

By: Senator(s) DeLano

To: Municipalities

SENATE BILL NO. 2651

1 AN ACT TO AUTHORIZE AND REQUIRE LOCAL GOVERNMENTAL ENTITIES
 2 TO TRANSMIT LAND-USE PLANS AND PROPOSALS TO THE MISSISSIPPI
 3 MILITARY INSTALLATION LOCATED WITHIN ITS JURISDICTION FOR REVIEW
 4 AND COMMENT ON THE EFFECT OF THE PROPOSAL ON ITS MISSION; TO
 5 PROVIDE THAT A REPRESENTATIVE OF THE AFFECTED MILITARY
 6 INSTALLATION SHALL SERVE AS AN EX OFFICIO NONVOTING MEMBER OF THE
 7 APPROPRIATE LOCAL PLANNING OR ZONING BOARD TO EXCHANGE INFORMATION
 8 IN ORDER TO ENCOURAGE COMPATIBLE LAND USE, PREVENT INCOMPATIBLE
 9 ENCROACHMENT AND FACILITATE THE CONTINUED PRESENCE OF MAJOR
 10 MILITARY INSTALLATIONS IN THIS STATE; AND FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 **SECTION 1. Compatibility of development with military**
 13 **installations; exchange of information between local governments**

14 **and military installations.** (1) The Legislature finds that
 15 incompatible development of land close to military installations
 16 can adversely affect the ability of such an installation to carry
 17 out its mission. The Legislature further finds that such
 18 development also threatens the public safety because of the
 19 possibility of accidents occurring within the areas surrounding a
 20 military installation. In addition, the economic vitality of a
 21 community is affected when military operations and missions must
 22 relocate because of incompatible urban encroachment. Therefore,



23 the Legislature finds it desirable for the local governments in
24 the state to cooperate with military installations to encourage
25 compatible land use, help prevent incompatible encroachment, and
26 facilitate the continued presence of major military installations
27 in this state.

28 (2) This section relating to compatibility of land
29 development with military installations applies to specific
30 affected local governments in proximity to and in association with
31 specific military installations as follows:

32 (a) Naval Meteorology and Oceanography Command,
33 associated with Hancock County.

34 (b) Camp McCain, associated with Grenada and Grenada
35 County.

36 (c) Camp Shelby, associated with Hattiesburg, Forrest
37 County, and Perry County.

38 (d) Columbus Air Force Base, associated with Columbus
39 and Lowndes County.

40 (e) Engineer Research and Development Center,
41 associated with Vicksburg and Warren County.

42 (f) Gulfport Combat Readiness Training Center,
43 associated with Gulfport and Harrison County.

44 (g) Keesler Air Force Base, associated with Biloxi,
45 D'Iberville, and Harrison County.

46 (h) 186th Air Refueling Wing, associated with Meridian
47 and Lauderdale County.



48 (i) Naval Air Station Meridian, associated with
49 Meridian, Marion, Lauderdale County, Kemper County, and Noxubee
50 County.

51 (j) Naval Construction Battalion Center Gulfport,
52 associated with Gulfport, Long Beach, Diamondhead, Waveland,
53 Harrison County, and Hancock County.

54 (k) Supervisor of Shipbuilding Gulf Coast associated
55 with Pascagoula and Jackson County.

56 (l) Thompson Field Air National Guard Base, associated
57 with Jackson, Flowood and Rankin County.

58 (m) Army Aviation Support Facility #1 at Hawkins Field,
59 associated with Jackson and Hinds County.

60 (n) Army Aviation Support Facility #2 at the Tupelo
61 Regional Airport, associated with Tupelo and Lee County.

62 (3) The Mississippi Military Communities Council established
63 by executive order of the Governor on July 1, 2001, or
64 Installation Commanders Council may recommend to the Legislature
65 changes to the military installations and local governments
66 specified in subsection (2) of this section based on a military
67 base's potential for impacts from encroachment, and incompatible
68 land uses and development.

69 (4) Each affected local government shall transmit to the
70 commanding officer of the relevant associated installation or
71 installations information relating to proposed changes to
72 comprehensive plans, plan amendments, and proposed changes to land



73 development regulations which, if approved, would affect the
74 intensity, density, or use of the land adjacent to or in close
75 proximity to the military installation. At the request of the
76 commanding officer, affected local governments must also transmit
77 to the commanding officer copies of applications for development
78 orders requesting a variance or waiver from height or lighting
79 restrictions or noise attenuation reduction requirements within
80 areas defined in the local government's comprehensive plan as
81 being in a zone of influence of the military installation. Each
82 affected local government shall provide the military installation
83 an opportunity to review and comment on the proposed changes
84 within the applicable notice period. For jurisdictions without
85 comprehensive plans or zoning, the local government shall transmit
86 any plans or proposals that may affect the installation or its
87 mission.

88 (5) The commanding officer or his or her designee may
89 provide advisory comments to the affected local government on the
90 impact such proposed changes may have on the mission of the
91 military installation. Such advisory comments shall be based on
92 appropriate data and analyses provided with the comments and may
93 include:

94 (a) If the installation has an airfield, whether such
95 proposed changes will be incompatible with the safety and noise
96 standards contained in the Air Installation Compatible Use Zone
97 (AICUZ) adopted by the military installation for that airfield;



98 (b) Whether such changes are incompatible with the
99 Installation Environmental Noise Management Program (IENMP) of the
100 United States Army;

101 (c) Whether such changes are incompatible with the
102 findings of a Joint Land Use Study (JLUS) or Compatible Use Study
103 for the area if one has been completed; and

104 (d) Whether the military installation's mission will be
105 adversely affected by the proposed actions of the county or
106 affected local government.

107 The commanding officer's comments, underlying studies, and
108 reports shall be considered by the local government in the same
109 manner as the comments received from other reviewing agencies.

110 (6) The affected local government shall take into
111 consideration any comments and accompanying data and analyses
112 provided by the commanding officer or his or her designee pursuant
113 to subsection (4) of this section as they relate to the strategic
114 mission of the base, public safety, and the economic vitality
115 associated with the base's operations, while also respecting
116 private property rights and not being unduly restrictive on those
117 rights. The affected local government shall forward a copy of any
118 comments regarding comprehensive plan amendments to the
119 Mississippi Development Authority.

120 (7) To facilitate the exchange of information provided for
121 in this section, a representative of a military installation
122 acting on behalf of all military installations within that



123 jurisdiction shall serve ex officio as a nonvoting member of the
124 county's or affected local government's land planning or zoning
125 board. The representative is not required to file a statement of
126 financial interest pursuant solely due to his or her service on
127 the county's or affected local government's land planning or
128 zoning board.

129 (8) The commanding officer is encouraged to provide
130 information about any community planning assistance grants that
131 may be available to a county or affected local government through
132 programs such as those of the federal Office of Economic
133 Adjustment as an incentive for communities to participate in a
134 joint-planning process that would facilitate the compatibility of
135 community planning and the activities and mission of the military
136 installation.

137 **SECTION 2.** This act shall take effect and be in force from
138 and after July 1, 2022.

