

# VIRGINIA ACTS OF ASSEMBLY -- 2008 SESSION

## CHAPTER 653

*An Act to amend and reenact § 1 of the first enactment of Chapter 266 of the Acts of Assembly of 2006, relating to land use adjacent to certain jet bases.*

[H 522]

Approved March 27, 2008

**Be it enacted by the General Assembly of Virginia:**

**1. That § 1 of the first enactment of Chapter 266 of the Acts of Assembly of 2006 is amended and reenacted as follows:**

§ 1. Land use adjacent to certain jet bases.

A. The governing body of any locality in which a United States Navy Master Jet Base, or an auxiliary landing field used in connection with flight operations arising from such Master Jet Base, is located shall:

1. Adopt zoning ordinances that require the governing body to follow Navy Air Installation Compatible Use Zone (AICUZ) guidelines in deciding discretionary applications for property in noise levels 70 dB DNL or greater;

2. Undertake an evaluation of undeveloped properties located in noise zones 70 dB DNL or greater to determine the suitability of such properties for rezoning classifications that would prohibit uses incompatible under AICUZ guidelines;

3. Adopt such ordinances or take such other actions as may be recommended in any Joint Land Use Study that has been officially approved by the governing body of the locality; and

4. Establish programs to purchase land or development rights in the corridor of land underneath the flight path between the Master Jet Base and the auxiliary landing field known as an interfacility traffic area.

B. For the purpose of preventing further encroachment, the governing body of any locality in which a United States Navy Master Jet Base is located shall adopt ordinances to establish a program to purchase or condemn pursuant to § 2, incompatible use property or otherwise seek to convert such property to an appropriate compatible use and to prohibit new uses or development deemed incompatible with air operations in the Accident Potential Zone 1 (APZ-1) and Clear Zone areas, as depicted in the Navy's 1999 AICUZ Pamphlet. *Such ordinances may include provisions for interfacility traffic areas, or any other area designated by the military as an area of special concern by reason of the potential for adverse affects on military operations caused by the encroachment of incompatible land uses and. A locality may fund and expend no less than \$15 million annually in state and local funds in furtherance of the program, to the extent that properties or development rights are reasonably available for acquisition or their use reasonably may be converted. Such funding and expenditures shall be subject to annual appropriations from the state and locality, and shall continue until such time as all reasonably available properties or development rights have been acquired in the designated areas.*

**2. That an emergency exists and this act is in force from its passage.**