

**Governor's Office of Planning and Research  
State Clearinghouse**

# **Technical Advisory**

## **Consideration of Formerly Used Defense Sites (FUDS) in the General Plan**

**August 16, 2007**

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This technical advisory is intended to offer land use practitioners, particularly at the local level, information about planning on and near formerly used defense sites. OPR's technical advisories are part of its public education and training program for planners, developers and others. This advice supplements, but does not amend or revise, the state planning and zoning statutes.

### PURPOSE

This technical advisory responds to questions and concerns regarding the potential presence of ordnance or other hazardous substances at Formerly Used Defense Sites (FUDS), and provides guidance on how to address FUDS in the General Plan. This technical advisory was prepared by the Office of Planning and Research in cooperation with the State Department of Toxic Substances Control (DTSC).

### APPLICABILITY

This advisory is only applicable to jurisdictions that have FUDS. There are over 1,000 FUDS in California, and new FUDS are being identified as information becomes available. FUDS are known to be in 55 of the 58 California counties. Alpine, El Dorado, and Sierra Counties are not known at this time to have FUDS. DTSC can provide additional information regarding the FUDS in your jurisdiction (see page 3 for contact information).

### BACKGROUND

Formerly Used Defense Sites, or FUDS, are facilities controlled by the Department of Defense (DOD) which were closed and transferred to non-DOD entities (e.g., private parties, state or local agencies, or another Federal agency) prior to October 17, 1986. The DOD released these sites without regulatory oversight, and with little or no investigation or cleanup of environmental contamination prior to 1986. Most military facilities which have closed since 1986 have undergone investigation and remediation of environmental contamination under the oversight of the State of California, at times in coordination with the United States Environmental Protection Agency.

FUDS vary in size from less than an acre to several thousand acres, and have been used for airfields, bombing ranges, artillery ranges, training areas, equipment maintenance, communication stations, and other military activities. Depending on the past use of a particular site, a FUDS could be contaminated with fuels, solvents, metals, polychlorinated biphenyls

(PCBs), pesticides, asbestos, radionuclides, ordnance, and/or other hazardous substances. Army airfields, auxiliary airfields, practice bombing ranges, rifle ranges, and prisoner of war camps are highly likely to contain unexploded ordnance.<sup>1</sup> Artillery ranges (including the firing points) are also likely to have ordnance contamination. Abandoned buildings, missile silos, storage tanks, septic systems, and other facilities may have released hazardous materials or created other potential physical hazards.

The DOD, working through the U.S. Army Corps of Engineers (Army Corps), is the primary federal agency responsible for the investigation and remediation of FUDS. DTSC is the lead State regulatory agency overseeing the Army Corps' investigation of the FUDS. DTSC is currently working with the Army Corps to investigate and remediate approximately 35 FUDS facilities, and to prioritize the remaining sites for investigation and possible cleanup. Based on current and projected funding, the Army Corps estimates it may take between 75 and 100 years to fully evaluate and remediate the known FUDS sites in California.

### RELATIONSHIP TO THE GENERAL PLAN

The presence of any FUDS located within your jurisdiction and their associated hazards should be discussed in the policies, related elements and/or supporting documents of the General Plan. Due to the potential for ordnance, hazardous substances, and other safety hazards that may be present, FUDS may not be suitable for unrestricted use. Any proposed General Plan or General Plan amendment, especially those that would enable development on or around FUDS, should be evaluated for potential hazards from historic military activities.

The land use and safety elements of the General Plan are appropriate vehicles to address information and policies regarding FUDS. Other elements, such as the open space, conservation, housing and circulation elements may also need to be updated to reflect land use and safety considerations.

### Land Use Element

The purpose of the land use element is to identify the proposed general distribution and general location and extent of land uses in the planning area. Cities and counties may want to include information in the land use element to identify the presence of FUDS, including identification on the land use diagram/map if appropriate. Policies can also be included in the land use element to identify the type of allowable uses on and around FUDS.

The following topics may be addressed through development policies in the land use element relating to FUDS:

- Standards for establishing allowable uses on and around FUDS.
- The types, location, and intensity of development (if any) to be allowed on or around FUDS.
- The compatibility of land uses adjacent to or contiguous to FUDS.

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<sup>1</sup> General Accounting Office's August 2002 report *ENVIRONMENTAL CONTAMINATION: Corps Needs to Reassess Its Determinations That Many Former Defense Sites Do Not Need Cleanup*.

## **Safety Element**

The safety element must identify hazards and hazard abatement provisions to guide local decisions related to zoning, subdivision, and other entitlements. The safety element should contain general hazard and risk reduction strategies and policies supporting hazard mitigation measures.

The following topics may be addressed through policies in the safety element relating to FUDS:

- Level of exposure to the public of hazards associated with FUDS.
- Development standards and restrictions, such as limits on types of allowable development, on and around FUDS.
- Requirements for evaluating the potential risks associated with development on and around FUDS.

Because the General Plan must be internally consistent, cities and counties should review all other mandatory elements of the plan when making changes to one or more elements. When considering general plan policies related to FUDS, local jurisdictions need to consider how adoption of policies in the land use and/or the safety elements may affect other parts of the general plan and its supporting documents.

## **DEVELOPMENT APPLICATIONS**

Any development applications for projects on or adjacent to FUDS properties should be evaluated for potential hazards from historic military activities. In order to protect public health and safety, FUDS properties will need to be carefully investigated prior to development.

## **FOR ADDITIONAL ASSISTANCE**

Please contact the State Clearinghouse if you would like to discuss the advice in this memorandum or to obtain more information on addressing FUDS in the general plan.

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Please contact DTSC for information regarding FUDS within your planning area.

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