impacts to avoid land use incompatibilities that could threaten the operational capacity at LRAFB. Phase II has involved its own series of analyses, discussions, and decision-making, and has included development of a series of tools that were recommended in Phase I.

As Figure 15 below illustrates, what now follows has been characterized as Phase III implementation of the tools developed in Phase II.

This section includes a step-by-step plan for putting Phase III completely into place. This “action plan” – referred to as Phase IIIA – covers about a six-month period during which local government zoning overlays will be adopted and the LRAFB RPC organized under state law.

As noted, the key documents necessary to facilitate the initial implementation of the RPC and the zoning overlays are the:

1. LRAFB Intergovernmental Agreement (IGA) (Appendix E)
2. Military Zoning Overlays (Appendix C & Phase II Materials Supplement)
3. Small area and comprehensive plan revisions (Appendix K & Phase II Materials Supplement)
4. Military Compatibility Administrative Guidelines (Phase II Materials Supplement)

The MZO, plan revisions, and administrative guidelines were developed in draft form by the consulting team and, in the case of the IGA, by Pulaski County, with support from the team. These drafts were presented to the committees for input and, in the case of the IGA, to local government legal counsel and elected officials for preliminary feedback. The CUS Project Director will oversee Phase IIIA, along with assistance from Pulaski County, in standing up the RPC specifically.

This section set forth the recommended steps for implementing the tools developed in Phase II, including establishing the LRAFB Regional Planning Committee and the adoption of the Military Zoning Overlay ordinances.



Several key steps occurred prior to the completion of Phase II.

- | | |
|--------------|---|
| December 1 | Jacksonville City Council passed Resolution #15-2022 in support of an LRAFB RPC |
| December 19 | Sherwood City Council passed a resolution in support of an LRAFB RPC |
| January 23 | Sherwood City Council passed Resolution No. 2 of 2023 in support of an LRAFB RPC |
| Jan/Feb 2023 | A preliminary LRAFB IGA was provided to each of the eleven (11) jurisdictions. |
| February 28 | The final draft LRAFB IGA provided to each of the eleven (11) local government jurisdictions, triggering 30-day statutory legal review and for governing body approval;

Note: If no comments or objections are provided to the Pulaski County attorney within the 30-day period, the IGA is deemed approved for legal review purposes. |
| February 28 | The CUS website has been set up on the Jacksonville city website and is being managed by Pulaski Area Geographic Information System and the City of Jacksonville's Information Technology department.

Note: It is anticipated that during Phase III, the RPC will establish an independent website, which would likely include a transfer of most or all the content currently on the city website, so as to maintain a single point of contact and source of information related to the regional military planning framework in this study area. |

B. Phase IIIA Action Plan

The following pages outline the steps to initiate the RPC and to finalize the steps needed for ongoing coordination efforts.

Task	DESCRIPTION	Responsible Party	Document Reference	March	April	May	June	July	August
1	Document Review								
1.1	Phase II Report provided to CUS Implementation Committee and Executive Committee	CUS Project Director							
1.2	Email reminder to RPC Jurisdictions of Deadline for legal review	CUS Project Director							
1.3	Legal counsel review of proposed LRAFB Intergovernmental Agreement (IGA) Comments / Questions directed to Pulaski County Attorney and CUS Project Director by March 31, 2023 (or deemed approved)	Pulaski County Sherwood Jacksonville Maumelle North Little Rock Cabot/Ausin/Ward Lonoke County White County Faulkner County	Appendix E						
1.4	Military Zoning Overlay Ordinances provided to MZO Area Jurisdictions: Pulaski County, Sherwood, Maumelle, Jacksonville, North Little Rock, Cabot, Austin, and Ward Comments / Questions directed to Pulaski County Attorney and CUS Project Director by April 30, 2023	CUS Project Director Pulaski County Sherwood Jacksonville Maumelle North Little Rock Cabot/Ausin/Ward	Appendix C Phase II Materials Supplement						

Task	DESCRIPTION	Responsible Party	Document Reference	March	April	May	June	July	August
1.5	Comprehensive Plan Revisions and Small Area Plans provided to Pulaski County, Cabot, Sherwood, Jacksonville, and North Little Rock, for Adoption Comments / Questions directed to Pulaski County Attorney and CUS Project Director by April 30, 2023	CUS Project Director Pulaski County Sherwood Jacksonville North Little Rock Cabot	Appendix K Phase II Materials Supplement						
1.6	Deadline for Legal Review of LRAFB Intergovernmental Agreement (or deemed approved)	Pulaski County Sherwood Jacksonville Maumelle North Little Rock Cabot/Ausin/Ward Lonoke County White County Faulkner County							
1.7	Confirm with Pulaski County Attorney any Objections or Consent from IGA Legal Counsel to Agreement	CUS Project Director							

Task	DESCRIPTION	Responsible Party	Document Reference	March	April	May	June	July	August
2	IGA Approved and RPC Established								
2.1	Email reminder to Jurisdictions of Deadlines and Tasks to be completed by April 30	CUS Project Director							
2.2	Parties to LRAFB Intergovernmental Agreement approve Agreement and Consent to join LRAFB RPC, and notify Pulaski County Attorney and CUS Project Director of same	Pulaski County Sherwood Jacksonville Maumelle North Little Rock Cabot/Ausin/Ward Lonoke County White County Faulkner County	Appendix E						
2.3	Parties to LRAFB Intergovernmental Agreement Appoint representative to RPC Notify CUS Project Director and Pulaski County Planning and Development Department of same	Pulaski County Sherwood Jacksonville Maumelle North Little Rock Cabot/Ausin/Ward Lonoke County White County Faulkner County							

Task	DESCRIPTION	Responsible Party	Document Reference	March	April	May	June	July	August
2.4	MZO Area jurisdictions provide final comments and form of MZO for its jurisdiction to the Pulaski County Department of Planning and Development	Pulaski County Sherwood Maumelle Jacksonville North Little Rock Cabot Austin Ward							
2.5	Jurisdictions adopting Comprehensive Plan Revisions or Small Area Plans provide comments and final form of plans to Pulaski County Department of Planning and Development	Sherwood Jacksonville North Little Rock Cabot							
2.6	Deadline for Review of and final form of MZO's and Plans and to return Comments and final versions for adoption, to Pulaski County Department of Planning and Development	Pulaski County Sherwood Jacksonville Maumelle North Little Rock Cabot/Ausin/Ward							
2.7	Confirm with Pulaski County Department of Planning and Development that all Comments and Final MZO's and Plan revisions have been provided	CUS Project Director							

Task	DESCRIPTION	Responsible Party	Document Reference	March	April	May	June	July	August
2.8	Confirm with Pulaski County Department of Planning and Development & Pulaski County Attorney that all IGA parties have approved agreement and appointed representatives	CUS Project Director							
3	RPC Convenes to Recommend MZOs and Plans; Website Begun								
3.1	Pulaski County Planning and Development Department gives notice to RPC members and convenes first meeting of the LRAFB RPC	Pulaski County Department of Planning and Development Pulaski County Attorney CUS Project Director							
3.2	Pulaski County Planning and Development Department prepares agenda for first RPC meeting, including establishing duration of terms of membership, election of officers, consideration of proposed MZOs and plan revisions and RPC recommendations re: same, among other necessary items	Pulaski County Department of Planning and Development Pulaski County Attorney CUS Project Director							

Task	DESCRIPTION	Responsible Party	Document Reference	March	April	May	June	July	August
3.3	Pulaski County Planning and Development Department provide RPC members with agenda for RPC meeting and necessary back-up materials, including IGA approvals, final MZOs and plans from jurisdiction staff	Pulaski County Department of Planning and Development Pulaski County Attorney CUS Project Director							
3.4	RPC holds first Meeting	LRAFB Regional Planning Committee Pulaski Co Dept of Planning and Development							
3.5	RPC finalizes and transmits recommendations regarding local government MZOs and plan revisions or small area plans to local governments	LRAFB Regional Planning Committee Pulaski Co Dept of Planning and Development							

Task	DESCRIPTION	Responsible Party	Document Reference	March	April	May	June	July	August
3.6	Pulaski County Department of Planning and Development coordinates with Pulaski Area Geographic Information Systems and City of Jacksonville Information Technology re: RPC website	Pulaski County Department of Planning and Development CUS Project Director							
4 MZOs and Plans Adopted									
4.1	MZO Area Jurisdictions consider RPC recommendations and adopt Military Zoning Overlay	Pulaski County Sherwood Maumelle Jacksonville North Little Rock Cabot Austin Ward							
4.2	Plan jurisdictions consider RPC recommendations and adopt small area plans or comprehensive plan revisions, as applicable	Sherwood Jacksonville North Little Rock Cabot							

Task	DESCRIPTION	Responsible Party	Document Reference	March	April	May	June	July	August
5	Phase IIIA Complete; Phase IIIB Initiated								
5.1	Pulaski County Department of Planning and Development convenes meeting of the RPC membership to review and finalize the Military Compatibility Guidelines, based on final ordinances, plans, and IGA; and set up of RPC website; among other necessary items	Pulaski County Department of Planning and Development Pulaski County Attorney CUS Project Director							

