

## Programs Overview

### Handout (Revised)

4-25-16

*This Handout was prepared for the Policy and Technical Committee meetings on April 20, 2016. Existing legislative and administrative governmental programs and some non-governmental initiatives are overviewed here and the revisions made reflect the input of the Committees at that meeting.*

*Federal programs are covered first, state programs start on page 4, regional on page 16, and local programs start on page 17 (and include the attached Table 1).*

### Federal Programs

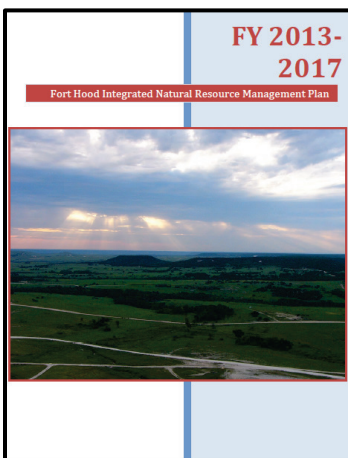
- **Readiness and Environmental Protection Integration (REPI) Program:**

The Readiness and Environmental Protection Integration (REPI) program uses voluntary agreements between military service branches and states, local governments, and non-federal conservation organizations to help protect military training areas from the encroachment of incompatible land uses. All REPI funds allocated with respect to Fort Hood are processed through the Army Compatible Use Buffer Program..

- **Army Compatible Use Buffer (ACUB) Program**

The Army implements its authority under Title 10, Section 2684a of the U.S. Code through the “Army Compatible Use Buffer” (ACUB) Program. ACUB is managed at the Army Headquarters by the Assistant Chief of Staff for Installation Management (OACSIM). ACUB “cooperative agreements” encumber off-post lands without bringing them into ownership of the Army. Fort Hood has participated in the ACUB program, in partnership with American Farmland Trust, Inc. and the Compatible Lands Foundation, which recently succeeded in the REPI challenge to secure additional needed funding for the REPI/ACUB program at Fort Hood. As of 2015, nine (9) tracts along the western boundary of Fort Hood were protected, amounting to almost 1,140 acres and \$3.4 million in expenditures.

- **Integrated Natural Resource Management Plans**



Department of Defense installations use Integrated Natural Resource Management Plans (INRMPs) to manage natural resources present on the installation, based on legal and stewardship requirements. The plan provides the mechanism for Fort Hood to both carry out its training mission and to implement ecosystem management principles to the maximum extent practical.

Importantly, the INRMP is Fort Hood’s guidance for maintaining compliance with the Army’s obligations under the Endangered Species Act (16 U.S.C. 1531),

the Clean Water Act (33 U.S.C. 1344), and the protection of wetlands (Ex. Order 11990). Under the Endangered Species Act of 1973, specifically, the Army is required to assist in the recovery of all listed threatened and endangered species under an Army installation's authority.

Fort Hood's current INRMP was approved in 2014 and runs through 2018 and includes the 2010 Biological Opinion for Fort Hood, which ) provides the requirements and guidance for endangered species at this installation. The INRMP is currently being updated and will cover years 2016-2020 and will include the 2015 Biological Opinion for Fort Hood.

The U.S. Fish and Wildlife Service (USFWS) will soon publish certain Endangered Species Act listing actions and will make listing determinations and critical habitat designations, which could impact Fort Hood. Texas is located in service Region 2, along with Oklahoma, New Mexico, and Arizona.

- **Integrated Cultural Resource Management Plans**

Similarly, Integrated *Cultural* Resource Management Plans (ICRMP) provide a 5-year planning platform for military installations to integrate the preservation of cultural resources and the ongoing mission of the installation. In addition, ICRMPs will identify potential conflicts between the military mission and cultural resources and necessary compliance actions to ensure mission-essential properties remain ready for use. Fort Hood's *Integrated Cultural Resource Management* was completed and accepted in June 2015.

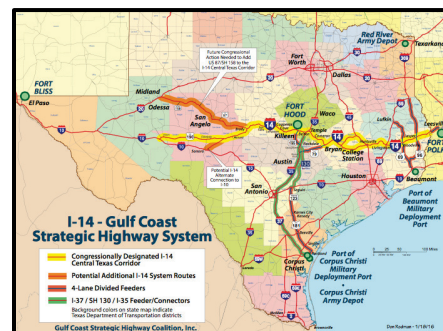
- **Army-Community Partnership Program (ACPP)**

The ACPP gives Army communities the opportunity to leverage local capabilities and resources to the mutual benefit of the local civilian community and its military neighbors. Four installations participated in the ACPP pilot program in 2015 and the ongoing intent of the program is to foster new partnerships at the local level that are tailored to the unique needs of the community and characteristics of the local military installation. Through the Office of the Assistant Chief of Staff for Installation Management (OACSIM) the ACPP can include the emerging tool of "Intergovernmental Support Agreements (IGSAs), which rely on public-private partnerships maintain mission readiness in a time of significant budget constraint.

- **Gulf Coast Strategic Highway Coalition**

The Gulf Coast Strategic Highway System will connect Army installations in Texas and Louisiana to the strategic deployment seaports of Corpus Christi and the Port of Beaumont. Affected posts include Fort Hood, Fort Bliss, and Fort Polk.

On December 4, 2015, Congress officially designated the Central Texas Corridor generally as Highway 190 that will be Interstate 14 in the future.



## State Legislation

- **Municipal Overview**

- **Municipal Zoning**: Cities in Texas are authorized by Chapter 211 of the Local Government Code to adopt zoning for the purpose of “promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance.” Tex. Local Gov’t Code § 211.001.

Areas of zoning powers include:

- (1) the height, number of stories, and size of buildings and other structures;
- (2) the percentage of a lot that may be occupied;
- (3) the size of yards, courts, and other open spaces;
- (4) population density;
- (5) the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and
- (6) the pumping, extraction, and use of groundwater by person other than retail public utilities, as defined by Section 13.002, Water Code, for the purpose of preventing the use or contact with groundwater that presents an actual or potential threat to human health.

“In the case of designated places and areas of historical, cultural, or architectural importance and significance, the governing body of a municipality may regulate the construction, reconstruction, alteration, or razing of buildings and other structures.” In addition, home-rule municipalities (which each of the JLUS municipalities have been designated as) also may regulate the bulk of buildings. Tex. Local Gov’t Code § 211.003.

As is discussed below, Chapter 213 of the Local Government Code authorizes cities to adopt a comprehensive plan, and Chapter 211 requires that any zoning be “in accordance with” a comprehensive plan. Tex. Local Gov’t Code § 211.004. Municipalities without comprehensive plans may still adopt zoning, in which case, the zoning code is considered the comprehensive plan. See *Mayhew v. Sunnyvale*, 774 S.W. 2d 284 (1989). However, each of the JLUS cities already has a separate adopted comprehensive plan.

- **Municipal Building Codes**: Chapter 214 of the Local Government Code authorizes or requires municipal regulation of certain housing standards. Subchapter G, “Building and Rehabilitation Codes,” applies the International Residential Code to “... all construction, alternation, remodeling, enlargement, and repair of residential

structures in a municipality.” Tex. Local Gov’t Code § 214.212(b). Furthermore, a municipality may establish procedures to adopt local amendments to the International Residential Code.

Chapter 8, Division 11 of the City of Killeen’s Code of Ordinances, “Aircraft Noise Attenuation Requirements,” require indoor noise level reduction (NLR) for lands in the city falling within the 65-70 LDN Noise Zone or the Greater than 70 LDN Noise Zone, as designated in the 1991 Killeen Municipal Airport master plan. The NLR requirements apply to the following land uses:

- Residential, including within each unit in transient lodging; and
- Schools, Hospitals, and Nursing Homes.

See § 8-340 (II), Killeen City Code of Ordinances.

- **Municipal Regulation of Subdivisions:** Chapter 212 of the Local Government Code provides that “After a public hearing on the matter, the governing body of a municipality may adopt rules governing plats and subdivisions of land within the municipality’s jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality.” Tex. Local Gov’t Code § 212.002.

These powers extend into the extraterritorial jurisdictions (ETJ) of the cities, as do other municipal ordinances “related to access to public roads” and groundwater management. Tex. Local Gov’t Code § 212.003. This authority, however, is subject to applicable limitations prescribed by agreement under Tex. Local Gov’t Code § 242.001.

In addition, it should be noted that, within an ETJ, *a city may not regulate:*

- (1) the use of any building or property for business, industrial, residential, or other purposes;
- (2) the bulk, height, or number of buildings constructed on a particular tract of land;
- (3) the size of a building that can be constructed on a particular tract of land, including without limitation any restriction on the ratio of building floor space to the land square footage;
- (4) the number of residential units that can be built per acre of land; or
- (5) the size, type, or method of construction of a water or wastewater facility that can be constructed to serve a developed tract of land if [certain conditions are met].

*Id.* However, Texas Local Gov’t Code § 212.171, *et seq.*, provides that municipalities with a population of less than 1.9 million, may enter into development agreements with property owners in their

ETJ in order to:

- (1) guarantee the continuation of the extraterritorial status of the land and its immunity from annexation by the municipality;
- (2) extend the municipality's planning authority over the land by providing for a development plan to be prepared by the landowner and approved by the municipality under which certain general uses and development of the land are authorized;
- (3) authorize enforcement by the municipality of certain municipal land use and development regulations in the same manner the regulations are enforced within the municipality's boundaries;
- (4) authorize enforcement by the municipality of land use and development regulations other than those that apply within the municipality's boundaries, as may be agreed to by the landowner and the municipality;
- (5) provide for infrastructure for the land, including:
  - (A) streets and roads;
  - (B) street and road drainage;
  - (C) land drainage; and
  - (D) water, wastewater, and other utility systems;
- (6) authorize enforcement of environmental regulations;
- (7) provide for the annexation of the land as a whole or in parts and to provide for the terms of annexation, if annexation is agreed to by the parties;
- (8) specify the uses and development of the land before and after annexation, if annexation is agreed to by the parties; or
- (9) include other lawful terms and considerations the parties consider appropriate.

Notably, a municipality cannot require a development agreement of this sort as a condition of providing water, sewer, electricity, gas, or utility service from a municipally owned or operated utility providing these services. Texas Local Gov't Code § 212.174.

Note that Chapter 242 describes shared city-county jurisdiction related to subdivision control in an ETJ. Finally, Tex. Local Gov't Code §§ 212.004, .0045, and .0046 limit the cities' authority to regulate certain subdivisions of land.

**Municipal Comprehensive Planning:** Cities in Texas are authorized by Chapter 213 of the Local Government Code to adopt a comprehensive plan "for the long-range development of the municipality." Tex. Local Gov't Code § 213.002. While the legislature has deferred to cities to define the content of their plans, the statute provide that the plan may:

- (1) include but is not limited to provisions on land use,

- transportation, and public facilities;
- (2) consist of a single plan or a coordinated set of plans organized by subject and geographic area; and
- (3) be used to coordinate and guide the establishment of development regulations.

*Id.*

Notably, cities also may, by ordinance or charter, define the relationship between their plan and their development regulations, including standards for determining consistency between the two.

*Id.*

- **County Overview**

**County Zoning:** There is very limited authority for counties in Texas to implement zoning. Chapter 231 of the Local Government Code, however, describes those instances in which it is allowed. Though none of the limited grants of authority for zoning would apply to Bell, Coryell, or Lampasas Counties, we have included an overview here for the sake of completeness and information for the Policy Committee.

- Subchapter B authorizes zoning for Cameron and Willacy counties on Padre Island;
- Subchapter C authorizes zoning powers for Val Verde County, near Amistad Recreational Area;
- Subchapter D authorizes one-mile “military zones” in counties with U.S. Navy or U.S. Coast Guard installations present. These zones are limited regulation of speed, parking, and photography within the military zone;
- Subchapters E through L authorize some zoning around certain lakes and defined lake, recreational, watershed, and historical areas, frequently only with voter approval; and
- Subchapter M simply limits counties with zoning powers from prohibiting use of a home for “cottage food production operations.”

**County Regulation of Subdivisions:** Texas Local Gov’t Code Chapter 232 set forth the authority of counties to regulate the subdivision of land, including certain limitations on that authority and, in some cases, how that authority is impacted by municipal ETJ powers.

Texas Local Gov’t Code § 232.001 authorizes county approval of plats and § 232.002 authorizes counties to deny plats that do “meet the requirements prescribed by or under this chapter...”.

Section 232.003 describes what a county may require during the plat approval process, including: required right-of-way, road widths, construction and drainage standards, purchaser notice of water

availability, bonding requirements, and lot/block monumentation recordation.

Additional subdivision standards applied to Texas counties include:

- §232.0032 – use of groundwater
- §232.0033 – subdivisions proposed within future transportation corridors
- §232.0034 – emergency access (1,000 or more lots)
- §232.006 – exceptions for counties with a population of more than 3.3 million or contiguous to same
- §232.007 – regulation (minimum infrastructure standards) of manufactured home rental communities
- § 232.071, *et seq.* – platting requirements for certain economically distressed counties

Of note, is that section 232.101, *et seq.*, of this chapter authorizes “certain urban counties” to adopt rules governing plats and subdivisions related to “infrastructure planning provisions.” However, the JLUS Policy Committee reports that none of the counties involved in the Joint Land Use Study are considered “urban.” Regardless, as Tex. Local Gov’t Code § 242.001 does with respect to municipal subdivision authority, § 232.101(b) prohibits exercise of authority under this section as it would relate to:

- (1) the use of any building or property for business, industrial, residential, or other purposes;
- (2) the bulk, height, or number of buildings constructed on a particular tract of land;
- (3) the size of a building that can be constructed on a particular tract of land, including without limitation and [*sic.*] restriction on the ratio of building floor space to the land square footage;
- (4) the number of residential units that can be built per acre of land;
- (5) a plat or subdivision in an adjoining county; or
- (6) road access to a plat or subdivision in an adjoining county.

As is the case with cities, county subdivision authority may be subject to applicable limitations prescribed by an agreement created under Tex. Local Gov’t Code §§ 242.001 or .002.

Again, note that Chapter 242 describes shared city-county jurisdiction related to subdivision control in a city’s ETJ, and, as with municipalities, Tex. Local Gov’t Code § 232.0015 limits the counties’ authority to regulate certain subdivisions of land.

**Outdoor Lighting:** Subchapter B of Tex. Local Gov’t Code Chapter 240, “Miscellaneous Regulatory Authority of Counties,”

authorizes certain counties to regulate outdoor lighting in order to prevent interference with military installations. However, in order to act under this authority, a county must either (a) have a population of greater than 1 million and host at least five (5) military installations; or (b) be adjacent to such a county and within five (5) miles of the installation. Tex. Local Gov't Code § 240.032(b-1).

- **Municipal and County Regulatory Powers Overview and Miscellaneous**

**Regulations Around Airports:** Chapter 241 of the state Local Government Code authorizes the adoption of compatible use zoning around airports, including military airports, Tex. Local Gov't Code §§ 241.003, .004, and applies to both cities and counties, Tex. Local Gov't Code § 241.003.

“Controlled compatible land use area” (CCLUA) under Chapter 241 cannot extend further than 1.5 statute miles from the centerline of a runway and 5 miles from the ends of a runway.

Cities and counties adopting airport compatibility regulations may divide an airport hazard area into zones and, therein, may:

- (1) specify the land uses permitted;
- (2) regulate the type of structure; and
- (3) restrict the height of structures and objects of natural growth to prevent the creation of an obstruction to flight operations or air navigation.

Tex. Local Gov't Code § 241.011.

Notably, municipalities and counties with a population of more than 45,000, may adopt, administer, and enforce airport hazard zoning extraterritorially, as well. Tex. Local Gov't Code § 241.013.

Finally, where more than one political subdivision are affected, they are authorized to create joint airport zoning boards by resolution or ordinance to carry out the powers granted by sections 241.011 and .012. Tex. Local Gov't Code § 241.014. Note that the Texas Department of Transportation has issued a guide for implementing Chapter 241 authorities, which is entitled “Compatibility Guidelines for Airport Zoning” (2003).

The City of Killeen has adopted Airport Zoning under Chapter 241 authority. See Chap 7 (Aviation), Art III (Killeen Municipal Airport Hazard Zoning Ordinance”). The Ordinance currently:

- Restricts heights in the transitional surfaces/zones
- Includes very general and discretionary “use restrictions” (§ 7-55)
- Requires permits and review for certain additional structures and uses (§ 7-57)



- Does not reference Fort Hood or military operations (*i.e.*, appears to assume only commercial operations would be addressed)

In addition, Killeen's tower regulations require applicants to show compliance with current FCC and FAA rules and regulations, "... particularly those applicable to civil or *military airports, airfields, or heliports*" (emphasis added).

Finally, Killeen's subdivision regulations also address potential military impacts by requiring "avigation notations" on plats "within the runway protection zone on the latest FAA (Federal Aviation Administration) approved airport layout plan for any airport within the city of Killeen, or *any municipal or military airport* adjacent to the city of Killeen which have runway protection zones that extend over any part of the city" (§ 26-29, emphasis added).

**Real Estate Disclosures:** Title 2, Chapter 5 of the Texas Property Code addresses real property transfers: required elements, processes, and disclosures. Tex. Local Gov't Code § 5.008 sets out the items that must be included in transfers of residential real property (single-family) and includes a disclosure form that must be provided to the purchaser as it is presented in the statute, or in a "substantially similar" form. Of the listed potential disclosure items, none includes "military impacts," although a general question asked is whether there is "[a]ny condition on the property which materially affects the health or safety of an individual." Tex. Local Gov't Code § 5.008(b).

As in most states today, Texas's Real Estate Commission provides a form titled "Seller's Disclosure of Property Condition," which was most recently amended on August 17, 2015.

HB 1639 introduced during the 2015 session of the Texas Legislature would have required the seller of certain residential properties to provide the purchaser with written disclosure that the property could be located near a military installation and could be affected by high noise or air installation compatible use zones or other operations. HB 1639 passed the House and a Senate Committee, but no vote was taken by Senate.

**Use of Unmanned Aircraft:** Chapter 423 of the Texas Government Code addresses the use of Unmanned Aircraft and proscribes certain unlawful uses of "drones." The popularity of drones by civilian users has exploded in recent years and is triggering increased concern near military installations. At this time, their use is governed primarily by the Federal Aviation Administration.

- **Military-Specific:**

**Coordination related to “Ordinances, Rules, and Plans” and “Structures”**: Chapter 397, Tex. Local Gov’t Code, requires “defense communities” (“... a municipality, county, or special district, that is adjacent to, is near, or encompasses any part of a military base or defense facility,” § 397.01(1)) to coordinate with military officials prior to taking final action on an “ordinance, rule, or plan proposed by the community may impact a military base or defense facility or the military exercise or training activities connected to the base or facility...”. See §§ 397.005 (a). It appears this section currently does apply to the JLUS cities and counties.

Nonetheless, it is noted that, communities that include a municipality with a population of greater than 110,000, located in a county with fewer than 135,000, that has not adopted airport zoning, shall notify the base “concerning the compatibility of the proposed, *ordinance, rule, or plan* with base operations,” (emphasis added) within eight (8) miles of the base or facility. Tex. Local Gov’t Code § 397.005(b). In addition, based on 2015 legislative changes, communities that have *not* adopted airport zoning under Chapter 241 (and meet population requirements inapplicable to the JLUS Jurisdictions), must notify the military base concerning the compatibility of any proposed “ordinance, rule, or plan with military operations within a “Controlled Compatible Land Use Area (CCLUA) as defined by § 241.003 (see above).

For these communities, § 397.006 sets forth a similar notice requirement related to proposed *structures* within the eight-mile area when a “permit,” as defined by § 245.001 is sought. That section defines a permit as:

a license, certificate, approval, registration, consent, permit, contract or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought.

There is an exception to the notice requirement when a defense community must take “immediate action” to protect the public health, safety, or welfare of its residents. Tex. Local Gov’t Code § 397.006(d). However, based on the population requirements in the Code, it appears that this section requiring notice related to certain proposed structures does not apply to any of the JLUS jurisdictions.

**Military Planning and Revolving Loan Fund:** In addition, Chapter 397 describes planning processes that defense communities must or may undertake related to military planning and protection, typically in the framework of seeking or using Texas military value revolving loan funds under § 436.153 and the Texas Military Preparedness Commission (discussed below). The planning processes and documents include:

- Military base or defense facility value enhancement statements (see Tex. Local Gov't Code § 397.002)
- Defense community economic redevelopment value statements (see Tex. Local Gov't Code § 397.0021)
- Comprehensive defense community strategic impact plans and planning manuals (see Tex. Local Gov't Code §§ 397.003 and .004). “Comprehensive Defense Community Strategic Plans” set forth the community’s goals and proposals for:
  - Controlling negative impacts of growth
  - Minimizing encroachment
  - Enhancing military value
  - Potential shared services

The Plan also should also include:

- Land Use Element
- Transportation Element
- Population Growth Element
- Water resources Element
- Conservation Element
- Open Space Element
- Restricted Airspace Element
- Military Training Route Element

Tex. Local Gov't Code § 397.003.

Defense communities that prepare a “strategic impact plan” are encouraged thereafter to develop, “in coordination with the authorities of each military base or defense facility associated with the community,” a planning manual to guide implementation of the strategic impact plan. Tex. Local Gov't Code § 397.004.

**Regional Military Sustainability Commissions:** In addition, Chapter 397A authorizes the creation of “regional military

sustainability commissions” in certain qualified communities. Subchapter B, of § 397A applies to “(1) a county (A) in which three or more locations of a joint military base are located; and (B) with a population of more than 1.7 million; (2) a county that is adjacent to a county described by Subdivision (1); and (3) a municipality located in a county described by Subdivision (1) or (2).”

Tex. Local Gov’t Code § 397A.052.

Subchapter C applies to less populous areas, defined as:

a county with a population of 60,000 or less and a municipality that, with respect to the same active military installation, constitutes a defense community, as defined by Section 397.001.

Qualifying communities may agree by order, ordinance, or other means to certain cooperation, coordination, funding, and mission protection efforts.

**Texas Military Preparedness Commission:** The Texas Military Preparedness Commission (TMPC) is part of the Governor’s office and “advises the governor and the legislature on ways to strengthen the position of Texas military installations in preparation for a potential BRAC and other defense-related issues. The commission is composed of 13 members serving 6 year staggered terms, typically representing an installation in their community.” House Bill 1133, in 2015, included the adjunct general among the *ex officio* members of the Texas Military Preparedness Commission. The Ft. Hood area representative to the TMPC currently is Mr. William Shine.

Appointed several years ago, the “Texas Military Value Task Force” prepared a 2014 report entitled “Texas Military Value Task Force: Preparing for the Future,” which it submitted to the TMPC. The purpose of the report was to increase the “military value” of Department of Defense installations in Texas and to make Texas #1 “military friendly” state.

Since 1997, the TMPC also has administered “Defense Economic Adjustment Assistance Grants” (DEAAG), which “assist defense communities that have been positively or negatively impacted by a change in defense contracts or an announced change. Funding can also be used proactively to support installations in the event of a change or announced change by the Department of Defense.” *Website of the Office of the Governor Greg Abbott, visited April 11, 2016.* DEAAG grants since 2015 have amounted to \$30 million, \$3.4 million of which was awarded to the Killeen/Fort Hood area.

Additional funding opportunities are available through the TMPC, including the Texas Military Revolving Loan account. See Tex.

Local Gov't Code § 436.156. Loans are available for community projects that will enhance military value, § 436.153; for communities adversely affected by defense base *reductions*, § 436.1531 (per SB 503 (2015), "...during 1995 or later."), and for installations positively affected by base *restructuring*, § 436.1532 1531 (per SB 503 (2015), "...during 1995 or later."). Note that the 2015 legislature abolished the Military Base Realignment and Closure Task Force, and the remaining portions of § 436.105 will now expire on September 1, 2019. See SB 1358 (2015).

In addition, under Subchapter E, of Chapter 436, municipal and county "defense communities," among others, are eligible for grants where the TMPC determines that "the entity may be adversely or positively affected by an anticipated, planned, announced, or implemented action of the United States Department of Defense to close, reduce, increase, or otherwise realign defense worker jobs or facilities."

Finally, it is also worth noting that, as a matter of regional cooperation, in 2013, the TMPC entered into a "Defense Alliance Joint Resolution" with the Southwest Defense Alliance, which reaffirms that the Alliance will continue its important work with TMPC on military matters. No such resolution has been entered into with the Heart of Texas Defense Alliance at this time.

Other TMPC publications include its biennial reports (2013-14 is the most recent) and its *Defense Master Plan Report* (2011-12 is the most recent), which are available on the TMPC website.

- **Additional Statutory Provisions:** Additional statutory chapters in the Local Government Code may be relevant based on the direction of the Policy Committee and its final recommendations. These include:

- Ch. 42: Municipal Extraterritorial Jurisdiction
- Ch. 43: Municipal Annexation
- Ch. 217: Municipal Regulations of Nuisances
- Ch. 233: County Regulation of Housing and Other Structures (*International Residential Code authorized*)
- Ch. 242: Municipal and County Regulations of Subdivisions in and outside Municipality's ETJ
- Ch. 245: Issuance of Local Permits
- Ch. 246: Regulatory Authority related to Telecommunications Facilities
- Ch. 250: Miscellaneous Regulatory Authority of Municipalities and Counties
- Ch. 251: Municipal Right of Eminent Domain
- Ch. 261: Counties Right of Eminent Domain

- Ch. 2007: Private Real Property Rights Preservation Act

## Regional Programs

- **Heart of Texas Defense Alliance**
  - Regional, funded by local government, non-profit
  - 7 cities
  - 3 counties
  - Formed in 2003
  - Purpose: “To promote the importance and sustainability of Ft. Hood and all defense related industries, organizations, and institutions in the Central Texas area of Bell County, Coryell County, and Lampasas County.”
- **Central Texas Sustainable Communities Partnership**
- **Central Texas Council of Governments**

## Local Programs

- **Local Regulations and Comprehensive Plans**

**Background:** We recently completed our initial review of local legislation and comprehensive plans in order to fully understand how land use compatibility between civilian land uses and operations at Fort Hood currently are being handled. This effort included, for each participating city and county, a review of local codes; zoning regulations; subdivision ordinances; and comprehensive plans.

Our findings are summarized in “Table 1, Overview of Local Legislation and Comprehensive Plans,” attached to this Handout. The following written summary of our findings is intended to provide a concise, overarching description of our findings so far, and is based on the information summarized in Table 1.

It is notable how thorough each of the local governments is in coordinating with Fort Hood on land use matters and the extent to which active and retired military personnel remain involved in community activities and civic organizations. Understandably, formal mechanisms for *requiring* coordination have largely not been necessary given the long-standing culture of cooperation here. Nonetheless, the Joint Land Use Study provides an opportunity to explore measures for achieving even better coordination, formalizing existing protocols, and solidifying the protection of Fort Hood’s operations and presence into the future. That objective guides the JLUS process, of course, and has informed our initial review of local legislation and plans.