



DEPARTMENT OF THE AIR FORCE  
502D AIR BASE WING  
JOINT BASE SAN ANTONIO



5 Oct 22

Dear Defense Communities,

JBSA maintains a strong relationship with all of the defense communities outside of our installation boundaries. Day in and day out, we work diligently as a team towards achieving compatibility between our military missions and local community development. This hard work on both sides is undertaken with the understanding that the ability of a military unit within JBSA to execute its mission is directly tied to the protection of operational air space and land areas in and around the JBSA footprint.

In past years, we have worked to enter into specific Memorandums of Understanding (MOUs) with many of you regarding development notifications described in Section 397.005 and Section 397.006 of the Texas Local Government Code and beyond. Recently, the Regional Compatible Use Plan (RCUP), sponsored by the Alamo Area Council of Governments, and supported by many other jurisdictions and regional organizations, outlined the essential need for these development notification agreements, as specifically stated in the Communication and Coordination section of that plan. In reality, and for a myriad of reasons, many of the negotiations regarding potential MOUs have stalled in their development and drafting. Due to this, I wanted to provide a notification framework for all defense communities to utilize for any notification requirements into the future while specific MOUs are negotiated.

The core idea behind this letter is to provide enough of a framework between JBSA and defense communities to ensure fluid communication of any actions falling under Section 397.005, Section 397.006, and beyond. JBSA's proposed framework is in the attachment. JBSA will work with the RCUP Implementation Committee to develop briefings to be presented to your planning and zoning development service staffs to help them understand the framework.

I can't thank you all enough for your continued support of the JBSA military mission, and I look forward to continuing to work together into the future for the mutual benefit of all.

Sincerely,

DRIGGERS.RUSS  
ELL.D.1024001233

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RUSSELL D. DRIGGERS  
Brigadier General, USAF  
Commander, Joint Base San Antonio and  
502d Air Base Wing

Attachment:

1. JBSA Development Notification Framework

ATTACHMENT 1  
JBSA's Development Notification Framework

1. Defense communities provide notification of any applicable action to JBSA at [502ABW.ABW.Community\\_initiative@us.af.mil](mailto:502ABW.ABW.Community_initiative@us.af.mil) with enough specifics of the proposed ordinance, rule, or plan or proposed structure or development for JBSA to make an informed decision on potential impacts to base operations.
2. From the date of a complete notification, a response from JBSA should be provided within 10 days. JBSA staff will forward responses to applicable defense community email addresses, which should be specified by each defense community within each separate notification.
3. Additionally, if applicable, JBSA also recommends utilization of this same framework for any notifications made pursuant to zoning requirements within individual defense community ordinances, such as those ensuring zoning decisions adhere to restrictions referenced in the applicable Air Installation Compatible Use Zone (AICUZ) for that defense community.
4. As JBSA understands, surrounding Section 397.005 and Section 397.006 of the Texas Local Government Code:
  - a. Section 397.005 states that if a defense community determines that an ordinance, rule, or plan proposed by the defense community may impact a military base or defense facility or the military exercise or training activities connected to the base or facility, it shall seek comments and analysis from the base or facility authorities concerning the compatibility of the proposed ordinance, rule, or plan with base operations.
  - b. Section 397.006 states that upon receipt of an application for a permit, as defined by Section 245.001, for a proposed structure that would be located in a controlled compatible land use area, as defined by Section 241.003, and may impact base operations, a defense community shall notify the base or facility authorities concerning the compatibility of the proposed structure with base operations. Section 245.001 defines 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.
  - c. Additionally, Section 241.003 defines a controlled compatible use area as an area of land located outside airport boundaries and within a rectangle bounded by lines located no farther than 1-1/2 statute miles from the centerline of an instrument or primary runway and lines located no farther than five statute miles from each end of the paved surface of an instrument or primary runway. Unless agreed to specifically as otherwise pursuant to Section 397.005(d) or Section 397.006(c-1), JBSA recommends notification for all applicable actions within the defined controlled compatible use area for their community, as defined above.
  - d. Examples of development notifications are zoning changes, plats, or development requests. Examples of pertinent categories for such notifications include the following: residential, manufacturing, transportation, communication, utilities, trade, services, cultural, entertainment, recreational, resource production, and extraction. More examples include, but are not limited to:
    - New development requests that exceed two stories in height inside Military Notification Areas surrounding JBSA facilities
    - Development proposals that would bring more than 25 people in a building inside an Airfield Accident Potential Zone
    - Development proposals that would include manufacturing requiring smokestacks or other exhausts in the vicinity of airfields

- Development proposals that might place vulnerable populations, such as the elderly or disabled, in close proximity to airfields or firing ranges where noise may adversely effect those populations

e. Lastly, it is the position of JBSA that the Memorandum of Agreement (MOA) requirement in Section 397.005(e) and Section 397.006(c-2) will only require a separate self-standing agreement on an ad hoc basis when deemed appropriate by either JBSA or the defense community due to action specifics.

5. If you have any questions, please feel free to reach out to Mr. John Anderson, JBSA Executive Director, Community and Mission Integration, via phone at 210-808-7505 or via email at [john.anderson.127@us.af.mil](mailto:john.anderson.127@us.af.mil) or [502ABW.ABW.Community\\_initiative@us.af.mil](mailto:502ABW.ABW.Community_initiative@us.af.mil)