

STATE AND LOCAL GOVERNMENT ENERGY-RELATED SITING PROCESSES
(as of 10/20/15)

Purpose: The following references cite state and local laws of interest to the mission compatibility evaluation process. Updates to this list are welcomed; please forward your input to the DoD Siting Clearinghouse at: osd.dod-siting-clearinghouse@mail.mil

California

California Government Code sections 65040.2, 65040.9, 65302, 65302.3, 65352, 65404, 65560, 65583, 65940, and 65944, as well as California Public Utilities Code section 21675, relate to local planning consideration of impacts to military activities.

Scope: These provisions of law outline how local governments notify the military of certain local planning proposals and development permit applications and inform the military of certain local land use proposals to prevent land use conflicts between local communities and military installations and training activities. Local governments must notify branches of the military when proposed general plan actions and amendments and development projects might have an impact on military facilities and operations. Local governments must consider the impact of development on military readiness activities when preparing or updating their general plan. The law encourages cooperation between military installations and local communities to reduce land use conflicts between civilian development and military readiness activities. It identifies specific requirements about when and where local governments must incorporate military readiness activities into the general plan. The State Office of Planning and Research has published an advisory planning handbook for local officials, planners, and developers: the *California Advisory Handbook for Community and Military Compatibility Planning* (OPR Handbook), published in 2006. http://opr.ca.gov/docs/Complete_Advisory_Handbook_2006.pdf

California Military Land Use Compatibility Analyst (CMLUCA)

<http://cmluca.gis.ca.gov/>

Scope: A mapping tool that local governments and developers can use to identify whether proposed planning projects are located in the vicinity of military bases, military training areas, or military airspace. This mapping tool helps local governments and developers comply with state law that requires the military to be notified of certain development applications and general plan actions.

Community and Military Compatibility Planning, Supplement to the General Plan Guidelines
http://opr.ca.gov/docs/Military_GPG_Supplement.pdf

Scope: Assists cities and counties in addressing military compatibility issues when developing, updating or significantly amending their general plans.

Kern County Code of Ordinances, Title 19-Zoning, Chapter 19.08, section 19.08.160.

https://www.municode.com/library/ca/kern_county/codes/code_of_ordinances?nodeId=TIT19ZO_CH19.08INGEST

Scope: provides a map where no zone modification or zone variance may be approved, and no building permit may be issued where a zone modification or zone variance is not required, for any structure or building that exceeds the maximum permitted heights shown in Figure 19.08.160 unless the military authority responsible for operations in that flight area first provides

the planning director with written concurrence that the height of the proposed structure or building would create no significant military mission impacts.

Riverside County Military Notification Process for Local Planning Proposals and Development Permit Applications

<http://www.riversideca.gov/planning/pdf/application-forms/H-05-0067-SB-1462.pdf>

Scope: Provides a map of Joint Reserve March with a 1000 foot exclusion zone, and identifies a review process for seeking joint service review of projects within the zone.

Montana

Cascade County Growth Planning Map

<http://www.cascadecountymt.gov/doc/growthpolicy2014maps.pdf>

Scope: provides a conflict map between Malmstrom AFB and the missile fields depicting areas of impact to DoD readiness and operations.

New York

New York Codes, Rules and Regulations, Title 16. Department of Public Service, Chapter X. Certification of Major Electric Generating Facilities, Subchapter A. Regulations Implementing Article 10 of the Public Service Law as Enacted by Chapter 388, Section 12, of the Laws of 2011, Part 1001. Content of an Application; 16 NYCRR § 1001.25 (2015).

[https://www3.dps.ny.gov/W/PSCWeb.nsf/96f0fec0b45a3c6485257688006a701a/143595fa3be36aea852579d00068b454/\\$FILE/Article%2010%20Regulations.pdf](https://www3.dps.ny.gov/W/PSCWeb.nsf/96f0fec0b45a3c6485257688006a701a/143595fa3be36aea852579d00068b454/$FILE/Article%2010%20Regulations.pdf)

Scope: Article 10 provides for the siting review of new and repowered or modified major electric generating facilities in New York State by the Board on Electric Generation Siting and the Environment (Siting Board) in a unified proceeding. Part 1001 of Chapter X requires the applicant to receive an informal Department of Defense review of the proposed construction or alteration or a formal Department of Defense review of the proposed construction or alteration in accordance with 32 CFR Part 211.

North Carolina

General Statutes of North Carolina, Chapter 143, Article 21C (Permitting of Wind Energy Facilities), § 143-215.115 through § 143-215.126.

<http://www.ncleg.net/Sessions/2013/Bills/House/PDF/H484v9.pdf>

Scope: North Carolina's permitting process for wind energy facilities. Explicitly solicits input from installation commanders and their staffs regarding the possible impact of construction and operation of a wind turbine facility on DoD readiness and operations.

Oregon

Oregon Revised Statutes, Title 36 (Public Health and Safety), Chapter 469-Energy; Conservation Programs; Energy Facilities Regulation of Energy Facilities (Siting); ORS § 469.320 et seq.

<http://www.oregonlaws.org/ors/469.320>

Scope: Oregon Energy Facility Siting Council manages the site permitting process. No declarative DoD role. However, DoD may petition for status before the council to raise potential concerns, within the state's regulatory authority, regarding a renewable energy project that might impact DoD readiness and operations.

Oregon Model Ordinance for Energy Projects

<http://www.oregon.gov/energy/Siting/docs/ModelEnergyOrdinance.pdf>

Scope: No declarative DoD role. A Guide for Oregon Cities and Counties on siting renewable energy projects

Virginia Model Ordinance Utility-Scale Wind Energy Projects in Virginia:

<http://www.deq.virginia.gov/Portals/0/DEQ/RenewableEnergy/4%204%202012%20Util%20Scale%20Model%20Ord%20formatted.docx>

Scope: Provides suggested language for consideration by localities in framing their own local wind ordinance for utility-scale wind energy projects, and suggests developers provide a courtesy notice to the DoD Siting Clearinghouse and the US DoD REC.

Washington

Revised Code of Washington (RCW), sections 35.63.270, 35A.63.290, 36.01.320, and 80.50.071

<http://apps.leg.wa.gov/rcw/>

Scope: State of Washington's siting certification process. Requires the State or an affected county or city to notify DoD of any application for an energy facility site certification proposing an energy plant, transmission line, or alternative renewable energy facility of at least one hundred fifteen thousand volts. DoD may comment upon the application before the site certificate is approved.