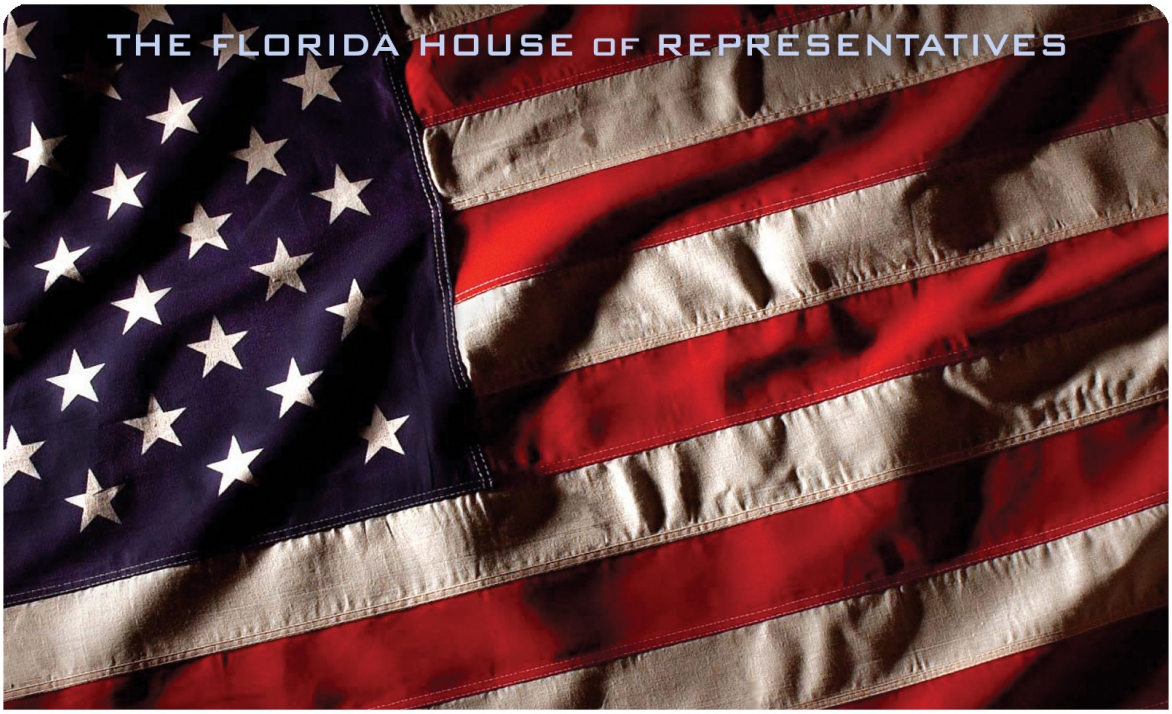

MILITARY BASE ENCROACHMENT: A WHITE PAPER

THE COMMITTEE ON
MILITARY & VETERANS' AFFAIRS
REPRESENTATIVE STAN JORDAN, CHAIR

INTERIM PROJECT REPORT

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ACRONYMS

ACSC – Area of Critical State Concern
ACUB – Army Compatible Use Buffer
AFB – Air Force Base
AGL – Above Ground Level
AICUZ – Air Installation Compatible Use Zone (Navy and Air Force)
APZ I – Accident Potential Zone I
APZII – Accident Potential Zone II
BRAC – Base Realignment and Closure
CZ – Clear Zone
DCA – Florida Department of Community Affairs
DEP – Florida Department of Environmental Protection
DoD – Department of Defense
EAR – Environmental Appraisal Report
ENMP – Environmental Noise Management Plan
EPA – U.S. Environmental Protection Agency
FAA – Federal Aviation Administration
FDA – Florida Defense Alliance
DOT – Florida Department of Transportation
ICUZ – Installation Compatible Use Zone
IENMP – Installation Environmental Noise Management Program
JLUS – Joint Land Use Study
MPO – Metropolitan Planning Organization
NAS – Naval Air Station
NCSL – National Conference of State Legislatures
NEPA – National Environmental Policy Act
NGA – National Governor's Association
OEA – Office of Economic Adjustment
ONMP – Operational Noise Management Program (Army)
RAICUZ – Range Air Installation Compatible Use Zone (Navy and Marines)

I. OVERVIEW

Florida is home to 20 military installations, three of the nine U.S. unified Combatant Commands[1], and approximately 60,000 active-duty servicemembers. Florida's geographic location provides unique and important training opportunities for servicemembers from all branches of the U.S. military. In turn, the military and defense-related industries provide significant economic benefits to local military communities and the state as a whole. In 2005, the military and related industries were responsible for $52 billion in gross state product[2], which is roughly equivalent to total spending by the state in fiscal year 2007-08, excluding spending funded by federal dollars.[3] This mutually beneficial relationship may be jeopardized to some degree, however, if military installations in Florida are unable to perform their current and future missions due to the incompatible use or development of public or private property near installations, training areas, or testing grounds. If an installation is unable to fully perform its training or testing missions due to incompatible development, the federal government may transfer missions from Florida to installations located in other states or, in extreme cases, completely close Florida installations during future base realignment and closure reviews, potentially reducing the thousands of jobs and billions of dollars in economic activity installations generate.[4]

Encroachment on U.S. military installations and training and testing ranges is a significant and growing concern for the Department of Defense (DoD). Encroachment – a term used by the DoD to refer to incompatible uses of land, air, water, and other resources – is the cumulative impact of urban development that hampers the military's ability to carry out its testing and training missions.[5] A recent California study defined encroachment as "more than just increased population and 'urban growth edging closer to installation boundaries.' It is also the effect that military installations have on nearby residents, and the environmental issues that are created as endangered species migrate to military lands in order to survive."[6]

Thus, the rapid pace of urban growth into formerly undeveloped lands near Florida's military installations, training areas, and testing grounds presents several potential problems: new residents may be concerned about safety and noise issues in regard to nearby military activities; existing residents may be concerned about safety and noise issues in regard to new or louder equipment deployed by the military; and installations may find that important training or testing exercises are compromised due to the proximity of incompatible development.

Florida has made concerted efforts to mitigate incompatible development of lands near military installations by enacting laws that encourage development of working relationships between the military and local governments, establish land use planning requirements, and provide for the purchase of lands that serve the dual purpose of conserving valuable natural resources and buffering military installations from incompatible development. According to the DoD, Florida is one of the leading states in the passage of laws addressing military installations and civilian encroachment[7].

Even though Florida has taken steps to mitigate encroachment and ensure a continued military presence in Florida by enacting specific laws to address the issue, 13 military installations and 7 local governments report that incompatible development is a current or foreseeable problem. As the state's population continues to expand, urban growth will place increasing pressure on installations to modify training and/or testing missions. As this pressure intensifies, the challenge faced by the state will be to strike the appropriate balance between protecting the military's ability to fully utilize its Florida installations with the local governments' need to accommodate growth and the property rights of private landowners.

II. PURPOSE AND METHODOLOGY

This white paper reviews select Florida laws, the laws of other states, and federal laws related to land development near military installations and development in other areas affected by military activities. As part of the review, staff examined Florida law; federal law and publications; statutes and publications of other states; and reports published by the National Association of State Legislatures, the National Governors Association, and other organizations. Staff also attended the Department of Defense 2007 Sustaining Military Readiness Conference where DoD personnel and partners from the operational and planning communities engaged in discussions to promote military readiness through conservation, compatible land use planning, and encroachment mitigation.

In addition, a comprehensive survey was sent to 20 counties and 24 cities in Florida whose residents or land may be affected by military activities conducted by installations in the state. Of the counties surveyed, 18 responded and 2 did not (Monroe and Okeechobee Counties). Of the cities surveyed, 22 responded and two did not (Cities of Cocoa Beach and Shalimar). A separate survey was also sent to 16 military installations in the state, each of which responded. The survey was intended to determine:

- How and to what degree Florida's military installations are affected by incompatible development;
- The level of compliance by local governments with specific military-related portions of Florida's Growth Management Act;
- How and to what degree Florida's citizens are affected by military activities; and
- Whether local governments and the military believe that Florida's laws sufficiently balance the need to prevent encroachment, the growth needs of Florida's local governments, and the property rights of landowners.

III. BACKGROUND

1. The Military Presence in Florida

Since the establishment of Spanish settlements at St. Augustine and Pensacola over 400 years ago, Florida has played an active role in defense, while the military has long been a major source of employment, sales revenues, and tax revenues for state and local governments.[8] Today, almost 60,000 active duty sailors, marines, soldiers, and air force personnel along with almost 27,000 civilians serve at 20 military installations located around the state.[9] The Panhandle, home to five U.S. Air Force and Navy installations, represents one of the largest open-air military training areas in the United States and includes Eglin Air Force Base, the largest U.S. Air Force base in the nation. The following table lists the installations and county in which each is located:

	MILITARY INSTALLATION	COUNTY IN WHICH INSTALLATION IS LOCATED
1	Avon Park Air Ground Training Complex	Highlands County, Polk County
2	Marine Corps Support Facility – Blount Island	Duval County
3	Camp Blanding Joint Training Center	Clay County
4	Cape Canaveral Air Force Station	Brevard County
5	Corry Station	Escambia County
6	Eglin Air Force Base	Gulf County, Okaloosa County, Santa Rosa County, Walton County
7	Homestead Air Reserve Base	Miami-Dade County
8	Hurlburt Field	Okaloosa County
9	MacDill Air Force Base	City of Tampa, Hillsborough County

	MILITARY INSTALLATION	COUNTY IN WHICH INSTALLATION IS LOCATED
10	Naval Air Station Jacksonville	Duval County
11	Naval Air Station Key West	Monroe County
12	Naval Air Station Pensacola	Escambia County
13	Naval Air Station Whiting Field	Santa Rosa County
14	Naval Aviation Depot	Duval County
15	Naval Station Mayport	Duval County
16	Naval Support Activity Orlando	Orange County
17	Naval Support Activity Panama City	Bay County
18	Patrick Air Force Base	Brevard County
19	Saufley Field	Santa Rosa County
20	Tyndall Air Force Base	Bay County
	U.S. UNIFIED COMBATANT COMMANDS	
1	U.S. Southern Command	Miami-Dade County
2	U.S. Special Operations Command	Hillsborough County
3	U.S. Central Command	Hillsborough County

2. Encroachment in General[10]

Many Florida military installations were initially located on the fringes of civilian communities and surrounded by undeveloped land. Over time, however, population growth has resulted in the development of public and private lands near many installations and training areas. As Florida's population continues to grow, urban development may continue to expand into the remaining undeveloped land near military installations.

The rapid pace of urban growth into rural areas around military installations, ranges, and training areas presents two sets of encroachment problems: (1) incompatible development may threaten public health, safety, and welfare and (2) incompatible development can restrict the ability of the military to train servicemembers and otherwise perform its present and future missions.

On the one hand, as development increases in areas near military bases, military operations may create quality of life issues and present safety concerns for nearby civilian communities. Low flying, high performance military aircraft can create both noise and accident potential during landings, take-offs, and training exercises. Ground training exercises -- artillery firing ranges, maneuver areas, and aerial bombing ranges -- generate impacts and noise that can adversely affect the surrounding community if the civilian population is located too close to the installation or training grounds. Further, the military's need to train with new high performance equipment creates additional noise and accident potential concerns for residents who were not previously affected by military operations. Thus, the military activities may encroach on nearby residential property. On the other hand, when developing urban centers expand toward active military bases, ranges, and training areas, the operational effectiveness, training, and readiness missions of the military may be impaired.[11] In these cases, encroachment on the military can take many forms, including high-density development under dangerous military flightpaths, private residential or commercial structures that are not designed to buffer noise generated by military activities, height obstructions that obstruct or endanger military aircraft, and radio frequency interference.[12]

What type of development is considered "incompatible" in relation to a military installation, training area, or range? The answer depends on the location and size of the military installation, training area, or testing range, the type and volume of activity, and the nuisances that may be generated by the activity. In general, land use activities such as lower employment density industrial and commercial uses are more compatible than population-sensitive land use activities such as homes, schools, office

complexes, community centers, shopping malls, libraries, hospitals, day care facilities, long-term senior housing, and buildings housing religious services. Tall structures that encroach into low-level aircraft flight routes may be inconsistent with Federal Aviation Administration regulations as well as incompatible with military air bases.[13]

Land uses that are compatible include large, nonmigratory bird-attracting conservation and open space land uses; however, land uses that involve bird-attracting activities such as wetlands, mitigation habitat, retention ponds, sanitary landfills, and the like are, again, generally incompatible with military airfields because of the potential hazard to air operations, nearby residents, and the birds themselves.[14]

Many state and local governments are taking steps to prevent encroachment.[15] The National Governors Association policy position on encroachment and military activities states that "[t]he aim is not to prevent growth or limit any state or local authority, but to encourage land uses that avoid encroachment and are consistent with both the scope of military activities at a particular base and with the needs and safety of the neighboring community."[16]

State and local governments, along with the military, share responsibility to ensure the health and safety of civilians near military installations, ranges, and training areas without compromising training needs that are critical to protect national defense. Managing growth near military bases is one way to accomplish these objectives, and that authority is vested in state and local governments. Without the participation of the military in state and local planning processes, policymakers may not have sufficient information to strike the appropriate balance between development and the continued viability of military installations in Florida.[17]

3. Potential Consequences of Encroachment on Military Installations

There are several potential consequences of continued civilian encroachment on military installations, ranges, and training areas in the state. First, the overall readiness of the military may be compromised by eliminating or limiting unique training opportunities provided by Florida's distinctive geographic location and diverse landscapes. Second, if the Federal Government transfers functions from Florida installations to installations in other states that do not have encroachment concerns, or closes installations in Florida, the significant positive impact the military and related defense industries have on the state and local economy may be diminished.

This section discusses the federal base reorganization process and the impact of the military and related defense industries on Florida's economy.

a. Base Realignment and Closure[18]

"BRAC" is an acronym for "base realignment and closure", which is the congressionally authorized process DoD has used since 1988 "to reorganize its base structure to more efficiently and effectively support our forces, increase operational readiness and facilitate new ways of doing business."[19] All military installations within the United States and its territories are examined as part of the periodic review process. Since 1988, 97 major military installations nationwide have been closed under the BRAC review process. The most recent BRAC round was completed in 2005 and will result in the closure of 25 major installations around the country and radical realignment of 24 others over the next six years.[20]

Encroachment is considered an important factor in determining whether to close or realign military installations. For example, as part of the 1991 BRAC review, the Secretary of the Air Force and the

DoD recommended realignment and partial closure of MacDill Air Force Base in Tampa, which would result in the transfer of missions from MacDill to bases in Arizona and South Carolina. The DoD estimated that the recommendation would result in the loss of 4,500 jobs and a regional income loss of $96 million. In support of its recommendation, the DoD said that "[t]he long-term military value of MacDill AFB is limited by pressure on air space, training areas, and low-level routes….MacDill AFB also has ground encroachment….DoD did not recommend full closure because of the high cost to relocate two large joint headquarters."[21]

In 2005, there were eight statutory selection criteria applied by the DoD to determine which installations to realign or close, two of which addressed growth issues and read as follows:

- The availability and condition of land, facilities, and associated airspace (including training areas suitable for maneuver by ground, naval, or air forces throughout a diversity of climate and terrain areas and staging areas for the use of the Armed Forces in homeland defense missions) at both existing and potential receiving locations.
- The ability to accommodate contingency, mobilization, surge, and future total force requirements at both existing and potential receiving locations to support operations and training.

In 2005, 11 Florida military facilities were affected by the BRAC process. Eglin Air Force Base and Naval Air Support Jacksonville received additional missions and a significant number of new military and civilian jobs, whereas Naval Air Station Pensacola lost approximately 400 military and 700 civilian jobs. Overall, approximately 4,200 military jobs were added and approximately 400 civilian jobs were deleted in Florida. Appendix E contains a break-down of the estimated number of jobs gained and lost at each affected Florida installation.

Although the date of a future BRAC round has not been established, the factors that precipitated previous BRAC rounds are present once again. According to Warren R. "Rocky" McPherson, Executive Director of the Florida Defense Alliance, "[t]he question of future BRACs is best addressed by noting that the demands of the Global War on Terrorism (GWOT), which includes the operations in Iraq and Afghanistan, have had massive impact on both the Army and Marine Corps and created shortages of personnel and equipment in the other services too. Additionally, the recent DOD moves to increase the end strength of the Army and Marine Corps, along with the need to 'reset' their major equipment stock, and the continuing development of our nations new weapons systems, means that the DOD will need to continue with realigning the nations defense structure to maximize the efficient and effect use of the existing bases and stations structure. Given these significant challenges the nations need for additional BRAC rounds in the future cannot be dismissed." Mr. McPherson further asserted that "Florida was successful in retaining and enhancing military missions, and the resultant overall increases in units and personnel, because our state provides optimum conditions for military training and operations. The fact that over the last decade Florida has been a national leader in support for military service members and their families was highlighted by the 2005 BRAC. Florida must continue to lead initiatives which protect military missions, training and operations, and which evidence the respect and support Florida has for those who defend our nations from external threats."

b. <u>Economic Impact of the Military and Associated Defense Industries</u>[22]

Enterprise Florida, Inc., recently commissioned the Hass Center for Business Research and Economic Development at the University of West Florida to conduct a study of the economic impact of the military on Florida's economy. In January 2008, the *Florida Defense Industry – Economic Impact*

Analysis was published, providing the most current economic impact analysis available based upon data from fiscal year 2005. The Haas Economic Impact Analysis includes the following findings:

- Fiscal year 2005 defense-related spending is directly or indirectly responsible for $52 billion, or 7.5 percent, of Florida's gross state product.
- Fiscal year 2005 defense-related spending accounted for a total of 732,300 direct and indirect jobs.
- State and local tax revenue generated by defense-driven activities was estimated to be $999 million in fiscal year 2005.
- The military spent about $27 billion across Florida counties in fiscal year 2005. Of this amount, an estimated $10.4 billion was for goods and services, $12.4 billion was for pensions and transfer payments, and $4.3 billion was for salaries and wages.
- The ten largest Florida defense contractors supplied $3.9 billion or 37 percent of the $10.4 billion value of defense procured goods and services.
- About 35 percent of Northwest Florida regional output is driven by defense spending, versus 18 percent for Northeast Florida, 5 percent for Central Florida and 3 percent for South Florida.
- All counties in Florida benefit from defense-related spending. All but six counties have at least $3 million per year in direct defense-related spending.
- Military wages have risen overtime, so that average earnings per military job in Florida are now at 175 percent of average earnings across all Florida jobs. In 2005, average military earnings per job were $68,540 compared to an average $39,119 for all Florida jobs. In 1970 this ratio was 102 percent when average earnings per military job were $28,649 compared to an overall Florida average per job of $27,848.
- Florida has a greater reliance on direct military payroll at 1.8 percent of total earnings, than the nation as a whole, at 1.7 percent.
- Florida has seen less of a drop in military employment over the 1970-2005 time period than the nation as a whole (respective decreases of 24 percent versus 37 percent).
- Because Florida has created new jobs at a much faster rate than the nation, Florida's military employment has shrunk from 4.5 percent of total employment to 1 percent, versus 3.5 percent and 1.2 percent, respectively, for the nation.

IV. FLORIDA LAW

The DoD considers Florida a leader in recognizing the importance of the military presence in the State and in taking steps to create a balance between community development and the military's need to train.[23] This recognition is based upon the aggressive role the state has played in enacting laws designed to mitigate incompatible development near military installations. A number of Florida laws related to growth management and the military are summarized briefly below.

1. Growth Management Generally

Although the Legislature has a prominent role in devising land use policies through legislation, local governments have primary responsibility for implementing the strategies contained in state law. Legislation may require or enable local governments to act and may require that certain criteria be included in local comprehensive plans. Nevertheless, local governments ultimately make development siting decisions that may affect operations at military installations.[24]

In 1985, the Florida Legislature enacted the "Local Government Comprehensive Planning and Land Development Regulation Act"[25] popularly referred to as the "Growth Management Act" (Act). The Act requires each county and city to adopt a comprehensive plan that conforms to criteria contained in

state law as a condition for exercising regulatory authority. The comprehensive plans are intended to provide for the orderly and balanced economic, social, physical, environmental, and fiscal development of the area.[26] Land use regulations must to be consistent with objectives contained in the comprehensive plan. The Act requires the Department of Community Affairs (DCA) to review comprehensive plans and plan amendments for compliance with the Act. If the DCA finds that a plan or amendment is not in compliance, the local government must take remedial actions to bring the plan or amendment into compliance to avoid an administrative hearing.[27]

Each comprehensive plan must contain specific chapters, or "elements", that address future land use, housing, transportation, infrastructure, coastal management, conservation, recreation and open space, intergovernmental coordination, and capital improvements. Every seven years, each local government must evaluate its comprehensive plan and issue an Evaluation and Appraisal Report (EAR) that addresses certain issues and contains specific data.[28]

The future land use plan element must designate proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of public and private uses of land.[29]

2. Growth Management Laws Relating to Military Installations

a. Legislative Findings

In 2004, the DoD was in the midst of the latest round of the base realignment and closure process. In determining which installations to close or realign, the DoD considered the impacts of encroachment on an installation's ability to sustain its current and future missions. In anticipation of the DoD review, the 2004 Florida Legislature enacted significant legislation to address development of lands surrounding military installations.[30] The 2004 legislation specifically found that:

- Incompatible development of land close to military installations can adversely affect the ability of such an installation to carry out its mission;
- Such development also threatens the public safety because of the possibility of accidents occurring within the areas surrounding a military installation;
- The economic vitality of a community is affected when military operations and missions must relocate because of incompatible urban encroachment; and
- It is desirable for the local governments in the state to cooperate with military installations to encourage compatible land use, help prevent incompatible encroachment, and facilitate the continued presence of major military installations in this state.[31]

b. Local Land Use Planning

The 2004 legislation also modified comprehensive plan requirements in order to promote compatible uses of lands that are adjacent to or in close proximity to a military installation. The law now provides that the future land use plan element of each comprehensive plan must be based on surveys, studies, and data regarding the area, including the compatibility of uses on lands adjacent to or closely proximate to military installations, and must include the criteria that will be used to achieve compatibility of adjacent or closely proximate lands with military installations. [32] Local governments whose comprehensive plans did not already address compatibility of lands adjacent to or in close proximity to existing military installations were required to amend their comprehensive plans and transmit those updates or amendments to the DCA by June 30, 2006.[33] If those amendments do not comply with the statutory requirements, the local government must take remedial action to bring the

plan into compliance to avoid an administrative hearing. Additionally, the Evaluation and Appraisal Report (EAR) issued by each local government every seven years must include an assessment of whether criteria adopted in the updates or amendments were successful in achieving compatibility with military installations.[34]

Further, the statute requires DCA to consider, in coordination with the DoD and as part of its criteria for review of local government comprehensive plans, compatibility issues of land adjacent to or in close proximity to all military installations.[35]

c. Notification of the Military

The 2004 legislation also requires each county in which a military installation is either wholly or partially located, and each city adjacent to or in close proximity to a military installation, to provide the commanding officer of that installation with information relating to proposed changes to comprehensive plans, plan amendments, and proposed changes to land development regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation.[36] The military installation must have an opportunity to review and comment on the proposed changes.[37]

The commanding officer of the military installation, or a designee, may submit comments to the local government on the impact proposed changes may have on the mission of the military installation, including comments regarding:

- Whether the changes will be incompatible with the safety and noise standards contained in the Air Installation Compatible Use Zone (AICUZ[38]) adopted by the military installation for an airfield located on the installation;
- Whether the changes are incompatible with the Installation Environmental Noise Management Program (IENMP) of the United States Army;
- Whether the changes are incompatible with the findings of a Joint Land Use Study (JLUS) for the area if one has been completed; and
- Whether the military installation's mission will be adversely affected by the changes.[39]

The local governments must consider any comments provided by the commanding officer or designee when making a decision regarding comprehensive planning or land development regulation, and must forward a copy of any such comments to the DCA.[40] The law does not, however, require local governments to follow any recommendations provided by the military.

The law also requires a representative of a military installation acting on behalf of all military installations within a jurisdiction to be included as an ex officio, nonvoting member of a county's or affected municipality's land planning or zoning board.[41]

d. Local Government Compliance

The Survey of Local Governments distributed as part of this project asked whether each local government complied with statutory requirements to amend their comprehensive plan by June 30, 2006, to address military compatibility issues. According to the survey responses, 10 counties (including Monroe) and 14 cities report that they have not complied with the statutory requirement to update their comprehensive plans by June 30, 2006 to include military compatibility criteria (8 counties and 7 cities have adopted updates).[42] The DCA reports that "[a]bout 75% of the affected local governments have missed the June 30, 2006 due date, probably because there is no consequence to

them of doing so."[43] The DCA provided additional written comments regarding local government compliance with statutory requirements. Those comments are attached to this paper as Appendix A.

Local governments are also required by law to provide information to military installations regarding the adoption of comprehensive plans, amendments, or land use regulations. The Survey of Military Installations distributed as part of this project sought to determine whether local governments are complying with this statutory requirement. According to survey responses from the Air Force and Navy, the local governments appear to generally comply with statutory requirements and consider the military's comments during the planning process.

3. Land Conservation Programs

Established in 1999, the 10-year, $3 billion Florida Forever program conserves environmentally sensitive land, restores water resources, and preserves important cultural and historical resources. Using Florida Forever dollars, Florida was the first state in the nation to partner with the DoD for the dual purpose of environmental protection and national defense.[44] According to then Governor Jeb Bush, "This groundbreaking partnership affirms Florida's resolute commitment to the environment and our nation's military."[45] To date, Florida has invested more than $750 million in state dollars, including Florida Forever dollars, to acquire more than 500,000 acres around military bases. An additional 650,000 acres are slated for acquisition through the Florida Forever program to preserve wildlife habitat and reduce encroachment on military operations. The DoD recognizes that Florida has adopted one of the most ambitious land conservation programs in the country.[46] Appendix B contains a list of the properties acquired by the state for the dual purpose of land conservation and national defense.

In 2006, the Legislature amended the Florida Forever statute and specifically recognized "the important role that many of our state and federal military installations contribute to protecting and preserving Florida's natural resources as well as our economic prosperity."[47] The statute also states that where the state's land conservation plans overlap with the military's need to protect lands, waters, and habitat to ensure the sustainability of military missions, it is the Legislature's intent that agencies receiving funds under the program cooperate with the state's military partners to protect and buffer military installations and military airspace by:

- Protecting habitat on nonmilitary land for any species found on military land that is designated as threatened or endangered, or is a candidate for such designation under the Endangered Species Act or any Florida statute;
- Protecting areas underlying low-level military air corridors or operating areas; and
- Protecting areas identified as clear zones, accident potential zones, and air installation compatible use buffer zones delineated by the state's military partners.

Under the Florida Forever statute, the Acquisition and Restoration Council (Council) develops a list of projects eligible for acquisition by the state under the Florida Forever program.[48] The statute directs the Council to give increased priority to those projects where the state's land conservation plans overlap with the military's need to protect lands, water, and habitat to ensure the sustainability of military missions.

4. Transportation Systems and the Military

a. Florida Strategic Intermodal System

In 2003[49], the Legislature created the Florida Strategic Intermodal System, finding that the designation of a strategic intermodal system, composed of facilities and services of statewide and interregional significance, will efficiently serve the mobility needs of Florida's citizens, businesses, and visitors and will help Florida become a worldwide economic leader, enhance economic prosperity and competitiveness, enrich quality of life, and reflect responsible environmental stewardship. To that end, it was "the intent of the Legislature that the Strategic Intermodal System consist of transportation facilities that meet a strategic and essential state interest and that limited resources available for the implementation of statewide and interregional transportation priorities be focused on that system."[50]

The Florida Department of Transportation (DOT) is required by statute to coordinate with federal, regional, and local partners in planning the Strategic Highway Network and the Strategic Rail Corridor Network transportation facilities that are either included in the Strategic Intermodal System or that provide a direct connection between military installations and the Strategic Intermodal System.[51] In addition, the DOT must coordinate with regional and local partners to determine whether the road and other transportation infrastructure that connect military installations to the Strategic Intermodal System, the Strategic Highway Network, or the Strategic Rail Corridor is regionally significant and should be included in the Strategic Intermodal System Plan.

The Strategic Intermodal System Plan must include, among other things, an assessment of the impacts of proposed improvements to Strategic Intermodal System corridors on military installations that are either located directly on the Strategic Intermodal System or located on the Strategic Highway Network or Strategic Rail Corridor Network.

The Statewide Intermodal Transportation Advisory Council is created in statute to advise and make recommendations to the Legislature and the DOT on policies, planning, and funding of intermodal transportation projects.[52] The membership of the Statewide Intermodal Transportation Advisory Council must include one representative having command responsibilities of a major military installation.[53]

b. Metropolitan Planning Organizations[54]

Florida law provides for the creation and operation of metropolitan planning organizations (MPO), and requires each MPO to develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas.

The Governor, with the agreement of the affected units of general-purpose local government, apportions the membership of the applicable MPO among the various governmental entities within the area. However, the statute requires an MPO to appoint nonvoting advisers representing major military installations located within the jurisdictional boundaries of the MPO upon the request of the major military installations and subject to the agreement of the MPO. Military advisers may attend and participate fully in MPO governing board meetings but are not considered members of the MPO governing board and are not permitted to vote.

c. Transportation Regional Incentive Program[55]

The Transportation Regional Incentive Program was created by the Legislature within the DOT for the purpose of providing funds to improve regionally significant transportation facilities in regional

transportation areas. In allocating Transportation Regional Incentive Program funds, the statute establishes a list of priorities and provides that priority must be given to projects that improve connectivity between military installations and the Strategic Highway Network or the Strategic Rail Corridor Network.

5. Florida Areas of Critical State Concern[56]

Florida's Area of Critical State Concern (ACSC) program is established in statute to protect resources and public facilities of major statewide significance.[57] The statute identifies several general criteria that may be applied to determine which areas of the state are areas of critical state concern. An area may be designated as an area of critical state concern if it is "[a]n area having a significant impact upon, or being significantly impacted by, an *existing or proposed major public facility or other area of major public investment* including, but not limited to, highways, ports, airports, energy facilities, and water management projects." This criterion may be read to include areas of Florida that host a major military installation; however, to date, this criterion has not been used by the Legislature or the Administration Commission (Commission) as a basis for designating an area of critical state concern. All currently designated areas contain, or have a significant impact upon, environmental or natural resources of regional or statewide importance.[58]

Under the ACSC program, DCA is authorized to recommend to the Commission[59] specific areas of critical state concern. In part, the DCA's recommendation must: describe the dangers that would result from uncontrolled or inadequate development of the area; describe advantages that would be achieved from the development of the area in a coordinated manner; and include specific principles for guiding development within the area. If the Commission agrees with the DCA's recommendation, the area of critical state concern must be designated as such in an administrative rule adopted by the Commission. The Commission may not, however, adopt a rule that provides for a moratorium on development in a designated area. A rule adopted by the Commission takes effect 20 days after filing with the Secretary of State.

Each rule adopted by the Commission must be presented to the Legislature for review prior to the next regular session of the Legislature. The Legislature may reject, modify, or take no action relative to the adopted rule. In addition to any other data and information required by law, each rule presented to the Legislature must include a detailed legal description of the boundary of the area of critical state concern, proposed principles for guiding development, and a detailed statement of how the area meets the criteria for designation. Principles for guiding development apply to any development undertaken subsequent to the legislative review of the designation of the area of critical state concern with or without modification but prior to the adoption of land development rules and regulations or a local comprehensive plan for the critical area.

After an area is designated by rule, the affected local governments must submit to DCA revised comprehensive plans and regulations that are consistent with the principles for guiding development set forth in the rule. If the local governments do not submit revised plans and regulations, or if their submissions fail to comply with the principles guiding development, the DCA submits comprehensive plans and regulations to the Commission for approval. If the Commission adopts the DCA's proposals, and the local governments thereafter propose alternative plans or regulations that are approved by the DCA, the local government's submissions will supersede any regulations or plans previously adopted by the Commission.

DCA reviews all local development projects within designated areas and may appeal to the Commission any local development orders that are inconsistent with state guidelines. The DCA

reviews and approves amendments to comprehensive plans and land development regulations proposed by local governments within the designated areas.

6. The Burt J. Harris, Jr., Private Property Rights Protection Act

Limiting incompatible development of private lands near military installations or training areas requires policymakers to strike a delicate balance between the public interest in maintaining a well-trained military with the property rights of landowners. According to the DoD, states such as Arizona, Florida, Mississippi, and Missouri have enacted property rights legislation that requires careful and deliberative approaches to the application of local government land use regulations.[60] It appears that the Florida property rights legislation to which the DoD refers is the Burt J. Harris, Jr., Private Property Rights Protection Act (Burt Harris Act).[61]

When the Legislature enacted the Burt Harris Act in 1995, it recognized that, in some instances, laws, regulations and ordinances of the state and local governments may inordinately burden, restrict, or limit private property rights without amounting to a traditional taking requiring just compensation under federal or state eminent domain laws.[62] The Legislature determined that there was an important state interest in protecting private property owners from these burdens, and provided relief by creating a new legal cause of action where none previously existed.[63]

Under the Burt Harris Act,[64] if the Legislature or local governments enact laws or regulations that severely restrict the use of private lands for the purpose of protecting Florida's military installations, the courts may conclude that the laws or regulations impose an "inordinate burden" on private property owners, entitling those property owners to compensation from the governmental entity imposing the regulations. The term "inordinate burden" is defined by statute as an action of one or more governmental entities that has directly restricted or limited the use of real property such that the property owner is permanently unable to attain the reasonable, investment-backed expectation for the existing use of the real property or a vested right to a specific use of the real property with respect to the real property as a whole, or that the property owner is left with existing or vested uses that are unreasonable such that the property owner bears permanently a disproportionate share of a burden imposed for the good of the public, which in fairness should be borne by the public at large.[65]

If a property owner and government entity cannot reach an agreement, and a court finds that a law, regulation, or ordinance places an inordinate burden, restriction or limitation on the existing or reasonably foreseeable use of private property, or a vested right to a specific use of real property, the property owner is entitled to relief from the government(s) imposing the law, regulation, or ordinance. Relief may include compensation for the actual loss to the fair market value of the real property caused by the action of government, interest, reasonable attorney's fees, and costs.[66]

7. State Defense Grant Programs[67]

The Legislature has created statutory[68] defense grant programs designed to provide financial assistance to local military communities for a variety of purposes, including:

- Supporting activities related to the retention of military installations potentially affected by federal base closure or realignment including studies, presentations, analyses, plans, and modeling;
- Analyzing the extent to which the state and local communities are dependent on defense dollars and infrastructure and preparing alternative economic development strategies;
- Developing and implementing strategies to assist communities transition from a defense economy to a nondefense economy;

- Developing and implementing plans for the reuse of closed or realigned military installations, including any necessary infrastructure improvements needed to facilitate reuse and related marketing activities;
- Encouraging communities to initiate a coordinated program of response and plan of action in advance of future actions of the federal Base Realignment and Closure Commission; and
- Supporting local infrastructure projects deemed to have a positive impact on the military value of installations within the state and which benefit local communities as well as military installations, including projects related to encroachment, transportation and access, utilities, communications, housing, environment, and security.

Since 1997, a total of approximately $56 million in grants has been awarded to local communities under the grant programs. Since 2002, the Legislature has appropriated approximately $34 million in non-recurring general revenue funds to three grant programs, and in FY 2007-08, the Legislature appropriated $4.5 million to the programs. According to the Defense Infrastructure Projects priority list for FY 2007-08, the community infrastructure needs total approximately $67 million.[69] Appendix C identifies active grant programs and the amounts appropriated to each since FY 2002-03.

8. Florida Defense Alliance

In 1999, the Legislature enacted a law to designate the Florida Defense Alliance (FDA), a non-profit organization within Enterprise Florida, Inc., as the organization responsible for ensuring that Florida, its resident military bases and missions, and its military host communities are in competitive positions as the United States continues to realign and downsize the military through the BRAC process.[70] The FDA serves as an overall advisory body for Enterprise Florida, Inc., regarding defense-related activity, and may receive funding from the Legislature for that purpose and administered by the Florida Office of Tourism, Trade, and Economic Development.

Today, the FDA is comprised of designated representatives from each local base retention and re-use committee, local military installation commanders, state agency liaisons, and a number of individuals and groups with statewide perspectives and national experience.[71]

V. LAWS IN OTHER STATES

The manner in which states manage growth as it relates to military installations varies widely from state to state. According to the National Conference of State Legislatures (NSCL), at least 20 states have enacted land use related laws to address encroachment concerns.[72] (Refer to Appendix D for a list of the primary statutes addressing encroachment enacted by each state.) States such as Arizona, California, Florida, Georgia, Oklahoma, South Carolina, Virginia, and Washington have been recognized as leaders in enacting specific laws to prevent or mitigate encroachment.[73]

The laws enacted by the states have a two-fold purpose: to ensure that the ability of the military installation to perform its mission is not compromised by growth surrounding the installation, and to ensure the safety of the residential and commercial development from potential hazards related to military activities (i.e. noise levels and aircraft over flights).[74]

The types of land use laws enacted by states to address encroachment typically fall into three categories:

- Land Use Planning: Requires local governments to include in comprehensive plans criteria to be considered to ensure that land use adjacent to a military base is compatible with the military mission.

- Notification of Military: Creates or expands procedural requirements to provide planning and zoning information to the military and creates a specific mechanism for the military to comment on how the proposed development or planning change affects the military mission.
- Land Conservation: Allocation of state resources for open space protection such as acquisition of title or development rights to land, conservation easements or transfer of development rights to restore and preserve open space and farmland or protect land from incompatible development.[75]

As described in the previous section of this paper, Florida has enacted laws in all 3 categories. The following discussion includes a brief discussion of laws from five other states, with a focus on laws that differ from Florida's laws.

1. Arizona

According to the DoD, "no other State in the Union has exhibited such vigor or steadfast resolve to promote sound comprehensive/general land use planning to support the military presence."[76] Beginning in 1995, Arizona enacted a number of statutory provisions to address the concern that residential development was encroaching too near military airfields, placing future residents in potentially noisy environments and in Accident Potential Zones (APZs), and threatening the operational missions of the military.[77] The principle theme of these legislative initiatives is to require all surrounding cities, towns, and counties to adopt or update compatible land use plans and enforce zoning regulations to protect future residents from the potential effects of military operations and to ensure compatible land use. To that end, Arizona enacted laws that require local governments to submit any proposed changes to their general plan to the attorney general for review if the proposed changes affect property located in a High Noise or Accident Potential Zones In addition, cities and counties must adopt and enforce zoning regulations to "assure development compatible with the high noise and accident potential generated by military airport and ancillary military facility operations that have or may have an adverse effect on public health and safety." [78]

In addition to military notification requirements found in other states, including Florida, Arizona law also mandates new development in all localities meet specific planning, zoning, noise, and real estate disclosure requirements. For example, Arizona law prohibits housing and new school construction in Accident Potential and High Noise Zones on land surrounding a military installation and identifies, through a comprehensive matrix, a variety of compatible and incompatible uses. The law specifically defines the geographic parameters of these zones and requires that maps illustrating the zones be posted on the Arizona State Department of Real Estate web site.

Disclosure of the potential for noise and accidents around military installations to potential purchasers, lessee, or renters of real estate can be required by local ordinance or state law. Arizona law requires proper and timely notice of noise-sensitive uses to prospective purchasers of land in several defined areas of the state. For example, the statute identifies specific land as Airport Influence Areas. This designation requires that owners of property in the High Noise and Accident Potential Zones notify potential buyers, lessees, or renters that the property is located in the zones, is subject to the requirements of military airport compatibility, and may be subject to aircraft noise and overflights. Arizona law also mandates this type of disclosure on land under the military training routes that crisscross the skies of the state. The Arizona State Department of Real Estate is required to post a military training route map on its web site for public reference.

In addition, Arizona was concerned with the safety of departing military aircraft, destined for distant training ranges that carry live bombs and missiles (ordnance) and external fuel tanks attached to aircraft wings. In response, Arizona enacted a law that extended by 15,000 linear feet the area of a

typical Air Force-recommended Accident Potential Zone. The law effectively doubles the distance and land coverage for the departure corridors for air bases employing live ordnance by making the area subject to State protection equivalent to 30,000 linear feet or (5.7 miles) from the end of the military runway.

2. California

California has the largest number of military installations and is the largest state recipient of DoD expenditures;[79] however, between 1988 and 1999, California experienced the closure or realignment of 29 military bases. As a result of the closures, in 2001 California conducted a study to determine issues that might lead to further closures. The study noted that more than half of California's military installations are located within, or at the boundary of, major metropolitan areas. Since that time, California has recognized that "[t]he protection of installations and operation areas is vital to the State of California and to overall military readiness"[80] and enacted specific laws designed to mitigate encroachment concerns, which:

- Establish the Defense Retention and Conversion Counsel and direct the Counsel to prepare a study considering strategies for the long-term protection of land adjacent to military bases, including the effects of encroachment on military operations;
- Require development of an advisory handbook for local official, planners, and builders providing methods to reduce land use conflicts between civilian development and military readiness activities;
- Require that "prior to action by a legislative body to adopt or substantially amend a general plan, the planning agency shall refer the proposed action to . . . the branches of the United States Armed Forces when the proposed project is located within 1,000 feet of a military installation, beneath a low-level flight path, or within special use airspace …." The military is required to provide the state with electronic maps of Special Use Airspace, low-level flight paths, and military installations, and the state notifies cities and counties of the information's availability on the Internet.

In 2006, California published the *California Advisory Handbook for Community and Military Compatibility Planning*, which also recognized that "[i]n the past, incompatible development has been a factor in curtailing training operations, moving (realigning) mission-critical components to other installations, and, in extreme cases, closing installations. The Handbook further acknowledges that "the impact of military installations on local communities can result in safety issues and environmental degradation."[81] The Handbook concludes that "[c]ompatibility between military installations and local communities is essential to protect military missions, the health of local economies and industries, and the quality of life for residents. In order to achieve compatibility, the military and local governments must be collaborative and cooperative."[82]

Given the diversity of California communities, the Handbook recognizes that there is no universal approach to addressing compatibility issues between local entities and the military.[83] Recognizing that there is not one universal solution, the Handbook was designed to provide local and military planners, decision makers, agency land and resource managers, private landowners and developers, and the public with a comprehensive set of tools and processes that can be applied in any combination that is appropriate to meeting their unique needs.[84] These planning tools are not meant to stop development from occurring, dictate a planning approach to be taken, or reduce the military's ability to conduct training activities and achieve its mission. Rather, the purpose of these tools is to mitigate existing and potential conflicts and facilitate land use compatibility, thereby sustaining military readiness and reducing impacts on local communities.[85]

3. Oklahoma

In 2001, the Oklahoma Legislature enacted significant statutes allowing (but not requiring) a city within which an active-duty United States Air Force Base is located to enact a city ordinance prohibiting or restricting, within 5 miles of the military installation, future uses on property that may be hazardous to aircraft operation.[86] If adopted, each ordinance must:

- Be consistent with the most current recommendations and studies regarding compatible use zones produced by the United States Air Force or studies made by United States Department of the Army or "similar zoning relating to or surrounding a military installation as adopted by a county, city, or town or a combination of those governmental entities";
- Restrict or prohibit future uses that violate the height restriction of any Federal Aviation Regulation criteria;
- Consider the recommendations or studies produced by the Air Force and Army in order to protect the public and provide for safe aircraft operations;
- Allow single-family residential uses on an acre or more if future construction complies with a specific report providing guidelines for the sound insulation of residences exposed to aircraft operations.

Specifically, each ordinance must restrict or prohibit future land uses that meet the following categories within the five-mile area:

- Uses that interfere or impair visibility with the operation of aircraft by releasing substances such as steam, dust or smoke into the air unless the substance is generated from an agricultural use;
- Uses that interfere with pilot vision by producing light emissions (direct, indirect, or reflective);
- Uses that interfere with aircraft communications systems or navigational equipment by producing electrical emissions;
- Uses that attract birds or waterfowl such as sanitary landfill operations, or maintenance of feeding stations;
- Structures within ten feet of aircraft approach, departure, or transitional surfaces;
- Exposure of persons to noise greater than seventy-five decibels; or
- Uses that detract from the aesthetic appearance or make for an unsightly entrance to the installation such as automobile salvage yards, disposal sites, and waste storage.

4. Virginia

Virginia's statutes[87] require a municipality or county in which a U.S. Navy Master Jet Base is located to:

- Adopt zoning ordinances that follow Navy Air Installation Compatible Use Zone (AICUZ) guidelines in considering land development applications in high-noise level areas;
- Evaluate undeveloped properties in such areas to determine their suitability for rezoning to comply with AICUZ guidelines; and
- Adopt land use actions recommended in any Joint Land Use Study approved by the local government.

In addition, a municipality or county in which a U.S. Navy Master Jet Base is located must establish programs to (a) purchase title or development rights to land beneath the flight path between the Master Jet Base and the auxiliary landing field; and (b) purchase or condemn property in the Accident Potential Zone 1 and Clear Zone areas to prevent incompatible development.

5. Washington

Washington's statutes[88] require that city and county comprehensive plans, development regulations, or their amendments "should not allow development in the vicinity of a military installation that is incompatible with the installation's ability to carry out its mission requirements." Cities and counties with military installations of more than 100 personnel must notify the installation commander of their intent to amend the comprehensive plan or development regulations to "address lands adjacent to military installations to ensure those lands are protected from incompatible development." This notice must provide the commander 60 days to provide a written recommendation with supporting facts. If a response is not received from the commander, the local government may presume that the "implementation of the proposed plan or amendment" will not have an adverse effect on the installation's operations.

VI. FEDERAL LAW AND PROGRAMS[89]

The role of the Federal Government in the local land use planning and policy-setting arena is constitutionally limited. Historically, responsibility for local land use planning rests with the States. States, in turn, have largely delegated authority to local governments to conduct local planning and zoning under statutory or home rule authority conferred upon local government by state legislatures. The role of the Federal Government has been to provide technical and financial assistance to state and local governments to conduct local general or comprehensive planning or to further local economic development.

In some cases, federal law limits or prevents local, state, and regional authorities from enacting regulations. For example, local or state regulations may not address aviation and related aircraft noise, certain waterways, and land owned by the Federal Government. In the matter of national defense, use of air space, and other matters of national and interstate interest, the "doctrine of preemption" can have significant effect on the prerogatives of state and local government to enact regulations that may interfere with national interests (i.e., use of air space or airwaves).

1. Select Federal Laws

a. Federal Aviation Act[90]

The Federal Aviation Act regulates air commerce and declares the sovereignty of the United States over air space. The act requires the Secretary of Transportation to make long-range plans and formulate policy for the orderly development and use of "navigable air space" to serve the needs of civilian aeronautics and national defense except for the needs peculiar to military agencies. The United States Supreme Court has determined that the Federal Government, as represented by the Federal Aviation Administration (FAA) and the Environmental Protection Agency (EPA), has full control over aircraft noise to the exclusion of state and local control. The Court noted the pervasive language of both the Noise Control Act of 1972[91] and the Federal Aviation Act demonstrates the clear intent of Congress to preempt this area from local and state regulation.[92]

In 1963, the Court of Claims[93] formally announced the "500-Foot Rule", which provides that overflights having an altitude of 500 feet or more above ground level (AGL) do not constitute a compensable taking of private property because flights 500 feet AGL enjoy a right of free passage without liability to the property owners below. The court also acknowledged, however, that aircraft flights within the navigable airspace (500 feet and above) could generate damage so severe as to amount to a practical destruction or a substantial impairment of a person's property. In such a case, the court said it "would

then have to consider whether the relevant statutes and regulations violated the property owner's constitutional rights." Thus, it may be said that the federal government is normally protected by the "500-Foot Rule" and is not liable for taking private property so long as the aircraft does not penetrate airspace at an altitude less than 500 feet AGL. With the exception of one case[94], all decisions by the Court of Claims where compensation has been granted for a taking involved overflights by government aircraft at altitudes of 500 feet or less.

b. Aviation Safety and Noise Abatement Act

The Aviation Safety and Noise Abatement Act of 1979[95] requires the Secretary of Transportation to establish a single system of measuring noise generated by the operations of "public use" airports and to identify land uses that are normally compatible with various exposures to such noise. The act exempts the United States from any liability for damages resulting from aviation noise by reason of any action taken by the Secretary of Transportation or the Administrator of Federal Aviation. The act prohibits suits by property owners for noise damage where the property owner had actual knowledge of the existence of noise exposure maps at the time the property was acquired.

One encroachment mitigation strategy that is strongly advocated by the DoD is real estate disclosure, which requires sellers of real property to make prospective buyers and renters aware of noise routinely generated by nearby military installations, testing and training ranges, and military aerial training routes. The DoD asserts that "[r]eal estate disclosure is one of the most practical and cost-effective encroachment prevention tools available."[96]

This type of real estate disclosure is the province of state or local government; however, disclosure is not uniformly required or provided by the states or local governments. In 2006, the Maryland Legislature passed a mandatory disclosure clause affecting a majority of Maryland counties, which reads as follows: "Buyer is advised that the property may be located near a military installation that conducts flight operations, munitions testing, or military operations that may result in high noise levels."[97] Increasingly, states are passing disclosure laws to enable local governments to enact local ordinances. Arizona, California, and Virginia are examples of states that have enabled local governments to establish noise disclosure requirements, whether it be by regulation or on a voluntary basis. The Florida Statutes do not address or require disclosure; however, local governments may enact disclosure ordinances under their home-rule authority without specific statutory authority. Duval County, Escambia County, and Santa Rosa County have each adopted county ordinances requiring real estate disclosures, while a disclosure ordinance is under consideration in Miami-Dade County.[98] According to the DoD, experience has shown that real estate disclosure between seller/agent and buyer at time of contract signing and before settlement is the best opportunity to disclose all issues that could affect the buyer's interest in acquiring or renting property.[99]

c. Select Federal Takings Case Law

When a person or entity purchases land, it may be said that they are purchasing a "bundle" of rights along with the physical property. Included in the bundle are air rights, water rights, mineral rights, and the right to sell the property or pass the property on to heirs, the right to use the property, and the right to develop the property in accordance with local zoning codes, where applicable. Any single right may be separated from the bundle and sold or given away. However, the right to use, abuse, and abandon property may be limited and a landowner may not use or develop property in a manner that will harm others, create a public nuisance, or create public health concerns.

The following cases represent significant decisions by courts supporting the legitimacy and constitutionality of DoD programs and the right of the DoD "like any other citizen or landowner . . . to request local governments to make zoning changes."

i. In *De-Tom Enterprises, Inc. v. United States*[100], the court held that the Air Force was not liable in a takings suit to a private landowner simply because the Air Force had appeared at hearings before a local zoning board to oppose the property owner's petition for a change in zoning classification. Even though the zoning board would have approved the property owner's zoning request but for the Air Force's objections, the court found that the Air Force was not liable for a taking.

ii. In *Blue v. United States*[101], a landowner living adjacent to Pensacola Naval Air Station, Florida, based a fifth amendment takings claim on the Navy's participation in a local zoning process. The Navy had proposed changes to the county zoning map based on an Air Installation Compatible Use Zone (AICUZ) study. The court held that "[a]lthough the Navy participated in the process by submitting a draft and providing technical assistance, the County is the ordinance adopting government entity," and the county "was free to reject all or part of the Navy's recommendations." In this case, the Navy was acting as a substantial landowner with regard to the AICUZ reports and recommendations and did nothing to incur a taking liability.

iii. In *Landowners v. Wichita Falls, Texas, and the United States*[102], the Supreme Court ultimately held that, despite the Air Force's extensive participation in the county's zoning process and the county's subsequent enactment of an ordinance substantially similar to the one proposed by the Air Force, no compensable taking had occurred. The case involved an extraterritorial zoning requirement and revisions to the Wichita Falls zoning ordinance to incorporate Air Force AICUZ recommendations associated with a base's runway expansion. Property owners challenged the constitutionality of the zoning restrictions as inverse condemnation.

The Supreme Court noted with apparent approval that the lower district court held that AICUZ studies are planning efforts that "do not control or regulate the use of private lands, and the determination to permit or restrict development or use of private lands is left to the local jurisdiction" under its constitutional police powers.[103] Additionally, the Supreme Court noted that the lower court found that the Department of Defense, "like any other citizen and landowner, has the right to request local governments to make zoning changes," and that fact "does not magically transform the requests into unconstitutional actions."[104]

2. Select Federal Programs

It is DoD policy to promote the local operational mission of the military by working in partnership with federal, state, and local governments.[105] The goal of this policy is to achieve balance in local land-use matters that may negatively affect the military installation. Despite its strong interest in preserving its military installations, the federal government does not pass and enforce laws that ban development near installations. The most valuable contribution the federal government provides to prevent encroachment is to offer policy guidance and financial assistance to states and localities to promote joint compatible land-use planning conducted by the local community in cooperation with the local military installation,[106]and to partner with states to purchase conservation lands that also serve to buffer military installations.

DoD has a number of programs designed to inform local and state government leaders, planning commissioners, zoning board members, and residents of the impact of military operations. These programs can assist in the implementation of local land-use plans that support the military presence

and local economic development while protecting the nearby civilian population from exposure to excessive noise and accident potential.

a. Federal Assistance to Prevent Encroachment[107]

Although the federal government does not pass and enforce laws that ban development near military installations, ranges, or training areas, DoD has a number of programs, several of which are summarized below, designed to inform local and state government leaders, planning commissioners, zoning board members, and residents of the impact of military operations.

i. Practical Guide to Compatible Civilian Development

In July 2005, the DoD Office of Economic Adjustment and the National Governors Association Center for Best Practices collaborated to publish a *Practical Guide to Compatible Civilian Development* (Guide). The Guide describes a variety of tools, techniques, and collaborative efforts that have proven successful for communities to minimize incompatible civilian development near military installations.[108] The Guide "encourages military departments to reach beyond the installation fence to actively engage surrounding jurisdictions, to educate them on the nature of the military mission and operations in support of readiness, and in return work to understand the community's concerns by developing working relationships built on mutual respect that can lead to limiting or preventing encroachment pressures."[109]

The goal of the Guide is to encourage local governments to work closely with military installations to preserve and protect the public health, safety, and welfare of those living near an active military base or range and the viability of military missions and operations. The premise is that the application of compatible smart land use planning principles and practices can achieve a balance between potentially conflicting interests and, in the process, mutually support desired outcomes.[110]

ii. Federal Compatible Use Zone Programs

In the mid-1970's, the DoD established programs in response to existing and potential threats of incompatible land development that compromise the defense missions at military installations. Today, these programs are designed to promote compatible development on and off military bases. The programs include studies of noise generated by military activities to identify geographical areas most likely to be affected by unacceptable noise levels. The programs also identify aircraft landing and take-off accident potential zones that frequently extend beyond the boundaries of military installations and into the neighboring community. The goal of the programs is to generate information concerning military operations and their potential impact on surrounding property owners. There are several versions of these programs that are operated simultaneously by each branch of the military including:

- The Navy's and Air Force's Air Installations Compatible Use Zones Program for airfields (AICUZ);
- The Navy's and Marines' Range Air Installations Compatible Use Zones Program for air-to-ground ranges (RAICUZ); and
- The Army's Operational Noise Management Program for ground-based range operations (ONMP).[111]

Under these programs, the military services develop technical information on noise generated by arriving and departing military aircraft and ground-based range exercises. The information generated then is provided to the affected local jurisdiction in map form and indicates noise and accident potential in a geographic and aerial context both on and off the military installation. These programs assist state

and local governments in identifying and promoting compatible land use near military installations to protect the public health, safety, and welfare. The objective of these programs is to have local jurisdictions incorporate this information into their general plans.

The Federal Aviation Administration (FAA) also produces useful information for communities surrounding a military installation. The FAA develops maps that illustrate aircraft flight patterns for commercial and military air traffic. These publicly available maps depict restricted air zones and military training routes and may be used by state and local governments when making planning decisions for land beneath the mapped air traffic.

iii. Joint Land Use Study Program

DoD's Office of Economic Adjustment (OEA) offers planning assistance to states and localities that wish to address encroachment issues. OEA encourages communities to adopt land-use controls that ensure compatible development in areas affected by activities conducted by military installations. As an incentive for communities to participate in a joint planning process, OEA offers technical and financial assistance in the form of community planning assistance grants to state and local governments through the Joint Land Use Study (JLUS) Program.[112] According to OEA, the following Florida installations have participated or plan to participate in the JLUS program:

- NAS Pensacola: Completed September 2003. Jurisdiction: Escambia County;
- NAS Whiting Field: Completed September 2003. Jurisdiction: Santa Rosa County;
- MacDill AFB: Completed July 2006. Jurisdiction: The City of Tampa;
- Homestead ARB: Completed July 2007. Jurisdictions: Miami-Dade County and the City of Homestead;
- Eglin AFB: Initiated January 2007 and ongoing. Jurisdictions: Okaloosa, Walton and Santa Rosa Counties.
- Avon Park AFR: Organizational Phase (Study expected to start Feb 2008). Jurisdictions: Central Florida Regional Planning Council, Highlands, Polk, Osceola, and Okeechobee Counties;
- NSA Panama City: Initiated December 2007 and ongoing. Jurisdiction: Bay County; and
- Tyndall AFB: Recently nominated. Jurisdictions: Bay County and others to be determined.[113]

A JLUS is a cooperative land use planning effort between affected local governments and a military installation intended to ensure compatible development around installations and ranges particularly with respect to noise, safety, and operationally sensitive areas.[114] A JLUS is conducted only if there is agreement and support for the study from the base command and affected local governments. Recommendations included in a completed JLUS provide a policy framework to support adoption and implementation of compatible development measures designed to prevent urban encroachment; safeguard the military mission; and protect the public health, safety, and welfare.[115]

Implementation of a JLUS may involve: military operational changes; revisions to the community's comprehensive plan and traditional land use and development controls, such as zoning, subdivision regulations, and structural height restrictions; promotion of planned unit development concepts; amending local building codes to require increased sound attenuation in existing and new buildings; land purchases; land exchanges; transfer of development rights; and real estate disclosure requirements.[116] It should be noted, however, that local governments participating in a JLUS are not required by Florida law to actually implement any of the JLUS recommendations.

The OEA provides community assistance grants of up to 75 percent of the cost to produce a JLUS, assists with the preparation of the scope of services and the grant application, and provides technical

support and guidance during the JLUS. The cost of the JLUS varies but is typically between $60,000 and $120,000.[117]

The OEA produced the JLUS Program Guidance Manual,[118] a companion publication to the Guide discussed above, to assist base commanders and local communities in their collaborative efforts to promote compatible development.

iv. Conservation Partnerships

Partnerships to establish conservation buffers have become an increasingly important tool for DoD to ensure that lands outside military installations and ranges are used in a manner that is compatible with military operations.[119] Land conservation partnerships are particularly effective and can achieve greater results by leveraging multiple organizations and funding.

The federal Defense Authorization Act for 2003[120] authorizes the military departments to enter into agreements with states, political subdivisions, or land preservation groups to acquire, on a cost-shared basis, property or interests in land for the dual purpose of preserving valuable natural resources and limiting the use or development of land in a manner that is incompatible with the mission of an installation.[121] This is the most recent DoD program designed to respond to civilian encroachment of incompatible development near military installations, and Florida was the first state in the nation to enter into a partnership to acquire property under the program.[122]

State and local agencies can offer the advantage of cost sharing, taking title to property interests, and working directly with officials responsible for zoning and land use policies affecting military installations. Private conservators, including both national conservation groups and local land trusts, offer other advantages such as flexibility to quickly respond to acquisition opportunities and the ability to leverage other private and public sources of funds that are targeted to acquiring real estate interests in lands with conservation value.

Partnerships with states, local governments and private conservators are successful because they often result in win-win solutions. For instance, many conservation groups aim to protect the natural habitat of endangered species. On the other hand, the military often need lands surrounding installations to remain undeveloped for security and public safety purposes. If a military installation and conservation group partner to acquire land around a military base, both groups benefit because the land is protected for conservation purposes and the military installation is protected from incompatible development.[123] Conservation partnerships between governmental and non-governmental conservation organizations are important tools in an encroachment prevention toolbox.

Camp Blanding, an Army National Guard facility near Jacksonville, was the first installation to use the new legislative authority, entering into an agreement with the Army National Guard Bureau and the Florida Department of Environmental Protection. Ultimately, Florida contributed $19.5 million and the Army National Guard contributed $500,000 to establish 8,500 acres of mainly black bear habitat as a conservation buffer area. The DoD has also partnered with the state and The Nature Conservancy to begin the Northwest Florida Greenway Project. The goal of the project is to establish a 100-mile buffer corridor extending across Florida's panhandle to preserve habitat and maintain an important flight path for five U.S. Air Force and Navy installations in the area.[124]

Congress also appropriates funding for the support of partnerships created under the Conservation Buffer Program to implement compatible land use projects.[125] Partners for these projects may be a state, political subdivision of the state, or a private conservation organization. In 2005, Congress appropriated $12.5 million to the program, out of which funding was allocated to implement a project to

protect Outlying Landing Field, Whitehouse, Florida. According to the Navy, the field is a critically important training resource offering day and nighttime fleet carrier landing practice conditions, relative isolation, few weather delays, and low-light ground training conditions. In addition, the field is located in a unique natural environment. The Navy and DoD partnered with the State of Florida to acquire 1,650 acres of buffer for $13.5 million. The Navy contributed $1,650,000, the DoD contributed $305,000, and the state contributed $11,000,000 from the Florida Forever program.[126]

Each branch of the service also has its own conservation buffer initiatives designed to promote compatible land use. The Army program is known as the Army Compatible Use Buffer program (ACUB), while the Navy and Marine Corps both refer to their programs as Encroachment Partnering (EP) programs. The Air Force uses existing strategies to implement its program.[127]

b. Regional Approaches[128]

As population statistics show exponential growth near many installations, particularly in the South and West, it has become apparent to the DoD that regional solutions must be found for land use planning. Therefore, the DoD has worked with four southeast states, Florida, North Carolina, South Carolina, and Georgia, to develop a Southeast Regional Partnership for Planning and Sustainability pilot project. The Partnership is in the process of developing regional projects.

VII. SURVEYS OF LOCAL GOVERNMENTS AND MILITARY INSTALLATIONS

In an effort to obtain information regarding the scope and nature of encroachment issues in Florida, staff distributed comprehensive surveys to 24 cities and 20 counties whose residents may be affected by military activities. Staff also distributed a separate survey to 16 military installations in Florida.[129] Every military installation that received a survey provided a response, while 90% of the counties and 92% of the cities responded. A completed survey was not received from Monroe County, Okeechobee County, the City of Cocoa Beach and the City of Shalimar. Many of the city and county responses provided detailed and valuable information, while others provided what may be characterized as cursory responses. The survey instruments are attached as Appendix F, local government survey responses are attached as Appendix G, and military installation responses are attached as Appendix H.

1. Highlights of Survey Responses from Local Governments

The following table identifies the counties and cities that received a survey. The counties and cities that did not submit a completed survey are shaded in grey:[130]

Surveyed 20 Counties 18 responded (90%)		**Surveyed 24 Cities 22 responded (92%)**	
Bay	Miami-Dade	Callaway	Melbourne
Bradford	Monroe	Cape Canaveral	Mexico Beach
Brevard	Okaloosa	Cedar Grove	Niceville
Clay	Okeechobee	Cocoa Beach	Palm Bay
Escambia	Osceola	Crestview	Panama City
Gulf	Polk	DeFuniak Springs	Panama City Beach
Highlands	Putnam	Destin	Parker
Duval	Santa Rosa	Fort Walton Bch	Satellite Beach
Lake	Volusia	Freeport	Shalimar
Marion	Walton	Homestead	Springfield

		Key West	Tampa
		Mary Ester	Valparasio

Survey responses from local governments may be summarized as follows:

- 10 local governments report that residents are or may be exposed to accident potential from aircraft accidents or exposure to ordnance explosions;[131]
- 26 local governments report that residents and/or property within their jurisdiction are or may be affected by noise generated by either military aircraft or artillery.[132] An extreme example appears to be the City of Valparaiso, which reports that it is located under the approach to the busiest runway at Eglin Air Force Base. The city expects aviation operations to increase dramatically as a result of the 2005 realignment of military installations (BRAC) and the arrival of the new F-35 Joint Strike Fighter jet at Eglin. The city reports that not only will traffic increase, but the new Joint Strike Fighter is purported to be the loudest aircraft ever used by the military;
- 9 counties and 9 cities report participating in the DoD Joint Land Use Study program;[133]
- 10 counties (including Monroe) and 14 cities report that they have not complied with the statutory requirement to update their comprehensive plans by June 30, 2006 to include military compatibility criteria (8 counties and 7 cities have adopted updates);[134]
- 12 counties and 15 cities report that incompatible land development is not a present or foreseeable problem, while 4 counties and 3 cities report that it is a present or foreseeable problem.[135]

Questions 15, 16, and 17 of the Survey of Local Governments ask whether current Florida law is sufficient to ensure compatibility of development with military operations, seek specific recommendations for revisions to Florida law, and solicit additional comments or suggestions. Eleven counties and 10 cities report that current Florida law is sufficient, while 3 counties and 5 cities report that the statutes are insufficient.[136] Nine counties and 14 cities did not offer recommendations, however, the other counties and cities offered suggestions or comments, some of which are summarized as follows:[137]

- Cities and counties should be able to work together with the DCA and or military establishments to find solutions according to their particular situation, rather than adopt a "one size fits all" requirement (City of Callaway);
- Off-site improvements by the military bases are exempt from roadway concurrency and thus put the burden back on the local governments (City of Cape Canaveral);
- The statutes should clearly address the definition of compatibility of military activities. Does it to protect both military activities and neighboring communities? (Clay County);
- For cities or jurisdictions that may be near a military installation but unaffected by the military installation's activities, there should be provisions for exemptions from the Florida statutes. Likewise, if the local military installation has no issues with the local government's land use activities, the local government should be allowed an exemption from the statutes (City of DeFuniak Springs);
- Current Florida law lacks the one piece that would have ensured we had the most compatible future land use with military activities – funding. If the goal is to protect military installations from encroachment the only absolute means of doing so would be to either purchase the property outright or buy the development rights. The only other comments relate directly to s. 163.3175, F.S.: (1) the statute would be less ambiguous if "close proximity" was defined by an actual distance; (2) the statute is unclear as to whether the Army Installation Environmental Noise Management Program (IENMP) regulations apply to non-Army installations (Highlands County);

- Many of the requirements are unnecessary and impractical to implement. Be realistic in the requirements and a local government's ability to implement the requirements. For example, cities/counties have no means to enforce disclaimers on privately owned property transactions and it would be impossible to implement/oversee this process (City of Mexico Beach);
- There should be a clear height zone and residential development restrictions within a particular perimeter surrounding military installations. In addition, there should be a restriction on the location of nuisance activities, such as open landfills, which attract birds that may inhibit flight activities (City of Panama City);
- There needs to be some way to more effectively engage the military in taking positions on various issues. Further, Florida law does not (and likely cannot) provide local Florida governments access to military installation planning. Parker remains significantly concerned with any possible legislative modifications to chapter 163 of the Florida Statutes which could potentially cause claims to be made against the City under Florida's Burt J. Harris Act, particularly through subsequent Florida Administrative Code adaptations. Florida Statutes regarding the use of lands surrounding military aviation installations should be similar to those regarding lands surrounding Florida's (30) commercial service airports. (City of Parker);
- As the statutes are written today, they will have some effect by making the planning community aware of the issues, but unless there more sticks and carrots some affected local governments will not change the plan until the benefits are very clear and the (problem) issues are really affecting the local governments. Include the provision of funding for the acquisition of properties or easements to maintain and protect these immediately adjacent properties to minimize potential effects of development in the vicinity of the installation (Polk County);
- Involving local government in real estate disclosures is madness and utterly ineffective. Control of densities is the primary control we can exert…if political realities will allow. We already require lighting to be deflected downward. Putnam County is rural and does not have the resources to acquire the land, particularly under the present budgetary circumstances that the State Legislature has put us in. The military should purchase the land or development rights if it wishes to effectively control land use…We are doing as much as we can given current fiscal and political constraints (Putnam County);
- The state should amend the State Building Code to include sound attenuation requirements for construction of residential structures. Continued funding of programs such as Florida Forever and the Defense Infrastructure Grant program is essential for land acquisition when needed to limit encroachment (Santa Rosa County);
- The statutes also do not provide an absolute mandate to protect the installations by restricting growth and development, which can lead to a "watering down" of potential regulations at the local level. When dealing with the public at the local level, community concerns mixed with local politics can culminate in weaker standards than were the anticipated outcome of the State in drafting these statutes (City of Tampa);
- Noise guidelines or consideration for effects on surrounding areas (Walton County);
- Valparaiso offered multiple suggestions for statutory changes noting that the city "remains significantly concerned with any possible legislative modifications to F.S. 163 which can place the city afoul Florida's Bert J. Harris Act, particularly thru subsequent Florida Administrative Code adaptations." (City of Valparaiso).

2. Highlights of Survey Responses from Military Installations

The effect of military activities on nearby property owners varies depending on the mission of each particular installation. However, in Florida, many installations perform day and nighttime missions which employ a wide variety of military aircraft and aircraft weaponry, heavy weapons, field artillery, small arms weapons, or other military explosive ordnance. According to the installations, these activities may affect nearby property owners primarily by creating noise, vibration, and the potential for

accidents. Conversely, the installations report that the military mission may be compromised by development if the development results in:

- Excessive lighting that interferes with night training missions;
- Tall structures that interfere with low-level aircraft operations;
- Incompatible development in high accident potential areas;
- Constrained or blocked lines of sight from instruments to launched rockets and/or launch pads;
- Construction of water-based facilities, such as marinas, in areas used for combat swimmers training;
- Interference with electronic transmissions; and
- Litigation, public complaints, and complaints to Congress seeking to force the military to cease or curtail operations that creates noise or other impacts on residents.[138]

The survey responses from the military installations may be summarized as follows:

- 13 installations report that encroachment is a current or foreseeable conflict, while 3 report that encroachment is not a current or foreseeable conflict;[139]
- 15 installations report that local governments provide information to the installation of proposed comprehensive plan amendments and land use regulations, while 1 (Tyndall AFB) reports that not all of the local governments within close proximity provide notice;[140]
- All installations report a close working relationship with local governments and installation participation in the local planning process;[141]
- 15 installations report that local governments generally incorporate the military's comments into proposed plan amendments or land use regulations that may affect the installations mission, while 1 (Tyndall AFB) reports that local governments do not always follow recommendations provided by the installation.[142]

Questions 9 and 10 of the Survey of Military Installations asked whether Florida's current statutes are sufficient to ensure that the use and development of land is compatible with the mission of Florida installations, and asked the military to provide recommendations or comments. The Air Force submitted one response on behalf of all Air Force installations in the state. The Navy also submitted one response on behalf of all Naval installations in the state.

The Navy reports that "Florida's current statutes further crucial coordination between counties and local governments, but there are some gaps in coverage that have contributed to incompatible use of land, water training areas, and airspace with military installations in Florida." The Navy response to Questions 9 and 10 may be summarized as follows:[143]

- Current statutes only discuss development "of land" and not areas of water that are being used by one or more of the Services for military training;
- While the definition of "military installation" in statute is broad, it does not include all areas being used by the military for training or other mission essential activities;
- The statute does not require local governments to notify installation commanding officers of proposed developments; rather, the statute requires local governments to transmit information relating to "proposed changes to comprehensive plans, plan amendments, and proposed changes to land development regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation." Consequently, a proposed large development that does not require a change to comprehensive plans or land development regulations but would result in a land use that is incompatible with the installation's current or planned change in mission would not trigger any notification requirement; and

- Current statutes only address lands close to or adjacent to an installation; however, certain proposed land use changes as far away as five and even ten miles from an installation could be incompatible with the installation's mission, particularly if the base has a flying mission.

The Navy provided a number of recommendations for statutory changes, some of which are summarized as follows:

- Require county commissioners and local military authorities to agree on language in boat owner licenses and residential property contracts for sale and other property documents to alert new homeowners and recreational boaters to military activities that may affect their property values and use;
- Add a requirement for notification of an installation's commanding officer of proposed development based on a specified development footprint;
- Require Joint Land Use Studies (JLUS) in all Florida counties containing military training activities and installations and ensure resulting recommendations are implemented to the maximum extent practicable by all participating parties;
- Require the county or affected local government to respond to comments provided by a installation;
- Provide for a means for ensuring resolution of a conflict between local governments and the military concerning proposed development;
- Improve Department of Community Affairs (DCA) coordination with the Military Installations;
- Strengthened State oversight of local rezoning would ensure the Rezoning Hearing Examiner upholds the objective rezoning criteria;
- The interpretation of the Comprehensive Plan large scale amendment process should be readdressed by the Legislature;
- Require increased sound attenuation for the construction of residential and public structures with in the vicinity of airfields; and
- Require county and local governments, in coordination with installation commanding officers, to identify projects or acquisitions that could be initiated based on the authorities in the Florida Forever Act and 10 U.S.C. § 2684 ("Cooperative agreements for management of cultural resources").

The Air Force response to Questions 9 and 10 noted that "[w]hile Florida's current statutes are a solid step toward furthering important coordination between counties and local governments, there are some gaps in coverage that could allow the use and development of land that is incompatible with an installation's mission without first providing to the installation an opportunity to comment." The Air Force identified the following issues with Florida law, many of which are similar to issues identified by the Navy:[144]

- Current law does not require local governments to notify an installation commanding officer of proposed development. Consequently, a proposed large development that does not require a change to comprehensive plans or land development regulations but would result in a land use that is incompatible with the installation's current or planned change in mission would not trigger any notification requirement.
- While the statutory definition of "military installation" is broad, it does not include all areas being used by the military for training or other mission essential activities. Specifically, the definition includes land area under the jurisdiction of the DoD, including any leased facilities. Lands being used under a license or written agreement, however, are not covered. The definition also does not cover areas of water that are being used by one or more of the Services for military training; and

- Current law addresses lands close to or adjacent to an installation; however, certain proposed land use changes as far away as five and even ten miles from an installation could be incompatible with the installation's mission.

The Air Force offered the following recommendations for statutory changes:

- Require local governments to notify an installation of proposed development based on a specified development footprint (such as land area or square footage);
- Require a statement to be included in a contract for sale of residential property notifying the buyer that the subject property may be impacted by certain military operations and testing or be in or near flight paths;
- Require local governments to notify an installation of proposed development within a specific time frame prior to a public hearing or meeting.
- Provide specific direction on the scope of the review or action required of the DCA to improve the chances of an incompatible land use being identified and communicated to the county or local government;
- Allow a representative of each military installation within each local government jurisdiction to be included as an ex officio, nonvoting member of the local planning or zoning board; and
- Require county and local governments, in coordination with installation commanding officers, to identify projects or acquisitions that could be initiated based on the authority in the Florida Forever Act and 10 U.S.C. § 2684a ("Agreements to limit encroachments and other constraints on military training, testing, and operations").

VIII. CONCLUSION

Florida is recognized by the DoD as a leading state in passing legislation to mitigate encroachment; however, legislation is only effective if fully implemented by local governments. According to the survey results and the DCA, a majority of local governments have not complied with the statutory requirement to amend their local comprehensive plans to ensure compatible development near military installations. This noncompliance may be one reason why 13 installations and 7 local governments report that incompatible development remains a current or foreseeable problem in the state.

The Air Force, Navy, and many local governments offered recommendations for amending the Florida Statutes in order to provide further encroachment mitigation measures. In considering any statutory changes to mitigate encroachment, however, the state is faced with the challenge of striking the appropriate balance between protecting the military's ability to fully utilize Florida's unique training environment and the significant positive impact the military has on the state economy with the local governments' need to accommodate growth and the property rights of private landowners.

APPENDIX A

DCA Comments Regarding Implementation of Florida Law

Comments regarding the implementation of Chapter 2004-230, Laws of Florida
Walker Banning
January 5, 2008

Effective May 25, 2004, Chapter 2004-230, Laws of Florida, created s.163.3175, Florida Statutes, and modified s.163.3177(6)(a), Florida Statutes. Section 163.3175, Florida Statues, establishes a process for selected local governments and military installations to coordinate their planning activities. Section 164.3177(6)(a), Florida Statutes, requires these local governments to revise the future land use element in the local comprehensive plans to specify the criteria they will use to achieve the compatibility of closely proximate lands with the activities of the military installations. The statute establishes a date of June 30, 2006 for the local governments to adopt the compatibility criteria. Observations and suggestions regarding each of these requirements follow.

1. **<u>Identification of Affected Military Installations</u>: The Department of Community Affairs, in consultation with the Office of the Governor, has identified fourteen installations and recommends no further action or statutory changes.**

2. **<u>Identification of Affected Local Governments</u>: The statute does not identify the local governments affected by Chapter 2004-230, Laws of Florida, referring only to local governments that are "adjacent to or in close proximity to the military installation as determined by the state land planning agency." In consultation with the fourteen military installations and the Office of the Governor, the Department of Community Affairs has identified approximately twenty counties and twenty municipalities as being proximate to the fourteen installations. Several factors contribute to the uncertainty regarding the identification of the local governments that should participate in this program.**

First, not every military installation can specify with certainty the local governments they affect or which might affect them through problematic land use decisions. For example, Eglin Air Force Base believes that DeFuniak Springs should be involved, but they are unable to specify how they affect the city or how the city could affect them (the situation is complicated by the fact the city does not wish to be involved in this program, but they do wish to be involved in the Joint Land Use Study being conducted for Eglin Air Force Base). The Department will wait for the results of the Joint Land Use Study and then revisit the issue with both the city and the air base. Another example is Pierson, which is proximate to the Pinecastle Bombing Range. An initial study by the Navy indicated that the city is partially within Range Safety Zone C; however, the Navy is restudying the area and the Department is waiting until that study is complete before deciding whether this program involves the city.

Second, some local governments are not involved based on the installation's wishes. For example, Camp Blanding has identified a three-mile area of influence surround the base. A very small portion of the City of Stark lies within the buffer and all of the City of Keystone Heights; however, the base believes that coordination with the three counties that lie within the area of influence is sufficient. Given the rural and slow growth nature of the area, the Department concurs. Similarly, although Cocoa Beach maintains a very close working

relationship with the Patrick Air Force Base both the city and the base believe that they do not need formal coordination (planning board appointment) and land use compatibility criteria at this time. Likewise, Eglin Air Force Base does not believe that the city of Shalimar needs to establish a formal coordination. The Department has informed all of these municipalities that they need not amend their comprehensive plan unless conditions change in the future.

Comment: Although no definitive list of the local governments that need comply with the requirements of Chapter 2004-230, Laws of Florida, has been compiled, the Department believes that it has the ability to involve additional communities if future conditions and new information warrant.

It is important to note that some military activities do affect local governments that are not proximate to a military installation. Because of this lack of proximity, these local governments are not involved in this program. These local governments include Calhoun and Liberty counties where student pilots from Tyndall Air Force Base in Bay County practice very local altitude maneuvers that result in some complaints from rural residents. As population increases in these rural counties, Tyndall Air Force Base expects an increase in complaints and eventually as loss of ability to train in those areas. Under the current statute, these counties are not involved in this program because they are not proximate to Tyndall Air Force Base.

3. **Identification of Notification/Referral Area: Section 163.3175, Florida Statutes, requires affected local governments (see item 2, above) to send certain proposed comprehensive plan and land development regulation changes to the military for comment, if the proposed change affects land that is adjacent or closely proximate to the installation. Typically, an entire municipality is closely proximate to an installation and, thus, the municipality would send all changes to the military for review and comment. However, no county in its entirety is closely proximate to an installation. Although a county could refer all proposed changes to the military for comments, both counties and the military recognize that it is more efficient for both parties if the military only receives pertained changes. Thus, counties and the military must identify and agree upon a notification/referral area. The statute is silent on this issue. The Department typically embraces a geographic area to which the parties have already agreed. When reviewing a proposed comprehensive plan amendment addressing the requirements of s.163.3177(6)(a), Florida Statues, the Department often objects that a notification/referral area has been proposed that is inconsistent with data and analysis regarding the geographic area impacted by the installation or that such supporting data and analysis is missing. One county withdrew an amendment because of this issue. Another county refuses to recognize an existing analysis prepared by the military. In addition, the statute does not address water testing/training areas and, thus, does not capture local governments that may be proximate to them.**

4. **Land Use Compatibility Criteria: The land use compatibility criteria adopted by a local government to address the requirements of s.163.3177(6)(a), Florida Statues, should apply within the notification/referral area (see item 3, above). The type of criteria adopted should address the types of adverse impacts experienced by the local government from activities under taken at the military installation. These are the impacts that a local government is trying to avoid by adopting criteria that will mitigate the impacts. The statute is silent on the compatibility criteria that a local government should adopt. In the absence of statutory guidance, the amendment must be consistent with and implement the supporting data and analysis. Often local governments do not**

include any data and analysis to support proposed policy changes. Some local governments disavow existing, best available data and analysis regarding community impacts. The current statute allows sufficient flexibility to address local circumstances. This flexibility also allows local governments to address similar situations with dissimilar criteria. For example, one county adjacent to Camp Blanding has embraced lighting standards, disclosure on subdivision plats, building height limitations and an avigation easement requirement, the other adjacent counties have not. The Department recommends that the statute require sound attenuation for new development within the 65 dNL contour line and real estate disclosure within the notification/referral area. In addition, the statute should clarify that the compatibility criteria must be based-upon and consistent with data and analysis regarding impacts of the military installation on the local government.

5. **<u>Compliance with Adopted Due Date</u>: About 75% of the affected local governments have missed the June 30, 2006 due date, probably because there is no consequence to them of doing so.**

APPENDIX B

Land Acquisition Projects that Preserve Florida's Natural Resources and Promote National Security
Compiled by the Florida Department of Environmental Protection

Project	Nearby Base	Acres Acquired [1]	Cost (millions) [1]	Funding Sources (for acquired acres only)	Acres to be Acquired
TOTALS		**549,982**	**$919.3**		**615,553**
Baldwin Bay/St. Marys River [2]	Navy Whitehouse Field	0	0		9,500
Bear Creek [2]	NW Fla. Greenway	0	0		104,461
Bombing Range Ridge	Avon Park Bombing Range	10,524	$18.95	P2000/FF/SFWMD/ Polk County	37,105
Camp Blanding-Osceola Greenway	Camp Blanding	0	0		153,000
Caravelle Ranch [3]	Rodman Bomb Target	11,636	$6.32	P2000/FF	0
Clear Creek / Whiting Field [2]	Naval Air Station Whiting Field	0	0		5,843
Dade County Archipelago [4]	Homestead Air Reserve Base	100	1.68	P2000/CARLTF/SFWMD/ Dade County /FF	TBD
Escribano Point	Eglin Air Force Base, Navy Choctaw Field	4,582	$6.8	P2000	1,753
Etoniah Creek [4]	Rodman Bomb Target	21,688	$18.76	P2000/FF	TBD
Fl. Keys Ecosystem & Coupon Bight/ Key Deer: Sugarloaf, Cudjoe, Torch, Big Pine, etc. [4]	Naval Air Station Key West & Cudjoe Air Force Site	4372	$115.13	P2000/FF/LATF	TBD
Garcon Ecosystem	Eglin Air Force Base	3,966	$3.35	NWFWMD/P2000/FF	3,855
Goldhead Branch [3] & Lake Santa Fe	Camp Blanding	926	$1.67	P2000/FF/LATF	10,735
Heather Island/ Oklawaha River	Ocala National Forest (Pinecastle Bombing Range)	4,400	$8.2	FF	19,828
Jennings SF (Upper Black Creek) [3]	Camp Blanding	11,346	$13.26	P2000/WMD	0
Kingsley Plantation/ Ft. Geo. & Talbot Islands [3]	Mayport Naval Station	2,185	$26.03	P2000/CARLTF/FF/LATF/ WMD	0
Kissimmee Prairie & River [3] & Pine Island Slough	Avon Park Bombing Range	89,792	$44.8	P2000	49,583

Project	Nearby Base	Acres Acquired [1]	Cost (millions) [1]	Funding Sources (for acquired acres only)	Acres to be Acquired
Lake Arbuckle [3]	Avon Park Bombing Range	13,746	$8.85	P2000/CARLTF	0
Lake Wales Ridge (Walk in Water)	Avon Park Bombing Range	6,920	$10.4	P2000/CARLTF/FF	TBD
Lower Perdido River Buffer	Naval Air Station Pensacola, Saufley Field	5,456	$12.09	Not Available	2,344
N. [2] & S. Nokuse Plantation	Eglin Air Force Base	18,880	$17.25	FF	11,961
Northeast Florida Blueway (Phase I)	Mayport Naval Station	186	$0.85	FF	6,920
Northeast Florida Timberlands	Camp Blanding, Navy Whitehouse Field	52,582	$119.52	P2000/FF/City of Jacksonville/JEA/SJRWMD	90,917
Perdido Pitcher Plant Prairie	Naval Air Station Pensacola	4,280	$27.30	P2000/FF	3,887
Pumpkin Hill Creek	Mayport Naval Station	4,365	$9.87	P2000/FF/SJRWMD	19,649
Sand Mountain	NW Florida Greenway	19,326	$26.64	NWFWMD	15,035
St. Andrews (& Shell Island) [3]	Tyndall Air Force Base	285	$12.23	P2000/SOCTF	0
St. Joseph Peninsula & Bay Buffer [3]	Eglin Air Force Base	8,279	$13.64	P2000/LATF//FF/NWFWMD	0
St. Joe Timberland [5]	Tyndall AFB, Eglin Air Force Base (NW Florida Greenway) Naval Air Station Whiting Field	10417	$18.96	P2000/FF	52781
S. Walton Co. Ecosystem: Topsail Hill/ Grayton Dunes/ Deer Lake/ Pt. Washington	Eglin Air Force Base	20,597	$186.8	P2000/FF/CARLTF/SOCTF/GR/ DOT	3,072
Tate's Hell/ Carrabelle Tract	NW Florida Greenway	195,840	$136.8	P2000/FF/NWFWMD	0
Tiger Island/ Amelia Island [3]/ Ft. Clinch [3]/ Nassau River [3]	Kings Bay Naval Base	1,114	$15.09	FF/SOCTF/LATF/EELTF	1,101
Upper Shoals	Eglin Air Force Base	0	0		12,035
Yellow River Ravines, Blackwater River SF additions & Yellow River Water Management Area [3]	Eglin Air Force Base, Navy Harold Field	22,192	$38.06	P2000/FF/GR	188
TOTALS		**549,982**	**$919.3**		**615,553**

Footnotes:

[1] Includes acres acquired and dollars spent (or value of state property if acquired through a land exchange) by State of Florida and water management districts since 1968. Does not include acreage acquired by local or federal governments or other public entities, or acres donated to the state or districts.

[2] New project – no acres acquired yet or acquisition dollars spent.
[3] Completed project no longer on a state or water management district land acquisition list (or at least completed in area near military installation).
[4] Additional properties proposed to be acquired, but it is a component of a larger project of which the acreage and property appraiser's values have not been determined.
[5] Project is composed of St. Joe Co. properties that the company is willing to sell to the state, much of which are located in several other Florida Forever projects (e.g., Sand Mountain; St. Joseph Bay Buffer, etc.).

Funding Source Key:
P2000 – Preservation 2000 Trust Fund
FF – Florida Forever Trust Fund
CARLTF – Conservation and Recreation Lands Trust Fund
SOCTF – Save Our Coast Trust Fund
EELTF – Environmentally Endangered Lands Trust Fund
LATF – Land Acquisition Trust Fund
GR – General Revenue
WMD – Water Management District (SF- South Florida; NW – Northwest; SJR – St. Johns River)
DOT – Department of Transportation
Last updated: December 12, 2007; NWFWMD data last updated December 12, 2007

APPENDIX C

Defense Grant Legislative Appropriations
Fiscal Year 2002-03 through 2007-08

Fiscal Year	Grant Type	Amount	Funding Source
2002 – 03 Ch. 2002-394, L.O.F. p. 323	Defense Infrastructure	$4,000,000	Non-Recurring GR
2003 – 04 Ch. 2003-397, L.O.F. p. 294	Military Base Protection	$2,000,000	Non-Recurring GR
		$1,400,000	Economic Development Trust Fund
2004 – 05 Ch. 2004-268, L.O.F. p. 303	Defense Infrastructure	$3,000,000	Non-Recurring GR
	Defense Reinvestment	$1,000,000	Non-Recurring GR
	Military Base Protection	$3,400,000	Non-Recurring GR
2005 – 06 Ch. 2005-70, L.O.F. p. 306-307	Defense Infrastructure	$3,000,000	Non-Recurring GR
	Defense Reinvestment	$1,000,000	Non-Recurring GR
	Military Base Protection	$3,400,000	Non-Recurring GR
2006 – 07 Ch. 2006-25, L.O.F. p. 340-341	Defense Infrastructure	$3,000,000	Non-Recurring GR
	Defense Reinvestment	$1,000,000	Non-Recurring GR
	Military Base Protection	$3,400,000	Non-Recurring GR
2007 – 08 Ch. 2007-72, L.O.F. p. 342-343	Defense Infrastructure	$1,500,000	Non-Recurring GR
	Defense Reinvestment	$1,000,000	Non-Recurring GR
	Military Base Protection	$2,000,000	Non-Recurring GR

Total Appropriations for FY2002-03 through FY2007-08:

Defense Infrastructure	$14,500,000
Defense Reinvestment	$4,000,000
Military Base Protection	$15,600,000
TOTAL	**$34,100,000**

APPENDIX D

TABLE OF STATE STATUTES ADDRESSING ENCROACHMENT

Developed by the National Conference of State Legislatures

State Encroachment Legislation			
State	**Land Use Planning**	**Notification of Military**	**Land Conservation**
Arizona	Ariz. Rev. Stat. §§2-321, 2-335, 2-336, 9-461.05, 11-806, 28-8461, 28-8481	Ariz. Rev. Stat. §§9-461.06, 9-462.04, 11-829, 28-8461, 28-8481	Ariz. Rev. Stat. §28-8480
Arkansas	Ark. Code §14-56-426		
California	Cal. Govt. Code §65302	Cal. Pub. Res. Code §21098, Cal. Govt. Code §§65352, 65404, 65940	
Colorado		Colo. Rev. Stat. §29-1-207	
Florida	Fla. Stat. §163.3177	Fla. Stat. §163.3175	Fla. Stat. §§215.618, 259.105
Georgia	Ga. Code Ann. §36-66-6	Ga. Code Ann. §36-66-6	
Illinois	Ill. Rev. Stat ch. 620, §§52/1 et seq.		
Indiana	Ind. Code §§36-7-30.1 et seq.	Ind. Code §§36-7-30.1 et seq.	
Kentucky	Ky. Rev. Stat. §100.187	Ky. Rev. Stat. §100.187	
Louisiana		La. Rev. Stat. Ann. §§33.4734, 33.4780.51	
Massachusetts		Mass. Gen. Laws 40B §4C	
Missouri	Mo. Rev. Stat. §143.121		
New Jersey		N.J. Rev. Stat. §§40:55D-12.4, 40:55D-62.1	
North Carolina		N.C. Gen Stat. §§153A-323, 160A-364	2004 N.C. Sess. Laws, Chap. 179 §§2.2, 2.3
Oklahoma	Okla. Rev. Stat. §11-43-101.1		
South Carolina		S.C. Code §6-29-1530	
South Dakota	S.D. Codified Laws §§50-10-32 et seq.		
Texas	Tex. Local Govt. Code §§397.001 et seq.		
Virginia	Va. Code §§15.2-2223, 15.2-2283, 2006 Va. Acts, Chap. 328	Va. Code §15.2-2204	Va. Code §§15.2-2316.1 et seq.
Washington	Wash. Rev. Code §36.70A.530	Wash. Rev. Code §36.70A.530	

APPENDIX E

Potential Florida Job Changes Resulting from BRAC 2005

Economic Area/Region of Influence	Installation	Net Job Changes		
		Military	Civilian	Contractor
Fort Walton Beach – Crestview – Destin				
	Eglin Air Force Base	2,201	147	0
	Hurlburt Field	-48	-6	0
Jacksonville				
	Jacksonville International Airport Air Guard Station	20	-2	0
	Naval Air Station Jacksonville	1,940	241	12
	Naval Station Mayport	397	13	0
Miami – Miami Beach – Kendall				
	Homestead Air Reserve Station	0	71	0
Orlando				
	Defense Finance and Accounting Service, Orlando	-13	-214	0
Panama City – Lynn Haven				
	Naval Support Activity Panama City	-12	-12	0
	Tyndall Air Force Base	-22	0	0
Pensacola – Ferry Pass – Brent				
	Naval Air Station Pensacola	-392	-699	-6
Tampa – St. Petersburg – Clearwater				
	MacDill Air Force Base	152	83	0
	Navy Reserve Center St. Petersburg	-12	0	0
TOTAL POTENTIAL FLORIDA JOBS		**4,211**	**-378**	**6**

Note: The information in this table was obtained from the 2005 Defense Base Closure and Realignment Commission, Final Report, Appendix O, Employment Impact by Economic Areas and States, p. O-7 (Sept 2005). The Commission report recommended adding 8,700 military jobs and 1,498 civilian jobs to Cecil Field in Jacksonville; however, those positions were not moved to Cecil Field due to actions at the local level. Thus, the additional jobs for Cecil Field are not reflected in this table.

APPENDIX F
SURVEY INSTRUMENTS AND RESULTS

LOCAL GOVERNMENT SURVEY RESULTS

As of January 2, 2008

The Survey of Local Governments appearing on the following page was provided to the 20 counties and 24 cities listed in the table below. All of the counties and cities surveyed submitted a completed survey, except for those counties and cities highlighted in grey (including Monroe County, Okeechobee County, the City of Cocoa Beach, and the City of Shalimar).

	20 Counties Surveyed 18 Counties Responded (90% response rate)	24 Cities Surveyed 22 Cities Responded (92% response rate)
1	Bay	Callaway
2	Bradford	Cape Canaveral
3	Brevard	Cedar Grove
4	Clay	Cocoa Beach
5	Escambia	Crestview
6	Gulf	DeFuniak Springs
7	Highlands	Destin
8	Jville/Duval	Fort Walton Bch
9	Lake	Freeport
10	Marion	Homestead
11	Miami-Dade	Key West
12	Monroe	Mary Ester
13	Okaloosa	Melbourne
14	Okeechobee	Mexico Beach
15	Osceola	Niceville
16	Polk	Palm Bay
17	Putnam	Panama City
18	Santa Rosa	Panama City Beach
19	Volusia	Parker
20	Walton	Satellite Beach
21		Shalimar
22		Springfield
23		Tampa
24		Valparasio

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government:
Name/Title/Contact Information of Person Responding:
Date Response is Returned:

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

17. Please provide any additional comments or suggestions.

MILITARY INSTALLATION SURVEY RESULTS

As of January 2, 2008

The Survey of Military Installations appearing on the following page was provided to the 16 Florida installations listed in the table below. Each installation submitted a completed survey. The U.S. Air Force submitted one response to Questions 9 and 10 of the survey on behalf of all Air Force installations in Florida. The U.S. Navy also submitted one response to those questions on behalf of all Naval installations in Florida.

	16 Military Installations Surveyed 100% Responded	
	INSTALLATION	**PHYSICAL LOCATION OF INSTALLATION**
1	Avon Park Air Force Range	Polk and Highlands Counties
2	Blount Island Command: Marine Corps	Duval County
3	Camp Blanding Joint Training Center: US Army	Clay County
4	Cape Canaveral Air Force Station	Brevard County
5	Eglin Air Force Base	Gulf County, Okaloosa County, Santa Rosa County, Walton County
6	Homestead Air Force Reserve Base	City of Homestead/Miami-Dade County
7	Hurlburt Field-Air Force	Okaloosa County
8	MacDill Air Force Base	City of Tampa/Hillsborough County
9	Naval Air Station Jacksonville	City of Jacksonville/Duval County
10	Naval Air Station Key West	City of Key West/Monroe County
11	Naval Station Mayport	Duval County
12	Naval Support Activity Panama City	Bay County
13	Naval Air Station Pensacola	City of Pensacola/Escambia County
14	Naval Air Station Whiting Field: North and South	Santa Rosa County
15	Patrick Air Force Base	Brevard County
16	Tyndall Air Force Base	Bay County

Note: Although there are 20 installations in Florida, only 16 were provided with a survey. Those that were not surveyed include: Naval Aviation Depot in Jacksonville; Naval Support Activity in Orlando; Corry Station , a Naval facility located near NAS Pensacola; and Saufley Field, a Naval facility located near NAS Pensacola. These installations were not surveyed because a larger, surveyed installation would address the installations' concerns or the installations do not perform missions that are susceptible to encroachment issues.

SURVEY OF MILITARY INSTALLATIONS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES TO FLORIDA'S MILITARY INSTALLATIONS

Name of Installation:
Name/Title/Contact Information of Person Responding:
Date Response is Returned:

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1. Please identify the local government jurisdiction(s) within which your installation is physically located and any other local government jurisdictions that are affected by military activities conducted by personnel stationed at your installation.

2. Please describe the military activities conducted by personnel stationed at your installation that may affect the use and development of land in close proximity to your installation as well as the use and development of any other lands in Florida.

3. Is there a current or foreseeable conflict between your installation's mission and the use and development of land affected by activities conducted by personnel stationed at your installation? This includes land in close proximity to your installation as well as any other land affected by your installation's military activities. Please explain and describe any existing or potential uses of land that currently or may interfere with your installation's mission.

4. Have the local governments adjacent or closely proximate to your installation, as well as any other local governments whose lands are affected by activities conducted by your installation, adopted land use compatibility criteria in their local comprehensive land use plan sufficient to address current and possible future land use compatibility issues? If not, please suggest specific actions that the local governments may take to alleviate compatibility concerns.

5. Has your installation designated a single point of contact for coordinating land use planning activities with local governments? If so, who is that contact?

6. Do the local governments within which your installation is located provide notice to the base commander in accordance with s. 163.3175, F.S., and does the base commander or a designee provide timely and constructive comments?

7. If comments are provided by the base commander or designees in accordance with s. 163.3175, F.S., do the local governments generally incorporate those comments into proposed changes that may affect the installation's mission?

8. Does a representative of the military installation attend and participate in local government or regional planning meetings? If so, to what degree and how often?

9. Are Florida's current statutes sufficient to ensure that the use and development of land is compatible with your installation's mission? Please explain, including a discussion of ss. 163.3175 and 163.3177, F.S.

10. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

11. Please provide any other comments or suggestions.

APPENDIX G

RESPONSES TO SURVEY OF LOCAL GOVERNMENTS

The format of responses included in this appendix may differ from the original responses due to incompatibility of computer software.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: Bay County
Name/Title/Contact Information of Person Responding: Daniel Shaw/Asst County Mgr
Date Response is Returned: 11/15/07

1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction. Tyndall AFB, Navy Coastal Systems Station

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction. Tyndall noise hazardslNavy waterborn operational area

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel. All rezonings/plan amendments are routed to the military rep on our planning comm.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property. JLUS is underway w/the Navy ..... updated Military related Comp Plan policies set forth noise disclosure and navy operational areas

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community. None that I am aware of

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?yes

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment.and, if so, by when?

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any. no

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice. Yes...via mail

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments? No

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain. Hardly ever receive comments from military

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent? Yes...approx a week in advance

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often? No

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S. current law is sufficient

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

17. Please provide any additional comments or suggestions.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: BRADFORD COUNTY, FL
Name/Title/Contact Information of Person Responding: Alex Hinely, County Planner
Date Response is Returned: September 24, 2007

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18. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.

There are no military installations located within Bradford County. There is one installation, Camp Blanding, located in Clay County immediately adjacent to Bradford. Some of its activities do affect the residents and property within Bradford.

19. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

Airborne maneuvers associated with Camp Blanding occur over and near to Bradford County. Artillery and other heavy munitions firing are clearly audible to many Bradford County residents.

20. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

Residential and other development of existing rural lands close to Camp Blanding can impact military training exercises and increase base security issues.

21. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

The Bradford County Comprehensive plan has been modified to limit residential development within Camp Blanding's designated military zone.

22. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.

The local military installation does not engage in any activities that negatively affect Bradford County.

23. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?

Yes, only low density residential development in allowed with the designated Military Zone.

24. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

Does not apply.

25. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?

Does not apply.

26. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

No, such development is fully addressed by the Comprehensive Plan and Land Use Regulations.

27. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

Copies of the agendas of all Bradford County Board of Adjustment, and Planning and Zoning Board meetings are mailed to Camp Blanding at least 10 days prior to each regularly scheduled meeting. Camp Blanding personnel are welcome at all such meetings.

28. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

Yes.

29. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

At Camp Blanding's request the county's comprehensive plan was modified to restrict residential development within the base's designated military zone.

30. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?

Copies of the agendas of all Bradford County Board of Adjustment, and Planning and Zoning Board meetings are mailed to Camp Blanding at least 10 days prior to each regularly scheduled meeting. Camp Blanding personnel are welcome at all such meetings.

31. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?

Yes, at their discretion.

32. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.

Yes, the current statutes are fully sufficient with regards to Bradford County.

33. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

No recommendations.

34. Please provide any additional comments or suggestions.

None.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: Brevard County
Name/Title/Contact Information of Person Responding: Robin M. Sobrino, AICP
Director, Planning & Zoning Office
Date Response is Returned: 10/19/07

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.
Patrick Air Force Base

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.
Noise impacts of aircraft takeoff/landings. Potential hazard zones in take off/landing zones.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.
Facility location on the barrier island, with take off/landing activities typically over the Banana River or Atlantic Ocean, thereby limiting impact upon land uses.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property. Comp Plan amendment creating an overlay zone is being prepared for a November transmittal to DCA.

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.
AFB personnel have periodically met with nearby municipal and County staff to discuss potential issues.

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?
See response to question 4 above.

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.
See response to question 4 above

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?

Adoption anticipated in Spring 2008, following statutory review/ORC of transmittal package.

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

Historically, there has been limited negative community feedback as a result of the AFB operations.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

The composition of the Local Planning Agency (LPA) has been amended to include a military representative.

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

Upon adoption of the Comp Plan amendment to reflect an overlay zone, PAFB will be provided notice on land use requests affecting said zone.

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

To date, this has not been an issue.

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?

See responses to Question 10 & 11.

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?

Not typically.

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.

Appears to be a good step. Practical application of the statutes will be needed to evaluate their effectiveness.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

No comment at this time.

17. Please provide any additional comments or suggestions.

No comment at this time.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: City of Callaway, Bay County
Name/Title/Contact Information of Person Responding: Amanda J. Richard, Director of Planning
Date Response is Returned: 12-07-07

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.

None located in our jurisdiction, Tyndall Air Force Base is in close proximity.

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

Possible noise.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

Would not affect activities. We have a 50ft height restriction.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

The City is waiting for the results of a recent study undertaken by Tyndall Air Force Base to be shared with local governments. This latest study will have information regarding the AICUZ etc., which we need to determine what if any action the City should take, and therefore incorporate into the Comprehensive Plan. We currently have an ex-officio member on our planning board, or would have, except that he resigned some time ago and Tyndall has not replaced him. We send agendas and information regarding all applications for land use changes etc. to Wes Smith at Tyndall Air Force Base, so that someone from the base can attend the meetings if they would like to, and to ensure that we are keeping Tyndall informed.

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.

They have not had to. Tyndall does not negatively affect our community. Tyndall has a positive affect upon our community.

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?

As stated in the response to question number 4, we are in communication with Tyndall Air Force Base, but are awaiting the results of the latest study into the AICUZ to see if we need to address anything, and if so, what. We have addressed in our Evaluation and Appraisal Report (EAR) submitted and accepted by the Department of Community Affairs (DCA) earlier this year that military compatibility will be addresses with the EAR based amendments.

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

Please refer to above. We did not know what exactly we would have to adopt and where.

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?

Yes, with our EAR based amendments.

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

No, it is not.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

Yes, as described in question number 4 response. The information is sent via fax. Actual land use applications are also sent to Tyndall Air Force Base for review.

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

We have not received any comments regarding specific proposed land use changes. We are in communication with Tyndall Air Force Base. There have been no negative affects/problems.

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

None needed to date.

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?

Yes., via Fax, four (4) days prior to the meeting.

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?

No. They are invited but no longer attend. We used to have an ex-officio member on the board, but he has not been replaced by the base following his resignation.

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.

There should be more flexibility in the measures suggested (as these are not specified within the statutes) for addressing possible problems (in the area of disclosure for example). There has been no actual rulemaking so far, but rather a focus upon what came out of the Luke Air Force Base encroachment issues in Pheonix, Arizona.
Municipalities should not be bound by requirements that would be extremely difficult to achieve practically or financially. For example the requirement that that they ensure noise disclosure takes place for every home purchaser or renter. Cities would be able to require that this takes place with new homes that are developed within their jurisdiction, but re-sales and rental transactions are outside our area of responsibility. If noise disclosure is going to be mandatory, then the burden for this should be placed upon realtors and rental agencies, not local governments.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

Municipalities and Counties should be able to work together with the Department of Community Affairs and or military establishments to find solutions according to their particular situation, rather than adopt a 'one size fits all' requirement.

17. Please provide any additional comments or suggestions.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: City of Cape Canaveral
Name/Title/Contact Information of Person Responding: Todd Peetz, AICP City Planner
Date Response is Returned: 12/07/07

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.

Response: There are no Military installations within our Jurisdiction, Cape Canaveral Air Force Base and Patrick Air Force Base have impacts on traffic within our jurisdiction as employees travel between locations. Kennedy Space Center

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

Response: Limited to just transportation related issues. The Kennedy Space Center with the shuttle launches creates the most problems, but are well coordinated.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

Response: No activities within the city directly impact the activities of the military installation.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

Response: We are buffered by the Port of Canaveral and the City of Coca Beach, that joint planning has not been really considered necessary. It may be desirable just to know for long range planning purposes.

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.

Response: With shuttle launches and related military activity there has been good communication.

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?

Response: No, we are transmitting our EAR-based amendments next we and have identified the need to be consistent with 163.3177(6)(a). We anticipate doing so within the year.

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

Response: See response #6. The intent is to do so as part of the EAR-based amendments

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?

Response: Within the next year and as appropriate.

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

Response: We do not see incompatibilities at this point, but as mentioned transportation issues could arise with additional expansion of the facilities.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

Response: Because we are not adjacent to any military installations we have not provide notice of land use changes to them specifically. This is probably also because the last time a land use change was approved was in 2001, before the last notice requirements came into affect.

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

Response: Not Applicable

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

Response: Not Applicable

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?

Response: Not Applicable because we have not recently changed any land use.

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?

Response: Not Applicable

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please

explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.

Response: We feel the off-site improvements by the military bases are exempt from roadway concurrency and thus put the burden back on the local governments. It is also difficult to plan effectively without input to proposed expansion. I can understand not wanting to disclose too much information, but maybe in terms of potential trip volumes seems to be something that could be provided.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

Response: We don't have a lot of problems with the military installations. It is probably because we are not immediately adjacent. At this time I do not have additional recommendations other than what has already been provided.

17. Please provide any additional comments or suggestions.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: (City of Cedar Grove)
Name/Title/Contact Information of Person Responding:
Date Response is Returned:

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction. (None)

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction. (Sales tax and possible residential revenue)

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel. (Unknown at this time)

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community. (N/A)

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)? (Unknown)

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted. (very high personnel transition and institutional awareness of various programs)

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when? (unknown)

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any. (No)

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice. (Unknown)

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments? (Unknown)

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain. (Unknown)

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent? (No)

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often? (No)

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S. (Unknown)

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations. (Unknown at this time)

17. Please provide any additional comments or suggestions. (will provide comments at a later time as directed)

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: Clay County Board of County Commissioners
Name/Title/Contact Information of Person Responding: Sung-Man Kim, Chief Planner, 904-269-6301
Date Response is Returned: October 19, 2007

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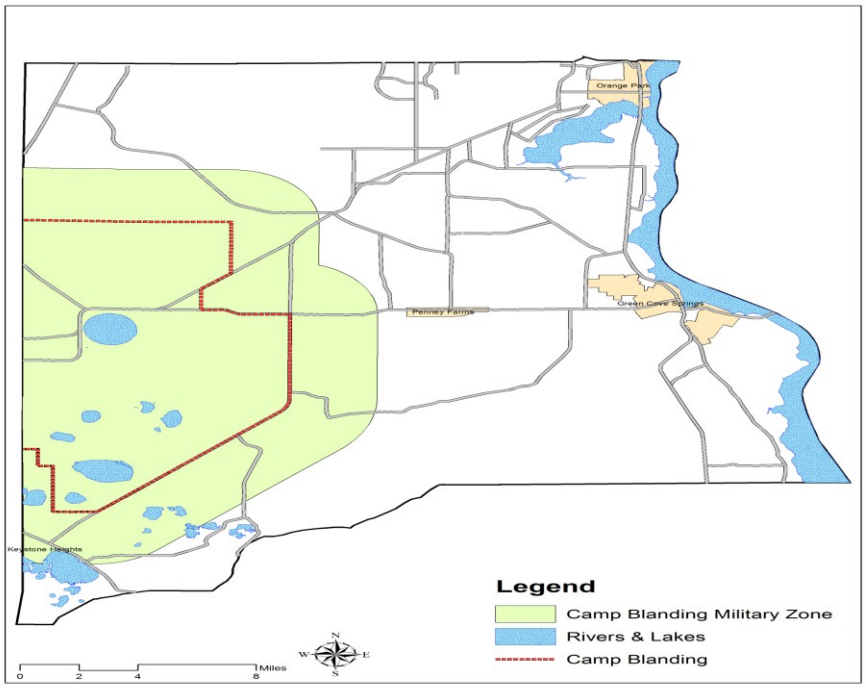
1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.



2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

It's a military training facility. Noise of gun fire and aircraft were major subjects of residents' complaints. Other issues are unknown unless disclosed by the Camp Blanding.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

The issues are unknown unless disclosed by the Camp Blanding.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

The Comprehensive Plan Text Amendment with the Compatibility with Military Installation has been transmitted to the DCA on May 29th, 2007 via May 1st Planning Commission Meeting and May 22nd Board of County Commissioners Meeting. The adoption hearing was on September 25th. At the adoption hearing, landowners affected by the change complained about it and the Board of County Commissioners determined to continue the agenda until landowners are satisfied. The County will organize a couple of community forum/workshop on this issue.

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.

Not that I know of.

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?

Please see #4.

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

Local landowners do not want to go through any additional review agencies other than the county in their land management.

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?

As soon as issues are answered and addressed properly.

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

None for now.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

Staff sends staff memo and a copy of legal advertisement to Lieutenant Anna Peck.

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

Yes.

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

Proposed changes have not been finalized.

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?

7 days before public hearings or as soon as those are ready.

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?

Yes. As needed.

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.

It should clearly address the definition of compatibility of military activities. Does it to protect both military activities and neighboring communities? If it is the case, military may need to disclose their activities that may adversely affect the neighboring communities and needs to prepare mitigation plans. Proposed Military Installation Element has been structured only to protect military activities.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

The impacts are mutual and the compatibility review should be performed by local governments and Camp Blanding.

17. Please provide any additional comments or suggestions.

Thank you,

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: City of Crestview
Name/Title/Contact Information of Person Responding:
Michael Wing, Director of Administrative Services
Date Response is Returned: December 10, 2007

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.

There are no military installations located within our jurisdiction.

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

There are no military installations located within our jurisdiction.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

Issues such as structure height, lighting, and communication signals might have an impact on military activities if held in the northernmost portions of the reservation.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

Policy 13.A.1.2 – The City shall continue to use the Okaloosa County Comprehensive Plan Committee (consisting of officials from Okaloosa County and all cities therein, Eglin AFB, Hurlburt Field, and the Okaloosa County School Board) to coordinate Comprehensive Plans for the local governments, the School Board and the Air Force and to provide information regarding proposed development. (Comprehensive Plan 2010)

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community. None

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?
Yes

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted. N/A

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when? N/A

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? No Please explain and provide examples of current problems, if any.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? The City of Crestview has no property wholly or partially located within any military installation. Please describe the process your local government uses when providing this notice.

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments? N/A

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? N/A Please explain.

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? No; However all such meetings are adequately advertised. If so, how many days prior to the meeting is the material sent?

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? N/A If so, to what degree and how often?

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Yes Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S. If military property was located within the City jurisdiction, coordination would be essential to insure a good working relationship. The military installation would be an important part of the day to day operations of the municipality.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

17. Please provide any additional comments or suggestions.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: City of DeFuniak Springs
Name/Title/Contact Information of Person Responding: Greg Scoville, AICP, Planning Dir.
Date Response is Returned: 9/12/07

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction. The Eglin AFB boundary is near, but not adjacent, abutting the City's limits (approx. 2 miles).

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction. Noise is one potential factor if the mission of the AFB is expanded and potential conflicts with the City's municipal airport activities is another.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel. Because the City is not abutting or adjacent to the AFB, it is not clear how any of the City's land use activities may affect the AFB.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property. A) The City intends to amend its comprehensive plan (after completion and acceptance of its EAR) to comply with F.S. 163.3177 (6)(a); B) Only because we have been identified by DCA or the State as an affected community, when in fact, we are not currently affected by the AFB military installation, we are currently participants in the EAFB JLUS; C) Since the City's jurisdictional limits are not abutting, adjacent, or adjoining EAFB and there are no known areas of the City affected by the AFB's military activities, we are not requiring any disclosure to property buyers; D) We have no plans to acquire property fee simple or otherwise or to acquire the development rights to lands abutting, adjoining or adjacent to EAFB. Any requirement to do so would be yet another unfunded state mandate destined to fail.

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community. Since there are no known military activities that negatively affect the City, there currently does not appear to be any actions necessary by the military.

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)? This requirement is intended to be accomplished in conjunction with the planned update to the comprehensive plan after the EAR receives its NOI to be found in compliance from DCA.

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted. See # 6 above.

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when? See # 6 above. There is no way to determine when DCA will issue its NOI for the EAR.

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any. No or none as appropriate, except as it relates to the DeFuniak Springs municipal airport activities.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice. Yes, EAFB has a representative appointed to the City's Planning Board who receives notices of all projects requiring Planning Board and City Council approvals. However, the appointee has never attended a meeting in 1-1/2 years.

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments? No.

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain. No, because no comments have been received.

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent? The information is provided as an agenda 3-4 days before a meeting. If the representative has an issue, he is supposed to attend the Planning Board meeting.

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often? EAFB is not located in the City's jurisdiction. For the remainder of the response, see #s 10, 11, and 12 above.

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S. For cities or jurisdictions that may be near a military installation but

unaffected by the military installation's activities, there should be provisions for exemptions to the Florida statutes. Likewise, if the local military installation has no issues with the local government's land use activities, the local government should be allowed an exemption to the statutes. The JLUS reports that are being (or have been) performed should be the guiding determiner for this exemption and all military installations and local governments should be required to conduct a JLUS and implement the resulting recommendations.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations. See # 15 above.

17. Please provide any additional comments or suggestions. None, except that if the State expects local governments to purchase land adjoining, adjacent or abutting a military installation the State or the Federal Government / DOD should provide the funds.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: City of Destin, Okaloosa County, Florida
Name/Title/Contact Information of Person Responding: Gerald Mucci, Director, Community Development Department; Ashley Grana, Comprehensive Planning Manager
Date Response is Returned: August 31, 2007

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.

- Fort Benning Recreation Center.

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

- Small proportion (number unknown) of Eglin Air Force Base and Hurlburt Field based staff lives within the City of Destin and add to the market demand for housing and local economy.
- Operation of military helicopters at Destin Airport within several hundred feet of residential homes generates complaints relative to noise, dust, and fumes.
- Routine over flights of jet aircraft generate noise.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

- City effectively limits height of new construction in accordance with base guidelines.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

- Participation in JLUS committees
- Effectively regulate building height

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.

- Not aware of any.

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?

- Yes

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

- N/A

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?

- N/A

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

- No. The City of Destin considers detached single-family residential homes a compatible use next to the Fort Benning Recreation Center. The Fort Benning Recreation Center is located in the Northwestern portion of the City and is bounded to the North and West by Choctawhatchee Bay, to the Northeast, Southwest, and a portion of the East by detached single-family residential homes at a maximum density of 2.90 units per acre and a portion of the East by detached single-family residential homes at a maximum density of 5.81 units per acre. For all of the single-family lots located within approximately 150 feet of the Fort Benning Recreation Area, only 3 lots are currently vacant.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

- The Comprehensive Planning Manager sends out the agenda package (agenda, minutes, staff reports, exhibits, etc…) via e-mail to all Local Planning Agency members and the Mission Enhancement Office representative.

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

- The representative from the Mission Enhancement Office for Eglin Air Force Base has never given us any written objections to any proposed ordinance. Sometimes they will call to get more information on an ordinance and then verbally inform us they have no objections.

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

- None. The representative of the Mission Enhancement Office for Eglin Air Force Base has never given us any objections to any proposed ordinance.

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?

- Yes, typically at week ahead of the meeting.

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?

- The representative of the military installation has attended 3 or 4 meetings in the last 2 or so years.

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.

- Yes

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

- None

17. Please provide any additional comments or suggestions.

- None

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: Escambia County
Name/Title/Contact Information of Person Responding: Charity Jones, Urban Planner II, phone: (850) 595-3633
Date Response is Returned: 10-02-07

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.

Answer: NAS Pensacola, Saufley Field, Corry Station and NOLF Site 8 are located within unincorporated Escambia County. NAS Whiting Field is located in neighboring Santa Rosa County.

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

Answer: Flight operations are conducted at NAS Pensacola. Although Saufley Field has not been used for flight operations for the past couple years, flight operations are scheduled to resume. Helicopter flight operations are conducted at OLF Site 8. Flight operations create accident potential and noise.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

Answer: There are currently vacant and/or underdeveloped parcels near the military installations in Escambia County. Allowing development to occur at high densities in these areas could be detrimental to the Navy's mission.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

Answer: The JLUS was completed in 2003 and based on the recommendations of that study, the County has adopted Comprehensive Plan policies to achieve the following:

i. The County Planning Board (LPA) includes a Navy representative as an ex-officio member;
ii. The County Development Review Committee (which reviews all major development proposals in the County and approves development orders) includes a Navy representative as an ex-officio member;

iii. Airfield Influence Planning District (AIPD) zoning overlays were adopted in 2004 for areas surrounding NAS Pensacola, NOLF Saufley, and NOLF Site 8;

iv. The County Planning Board (LPA) sitting as the JLUS Implementation Oversight Committee meets to ensure implementation of JLUS recommendations, make recommendations concerning JLUS implementation, monitor JLUS implementation activities, and recommends additional measures as necessary to ensure compatible development within the Airfield Influence Planning Districts; and

v. An interlocal agreement detailing coordination mechanisms between the Navy and the County was adopted in 2006.

The Comprehensive Plan also includes a requirement to annually report on the effectiveness of the County's adopted policies to improve compatibility with Navy installations.

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.

Answer: Unknown.

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?

Answer: Yes.

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

Answer: Not applicable

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?

Answer: Not applicable

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

Answer: Because of the adopted Comprehensive Plan and Land Development Code policies adopted per the JLUS, incompatible development is not a foreseeable problem. However, there may be some additional minor policies needed to clarify clustering allowances in AIPD-2 area.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

Answer: Per our Land Development Code requirements, the Air Operations Officer for NAS Pensacola and the Aviation/Community Planner at Whiting Field are notified of all

rezoning, conditional use, variance, development application, administrative appeal, temporary use of a mobile home for medical purpose, and development order extension requests within the AIPD-1 and AIPD-2 areas or within any height-restricted area near NAS Pensacola, NOLF Saufley, NOLF Site 8, or the Navy hospital heliport. The military representatives are notified by e-mail of conditional use, variance, administrative appeal, temporary use of a mobile home for medical purpose, and development order extension requests ten days prior to the scheduled Board of Adjustment meeting at which the request will be heard. For rezoning requests, the military representatives are notified 30 days prior to the rezoning hearing. For development application requests the military representative is notified when the Development Review Committee agenda is distributed each week (the Friday prior to each Wednesday meeting); the military representatives also have access to the County document management system to review development plans. A military representative also attends Development Review Committee meetings.

All future land use amendment requests are provided to the Navy representative on the Planning Board. All Planning Board members receive all back up materials for Planning Board meetings one week prior to the scheduled meeting.

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

Answer: The military has been very diligent about attending and participating in all Planning Board meetings. The military only provides comment on rezoning requests if there is an issue or concern, so minimal participation has been needed.

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

Answer: The Planning Board seriously considers and incorporates Navy comments and concerns. For rezoning requests, there has not been a recent case that included Navy comments that would have required modifications to the request.

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?

Answer: Yes. As a Planning Board member, the Navy representative receives all materials one week prior to each scheduled Planning Board meeting or workshop.

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?

Answer: Yes. A representative is always present. In the event that the usual representative is unavailable, a back up will attend in his place.

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.

Answer: Yes.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

Answer: No suggestions.

17. Please provide any additional comments or suggestions.

Comments: Since Escambia County has adopted policies that are agreeable to the County and the Navy, few compatibility problems occur at development review or rezoning. The participation of a Navy representative on the Planning Board has definitely been beneficial, since new policies may affect the Navy in ways that the JLUS did not anticipate.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: City of Fort Walton Beach
Name/Title/Contact Information of Person Responding:
Date Response is Returned:

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.

There are two major Air Force bases which border Fort Walton Beach. Hurlburt Field occupies 6,000 acres in Okaloosa County, and is the headquarters of the Air Force Special Operations Command (AFSOC), the 1st Special Operations Wing, and the Joint Special Operations University.
Eglin AFB is home to the Air Force Material Command's Air Armament Center, the 46th Test Wing, and Air Combat Command's 33rd Fighter Wing. Eglin is geographically one of the largest Air Force bases in the world at 724 square miles (1,875 km²), and thus home to joint exercises, and missile and bomb testing.
Choctaw Field is also located on the Eglin AFB reservation. The Navy has a long-term agreement with the USAF to use Choctaw on condition that it is used for flight training. Choctaw is located at the southeastern edge of Eglin AFB. The field is 13,419 acres.

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

Eglin AFB directly employs 10,000 military and 24,780 civilians, representing 16 percent of the Okaloosa County workforce. As a result f of payroll expenditures, annual expenses, and the estimated value of indirect jobs in the local area, Eglin AFB has an estimated total impact of nearly $1.4 billion (Air Installation and Compatible Use Zone Study, March 2006).

Testing and training extends well beyond the Installation's physical boundary. Two and a half percent of the chartered air space is over land and 97.5 percent is over water. In recent years, development has increased northeast of the base, particularly in the cities of Niceville and Valparaiso. Commercial, recreational and residential land uses, including two schools and a church, in Niceville and Valparaiso experience the highest levels of aircraft noise. A portion of Accidental Potential Zones (APZ) I and II for Eglin AFB's main airfield extend over Niceville and Valparaiso where some residential development currently exists and is expected to increase in density.

In addition to housing, the largest military impact on land use in the City of Fort Walton Beach relates to traffic and roadways. This city experiences heavy

"through-traffic" from commuters who live outside the city driving to Hurlburt Field and Eglin. Okaloosa County has initiated a Joint Land Use Study that will, in part, address the impact on roadways and make recommendations such as a proposed "by-pass" to relieve congestion.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

In 2003, the city undertook a height study to ensure the use of communication towers did not contradict the base mission. The city's Land Development Code was amended so that all proposed towers must go through the conditional use process for consideration. In addition, the new height requirements are, in most areas, more restrictive than base recommendations.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

City staff coordinates closely with the Office of Economic Adjustment (OEA), whose mission it is to plan and carry out local adjustment strategies for compatible land use. City staff also takes a very active role on the OKALOOSA COUNTY COMPREHENSIVE PLAN COMMITTEE/LOCAL MITIGATION STRATEGY TECHNICAL COMMITTEE that coordinates with representatives from the Eglin Encroachment Office, Civil Engineers Squadron, and base planners to develop, monitor, implement, and maintain a comprehensive multi-jurisdictional plan for hazard mitigation. In addition, city staff presides on transportation committees and evaluation committees involving military strategists to ensure land use compatibility.

On June 8, 2004 City Council adopted ordinance 1583 to appoint representatives from both Hurlburt and Eglin to the Municipal Planning Board, an advisory board to City Council, as ex-officio members.
Also, the City of Fort Walton Beach continues to collaborate with Okaloosa County for the Joint Land Use Compatibility Study.

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.

Okaloosa County jurisdiction may be the best source for this answer.

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?

As described in #3 above, our Comprehensive Plan has been in compliance with the provisions of this statute since 2003.

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?
9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.
   A small portion of city land abuts Hurlburt field. This land is zoned for light industrial use and is compatible with base functions. Furthermore, adhering to height requirements further ensures compatible land uses.
10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.
    The city's Senior Planner mails the ex-officio member monthly with the Municipal Planning Board agenda, as well as notices for any special meetings.
11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?
    Yes.
12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.
    No recommendations at this time.
13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?
    One week prior.
14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?
    Only when an item on the agenda could possibly affect military operations, which is very rarely.
15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.
    For a comprehensive discussion, this answer should be postponed until after Okaloosa County's Joint Land Use Compatibility Study is complete.
16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.
    See #15 answer.
17. Please provide any additional comments or suggestions.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: City of Freeport
Name/Title/Contact Information of Person Responding:
Latilda R. Henninger AICP, Freeport City Planner
Date Response is Returned: 10/30/07

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.

There are none within the corpo9rate limits of Freeport. Eglin Reservation is located to the west and north of Freeport adjacent to the city limits.

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

Occasionally there is noise associated with Eglin testing or training activities.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

Noise levels.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

The City of Freeport participates in the Joint Land Use Study project associated in Eglin. We have intergovernmental procedures in place in our Comprehensive Plan which applies to our relationship with Eglin. An Eglin representative serves as an ex-officio member of the Freeport local planning agency, the Freeport Planning Board. The representative has provided specific conditional language for affected developments. Developments within specific ranges of testing/training activities are advised by the developer in homeowner's documents and sound attenuation measures are suggested for home construction.

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.

See above.

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?
Yes. In place since January 2005

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

See above.

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?

See above.

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

No. Freeport is at the furtherest outskirt of Eglin activities and is not impacted in a major.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

Notice regarding projects is provided to Eglin through their Encroachment Office representative.

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

Yes.

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

100%

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?

Yes, normally a week prior.

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?

The representative attends when we have matters which may affect Eglin.

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.

Yes.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

None.

17. Please provide any additional comments or suggestions.

None.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: Gulf County
Name/Title/Contact Information of Person Responding: David Richardson, Planner
Date Response is Returned: 10/19/07

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.

Eglin AFB support facility known as D3 on Cape San Blas. Tyndall AFB is the nearest facility and it is in Bay County. Gulf County shares no boundary with the base.

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

The mission of the facility has very limited impact to the area.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

The permitted land use activities will have limited impact on the facility.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

Gulf County is updating its Comp Plan to protect the facilities mission.

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.

N/A

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?

Yes

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

N/A

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?

N/A

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

We are not aware of any direct conflicts at this time.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

E-Mail

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

Existing development regulations are such that very little interaction is required.

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

Our revised comp plan text was based on Eglin's comments.

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?

We have if there is a need to send it.

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?

The distance from Eglin is a factor and there is really not much need to attend.

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.

As a support facility, the compatibility issues are less than a full military base.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.
If a local community supports a base through development sacrifices, the continued existence of the military facility should have some type merit to justify sacrificing development and/or economic opportunities.

17. Please provide any additional comments or suggestions.

N/A

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: Highlands County
Name/Title/Contact of Responder: Zane Thomas, Planner,
(863) 402-6927, zthomas@hcbcc.org
Date Response is Returned: October 1, 2007

1. Avon Park Air Force Range
2. Aircraft noise (helo and fixed wing) and live ordinance bombing.
3. There currently exists a large agriculture buffer surrounding the installation.
4. JLUS scheduled for FY08 will provide detailed analysis.
5. Military operations at this installation have not been an issue as current operational activities have had negligible impact. That will change however when the U.S. Navy begins using the range for live fire exercises.
6. Yes.
7. n/a
8. n/a
9. Development is not currently a threat but the potential does exist. Developers have purchased property to the west of the range with the intent of developing residential properties.
10. We have had nothing specific requiring the installation Commander to provide a formal response.
11. n/a
12. n/a
13. Currently we have had no real development in proximity to the range and our communication with DoD has been minimal. Having said that, we send the monthly Planning and Zoning agenda package to the installation Commander monthly approximately 10 days in advance.
14. No.
15. The current statutes do well to foster better communications between local government and the Department of Defense and that is an essential first step to ensure that future land use and development are compatible with military installations. However, current Florida statutes lack the one piece that would have ensured we had the most compatible future land use with military activities – funding. If the goal is to protect military installations from encroachment the only absolute means of doing so would be to either purchase the property outright or buy the development rights. The only other comments relate directly to ss 163.3175:
    a. 163.3175 (2) The statute would be less ambiguous if "close proximity" was defined by an actual distance.
    b. 163.3175(3b) Unclear as to whether or not the Army Installation Environmental Noise Management Program (IENMP) regulations apply to non-Army installations.

16. As the population of Florida is expected to double from 18 to 36 million residents over the coming years, the likelihood of military installation encroachment issues worsening

appear inevitable without immediate positive leadership. If one were looking to head off the impending encroachment, delegating the responsibility down to the local government who has less resources to address the issue would not be prudent unless the local government was empowered by the State to freeze current land use designations in “close Proximity” to the military installation thereby forever preserving the agriculture buffer currently surrounding the range.
No additional comments.

SURVEY OF LOCAL GOVERNMENTS

THE USE AND DEVELOPMENT OF LAND AS IT RELATES TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: [CITY OF HOMESTEAD]
Name/Title/Contact Information of Person Responding:
Date Response is Returned:

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction. ***The Homestead Air Reserve Base (HARB) is located in unincorporated Miami-Dade County northeast of the City of Homestead (COH).***

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction. ***HARB affects COH in a variety of ways including aircraft noise, storage on munitions, vertical encroachment and light conditions that may obstruct pilot vision.***

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel. ***COH has a history of being a rural community. However as growth from metropolitan Miami spreads southward, COH has experienced pressure to convert some of its agricultural acreage to residential and commercial uses. Much of this growth has been east of US1 in proximity of HARB.***

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property. ***COH has always had a positive and productive relationship with HARB. It has always been our intention to work closely with HARB. Several steps have been taken by COH to accommodate HARB including Ordinance 91-08-66 regulating the height of structures, Use of Land, Mode of constructions near HARB.***

In addition COH was involved in a Joint Land Use Study (JLUS), which was completed earlier this year. The study focused on two objectives. First was to encourage cooperative land use planning between HARB and the surrounding community and second to find ways to reduce the operational impact of HARB on adjacent land.

The recommendations from the JLUS will be considered as part of the Evaluation and Appraisal Report (EAR)-based amendment process. These modifications to the Comprehensive Plan are to include HARB language.

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community. ***The Base Realignment and Closure order to downsize HARB had a devastating effect on our local economy.***

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)? ***A draft amendment to the Comprehensive Plan will be reviewed pending approval of the EAR. Once adopted our goal is to include specific language dealing with HARB and to adopt a special overlay zoning district that imposes a series of additional requirements to accommodate HARB.***

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted. ***The EAR must be adopted prior to any amendments to the Comprehensive Plan.***

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when? ***It is our intention to incorporate recommendations of the JLUS into the Comprehensive Plan as part of the EAR-based amendment.***

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any. ***HARB will continue to have a critical role in the COH and we look forward to continuing our harmonious relationship.***

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice. ***The Development Services Department regularly communicates with HARB to encourage input for potential developments near HARB.***

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments? ***Yes.***

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain. ***HARB Staff has contributed to the proposed use of some properties. These comments generally adhere to the restrictions that are outlined in Ordinance 91-08-66.***

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent? ***Absolutely generally within 15 days prior to the meeting.***

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often? ***Staff from HARB has regularly attended our public hearing to comment on projects affecting HARB.***

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S. ***COH would like to contribute in any workshops addressing these statutes.***

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations. ***COH would like to contribute in any workshops addressing these statutes.***

17. Please provide any additional comments or suggestions. *We look forward to discussions regarding our long time neighbor HARB.*

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: City of Jacksonville
Name/Title/Contact Information of Person Responding: Kristen Reed, AICP / City Planner Supervisor / KReed@COJ.NET or 904.630.2137
Date Response is Returned: September 25, 2007

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.

NAS Jacksonville, OLF Whitehouse, NAS Mayport, Blount Island Command, 125th Florida Air National Guard Facility at JIA, 111th Florida Air National Guard Facility at Cecil Commerce Zone, USMCR Bravo Company Compound.

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

Military activities create noise and present height and hazard issues that are impacted by heights of structures, ponds, lighting and other miscellaneous uses that may interfere with aircraft in flight. The City of Jacksonville has a local zoning code that was drafted in conjunction with the Navy and our local aviation authority that addresses all of these issues. The local zoning code includes regulations such as Height and Hazard Zones which limit heights of buildings and miscellaneous uses that may interfere with aircraft in flight, notice/disclosure requirements, use restrictions and noise attenuation requirements for new construction.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

In order to promote compatibility with military facilities and missions, we have a local policy to notify DoD Facilities of all zoning and land use actions within Military Influence Zones, as adopted into our Comprehensive Plan.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

Over the last several years, the City of Jacksonville worked with the Navy and the local aviation authority on airport zoning regulations (see above), and with the Navy on a text amendment in accordance with s. 163.3177(6)(a), F.S, which was found compliant. The Navy and the City of Jacksonville agree that these initiatives address the same issues that would be covered by a Joint land Use Study. The Zoning Code requires purchasers

and lessees of property within the Military Influence Zones to execute an airport notice zone acknowledgement form (disclosure form).

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.

The Navy assisted in the designation of over 1650 acres of land for perpetual conservation in an area with the development potential for over 4000 residential units, and the potential for related incompatibility issues. Additionally, the Navy publicizes the hours of flight operations, where possible, and has agreed to be on a soon to be created Airport Noise Advisory Council.

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?

Yes, the City has amended the Comprehensive Plan and the text amendments were found compliant.

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

Not Applicable. See the answer to question number 6 above.

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?

Not Applicable. See the answer to question number 6 above.

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

There will always be noise complaints. However, the City of Jacksonville and the Navy have an established commitment to open and productive communication. Furthermore, the Airport Noise Advisory Council may provide a forum to review airport noise issues and make recommendations to address them.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

Yes. The City of Jacksonville is a pilot community for changes to the comprehensive plan but, provides notice to the navy as if it were a formal reviewing agency. Notice of zoning related items within the Military Influence Zones are sent to the navy. Furthermore, the Local Planning Agency is staffed with a non-voting military representative.

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

Yes.

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

Based on comments provided by military installation personnel, Planning and Development Department staff and applicants for zoning or land use changes have negotiated changes to make proposals more compatible with military operations.

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?

Yes, materials are sent approximately one week in advance.

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?

The military representative participates in a constructive and substantive manner whenever there is a military related item on the agenda. The Commanding Officers of NAS JAX and NAVSTA Mayport attend and testify during City Council Meetings on the aviation needs of DoD.

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.

The notice requirements in s. 163.3175 are reasonable, especially where communication between the military and the municipality is effective, such as in the City of Jacksonville. Comprehensive Plan requirements in s. 163.3177 were, for the City of Jacksonville, a constructive means to focus on issues that were already under discussion regarding airport zoning. These requirements also provide a heightened level of assurance that compatibility with military installations will be a long term focus for the City of Jacksonville.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

None.

17. Please provide any additional comments or suggestions.

None.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: City of Key West
Name/Title/Contact Information of Person Responding: Gail Kenson, AICP, Planning DIrector
Date Response is Returned: 10

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction. **NAS Key West, US Coast Guard**

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction. **A small portion of the city of KW is within the AICUZ. There are occasional noise conflicts between surrounding residents. The airfield is located outside of the city's jurisdiction.**

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel. **Residential and commercial development encroaching on an installation can affect security and operations of the installation.**

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property. **A member of the NAS Key West is an ex-officio member of the KW Planning Board. The city is participating in the Joint Land Use Study being proposed.**

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community. **N/A – There are very few negative effects on the city of Key West.**

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)? **The city is in the process of preparing EAR based amendments and will include language the meets S 166.3177(6)(a) FS.**

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted. **The city**

is in the process of preparing EAR based amendments and will include language the meets S 166.3177(6)(a) FS.

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when? **Within the next six to twelve months.**

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any. **No**

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice. **Yes. NAS Key West receives a copy of the Planning Board agenda via email.**

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments? **Yes**

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain. **N/A**

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent? **Yes, 10 – 15 prior to date of meeting.**

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?
A representative attends meetings based on relevance to installation.

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S. **Yes**

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

17. Please provide any additional comments or suggestions.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: Lake County, Florida

Name/Title/Contact Information of Person Responding: **Brian T. Sheahan, AICP**
Director of Planning & Community Design
Lake County Growth Management Department
315 West Main Street
Tavares, FL 32778
352-343-9672/bsheahan@lakecountyfl.gov

Date Response is Returned: November 21, 2007

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction. **Pinecastle MOA (Bombing Range)**

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction. **Operation of the Pinecastle facility requires special policies limiting the type and scope of development in the MOA. These policies are proposed in the proposed 2025 Lake County Comprehensive Plan.**

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel. **Operation of the Pinecastle facility must consider the impacts of operations on citizens in the vicinity of operations in and around the MOA.**

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property. **Policies are proposed in the proposed 2025 Lake County Comprehensive Plan to meet the requirements of 163.3177(6)(a), F.S. Lake County also includes a member of the Jacksonville NAS on the Local Planning Agency and coordinates with Growth Management and Encroachment Working Group.**

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community. **Formation of the Growth Management and Encroachment Working Group.**

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)? **Changes are pending transmittal and adoption of the 2025 Comprehensive Plan.**

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted. **The State Department of Community Affairs has prohibited amendments to the current Lake County Comprehensive Plan until its EAR based amendments are made. Lake County has drafted a new plan that could be considered by the Lake County Board of County Commissioners in the near future, that includes these amendments.**

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when? **See #7**

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any. **The majority of land in the MOA is rural or conservation. Additional Land Development Regulations will be adopted subsequent to approval of the new Comprehensive Plan.**

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice. **A member of the military installation (Jacksonville NAS) is appointed as member of the Local Planning Agency and receives copies of all agenda items, including those related to Comprehensive Plan Amendments and changes to Land Development Regulations.**

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments? **None have been provide to date.**

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain. **See #11.**

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent? **Yes, usually a minimum of five (5) business days prior to the meeting.**

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often? **No, although they are notified.**

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S. **Since these are relatively new statues and the area affected in Lake County is primarily within the governmental conservation areas or rural, the sufficiency cannot be determined at this time.**

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations. **See #15**

17. Please provide any additional comments or suggestions. **None.**

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: Marion County
Name/Title/Contact Information of Person Responding: Michael Kokosky, Senior Planner (352) 438-2600
Date Response is Returned: November 16, 2007

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.

Palatka 1 and 2 Military Operating Area (MOA)
a) Pinecastle Bombing Range (US Navy) located primarily in the Ocala National Forest in Marion County
b) Rodman Range (US Navy) located in Putnam County
c) Lake George Range (US Navy) located in the Ocala National Forest & within Lake George in Volusia County

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

The two factors that may impact residents in the area would likely be noise and crash incidents, even though the area is sparsely populated.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

The majority of the area that is included within the Palatka 1 and 2 MOAs are primarily located in the Ocala National Forest in Marion County, however, a portion of the area is located within the County's Rural Area (with the exception of Fort McCoy, an unincorporated city). No significant development is intended for these areas, therefore, the impact to the military facility from encroaching development is minimal.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

The County has attended meetings with the US Navy and developed a text amendment for adoption to the Comprehensive Plan. The County was requested to not adopt the text until further study occurred. The County does not anticipate being very active in

implementing restrictions given the location is in a rural area where development is not anticipated to occur.

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.

The County is not aware of any.

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?

No. The County was requested to not adopt the Military Operating Area overlay to allow the military and state to further study the issues involved. Once contacted to implement necessary measures to protect the military facilities from encroaching growth, the County will work with the US Navy to take the necessary steps to do so.

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

See responses 4. and 6.

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?

See responses 4., 6., and 7.

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

No. There are no anticipated issues given the area is within the Ocala National Forest and rural areas of the County with limited growth potential.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

Yes. Marion County provides a complete packet of information regarding any and all amendments to its Comprehensive Plan.

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

Yes when applicable.

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

No impact at this time since no action has been taken yet.

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?

Yes, approximately 14 days in advance of any public hearing.

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?

No, not to date.

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.

Yes.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

None at this time.

17. Please provide any additional comments or suggestions.

None.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: City of Mary Esther
Name/Title/Contact Information of Person Responding: William A. Bradley, Community Development Director
Date Response is Returned:

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction. *None; however, Hurlburt Field is abutting the City's westerly border. Hurlburt Field is in Okaloosa County's jurisdiction.*

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction. *No activities within our jurisdiction.*

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel. *No activities within our jurisdiction.*

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property. *No activities within our jurisdiction.*

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community. *The City and base personnel work closely together on nay and all matters that may affect the City's westerly portion.*

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)? *Yes.*

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any. *Land adjacent Hurlburt Field has been developed; there is no more land to be developed.*

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice. *As previously stated, there is no more land to be developed on the western side of the City. City and base personnel maintain a close relationship of sharing information and ideas.*

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent? *Yes, approximately 7 days prior.*

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often? *Yes, when invited, approximate 6 times a year.*

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S. *For the City's current situation. Mary Esther is approximately 95% built out. We have 10 acres combined for possible development*

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

17. Please provide any additional comments or suggestions.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: City of Melbourne
Name/Title/Contact Information of Person Responding: Todd Corwin, Planner
Date Response is Returned: 10/24/07

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.

Response: Patrick Air Force Base (PAFB) is the closest military installation to the City. At its closest extent, the base is located approximately 2.9 miles from the city limits.

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

Response: Military personnel live within the City and are part of the Melbourne community.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

Response: Land use activities within the City have a minimal impact upon PAFB.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

Response: The City's boundaries are not adjacent to PAFB. The City, as part of the Evaluation and Appraisal Report (EAR), will propose to include policies within its Comprehensive Plan that promote coordination with PAFB.

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.

Response: Activities within PAFB have minimal impacts on the City.

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?

Response: The City is addressing this issue through the EAR process.

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

Response: The City is addressing this issue through the EAR process.

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?

Response: The City is addressing this issue through the EAR process. The City's EAR will be adopted by February 1, 2008.

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

Response: Development activities within the City have a minimal impact upon PAFB.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

Response: As stated previously, the City will propose changes to its Comprehensive Plan to promote coordination with PAFB.

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

Response: The City will implement this procedure through the EAR process.

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

Response: The City will implement this procedure through the EAR process.

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?

Response: The City will implement this procedure through the EAR process.

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?

Response: The City will implement this procedure through the EAR process.

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.

Response: Activities on PAFB have minimal impact to the City. After the proposed modifications are made to the City's Comprehensive Plan, planning and coordination activities will be of a sufficient scope.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

Response: No suggestions at the present time.

17. Please provide any additional comments or suggestions.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: City of Mexico Beach
Name/Title/Contact Information of Person Responding: Chris Hubbard/City Administrator
e-mail: c.hubbard@mexicobeachgov.com Phone: (850) 648-5700
Date Response is Returned: December 3, 2007

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.

- Tyndall Air Force Base

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

- Jet aircraft noise from flying aircraft

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

- No city activity will affect military activities

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

- Inviting military personnel to sit on our local land planning agency, the City of Mexico Beach Planning and Zoning Board

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.

- Unknown

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?

- Not at this time

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

- Awaiting the outcome of a local legal challenge before adopting changes; legal challenge may change requirements as specified by 163.3177 (6)(a), F.S.

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?

- See answer to question #8 above

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

- We do not anticipate any problems

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

- Notice is provided via mail

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

- Yes

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

- We have, so far, not experienced a need to make changes based on comments received from military installation personnel

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?

- Agendas are sent if a topic which would effect the military installation is being discussed/considered. Agendas are sent one week in advance.

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?

- No one has participated at this time due to the fact no development has been considered which would effect the military installation.

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.

- Florida statutes are sufficient as this is the only universal means to evenly enforce requirements on all cities/counties. However, many of the requirements are unnecessary and impractical to implement.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

- Be realistic in the requirements and a local government's ability to implement the requirements. For example, cities/counties have no means to enforce disclaimers on privately owned property transactions and it would be impossible to implement/oversee this process.

17. Please provide any additional comments or suggestions.

- None at this time.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: **Miami-Dade County**
Name/Title/Contact Information of Person Responding: **Steve Foren / Principal Planner / ForenS@miamidade.gov, 305.375.2835**
Date Response is Returned: **Dec 6, 2007**

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.

Homestead Air Reserve Base (HARB).

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

There are three components to the military impact, two possible occurrences, and one ongoing, which may affect residents and or property within Miami-Dade County.

1. The storage of quantities of high explosive ordnance on the base. This ordnance poses the risk of explosions which could impact a large area should it be ignited in its storage area. The majority of the danger area from this hazard lies within the base itself, and easements have been acquired by the military for those areas outside the base to limit development.
2. The military aircraft based at HARB pose the risk of crashing into inhabited areas during take off and landing operations. The base has identified zones wherein lies the greatest risk of an aircraft crashing.
3. Noise created by high performance aircraft taking off and landing is an intrusive effect created by training flights from the base. The base has prepared a new Air Installation Compatible Use Zone (AICUZ) with noise contours drawn to show impacts, some of which occur within the City of Homestead, portions also affect agricultural land in unincorporated Miami-Dade County, and the 65dB countour reaches out to Biscayne Bay at one point, impacting the Biscayne Bay National Park.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

Allowing development within the AICUZ would subject more residents to the higher decibel levels of noise from jet aircraft, creating more complaints to the base and to local governments, and creating pressure to lower the number of flights.

Allowing development within the take off/landing safety zones would create a hazard to the residents living or working there, and also to the multi-million dollar aircraft and

their aircrews. This may cause curtailing or cancellation of flights from affected runways, negatively impacting training flights.

Birds feeding near a County landfill approximately 4 miles northeast of the base close to flight paths are a concern to HARB as jet engines are susceptible to burnout and failure if they ingest birds.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

The County's Comprehensive Development Master Plan (CDMP) has designated land within the takeoff/landing safety zones as Agriculture, Environmental Protection or Open Land, a Joint Land Use Study (JLUS) was recently completed, and a Purchase of Development Rights (PDR) program is in place for use, possibly on these parcels. A Transfer of Development Rights (TDR) program may be proposed that would also apply to the lands surrounding HARB. The JLUS has recommended setting up a system of disclosures to purchasers, and that recommendation is still under consideration.

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.

HARB has purchased easements on certain properties bordering the base to ensure that incompatible uses do not locate there. They have negotiated with local landowners and the City of Homestead to ensure other properties structures are best located to minimize incompatibility. HARB has also scheduled take offs/landings and flight paths to limit impact during evening and night hours.

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?

Yes. Land Use Policy LU-4F. (see attached)

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

Miami-Dade County has complied with s. 163.3177(6)(a), F.S.

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?

Miami-Dade County has complied with s. 163.3177(6)(a), F.S.

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

Generally, the answer is no. The current CDMP designates land to the north, east and south as Agriculture, Open Land or Environmental Protection for several miles in each direction. These designations do not allow for any uses that are incompatible with the current uses at HARB. For incompatible uses to be developed in these directions an application to amend the FLU designation on the properties would have to be approved. There are residential designations to the west of base, but these properties lie outside of the 65 dB noise contour line identified by the base, or inside the City of Homestead. The base has acquired easements on properties to the northeast adjacent to the base near the ordnance storage area to mitigate any impacts, and easements have also been acquired at the ends of the base runways, which are angled NE-SW.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

Yes, the Department of Planning & Zoning (DP&Z) notifies all property owners within a certain radius (500' to 1 mile, depending on application size and type) of the application property. Also, in accordance with State Ordinance 07-146, the base is in the process of appointing a representative to our Local Planning Agency (LPA) and local Community Councils.

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

The frequency of applications affecting the base has been minimal in the last 10 years, but when applicable, the Base has provided comments.

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

There has not been occasion since s. 163.3175, F.S was adopted for HARB to comment on any land use applications.

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?

Materials have been sent to the base in the past if the application(s) was proximate to HARB. Currently HARB has not appointed a representative, (see answer to #10) but when that representative is appointed, he or she will receive materials, including an agenda, no less than 7 days prior to the hearing. In the past, if an issue was deemed to be of interest to the base, DP&Z would contact the base directly to let them know of it.

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?

In accordance with State Ordinance 07-146, the base is in the process of appointing a representative to our Local Planning Agency (LPA) and local Community Councils. Representatives have attended meetings in the past, but in the future the base representative will be a non-voting member of the LPA and affected local Community Councils.

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.

Yes, the statutes are sufficient. No weaknesses noted.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

Section 163.3175 defines military installations as being under the jurisdiction of the Department of Defense. However, one of the armed services (Coast Guard) is under the jurisdiction of the Department of Homeland Security. Perhaps the text should be revised to include the Department of Homeland Security.

Section 163.3177(6)(a) requires the future land use element to address compatibility with military installations by June 30, 2006. The date needs to be deleted.

17. Please provide any additional comments or suggestions.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: City of Niceville
Name/Title/Contact Information of Person Responding: Wanda Cruttenden, City Planner
Date Response is Returned: December 5, 2007

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction. Eglin Air Force Base

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction. Noise, low flights.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel. N/A.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property. JLUS ongoing now; disclosures required; open communication including monthly meetings with all local governments, military, school board, and OWC each month.

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community. JLUS.

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)? No.

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted. Current Comprehensive Plan adequately addresses this issue.

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when? No.

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any. No.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice. Yes. All correspondence is forwarded and a member of the Mission Enhancement Committee sits on our Planning Commission and Local Planning Agency.

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?
Yes.

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.
They have never provided any comments which would require changes.

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent? Yes. Not sure, handled by Building Official's office (850-729-4056).

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often? Yes, sometimes.

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S. Yes.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.
N/A.

17. Please provide any additional comments or suggestions. N/A.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: Okaloosa County
Name/Title/Contact Information of Person Responding: Terry Jernigan, Planning Manager
Date Response is Returned: September 5, 2007

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.
   Eglin Air Force Base, Hurlburt Field, Duke Field
2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.
   Military personnel and related defense contractors have a tremendous economic impact on the county's economy from real estate to consumer goods and services.
3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.
   The County has taken steps to minimize incompatible encroachment upon military installations.
4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.
   The County has amended its comprehensive plan so as to create an Eglin Encroachment Protection Zone to address plan amendments or rezonings that might enable incompatible development within the zone. The County is also currently participating in a JLUS.
5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.
   Participation in the JLUS.
6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?
   Yes
7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.
   N/A
8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?
   N/A

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

The majority of the existing incompatible development is within city limits not under the land use regulation jurisdiction of the County.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

Yes, a military representative sits on the County's development Technical Review Committee and on the Planning Commission.

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

Yes

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

As a general rule the County Commission will not approve a land use change or rezoning when the military representative has raised objections.

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?

Yes, at least 7 days in advance of the meeting date.

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?

Yes, the military representative is an ex-officio member of the Planning Commission and attends Planning Commission meetings held once each month.

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.

The current statutes seem to be working in our jurisdiction so far.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

17. Please provide any additional comments or suggestions.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: Osceola County
Name/Title/Contact Information of Person Responding: Jeffrey Jones/Smart Growth Director/Ph.# 407-343-2395
Date Response is Returned: November 30, 2007

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.
Response: There are no military installations within Osceola County. There are no military installations outside the County currently affecting County residents or properties.

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.
Response: There are no military activities currently affecting Osceola County residents or properties.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.
Response: There are no land use activities within the County currently affecting or anticipated to affect military activities.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.
Response: Osceola County is currently participating in a Joint Land Use Study for the Avalon Bombing Range, which is being lead by the Central Florida Regional Planning County. This study is in its initial stages and no conclusions have been reached as to the need for the County to modify its growth policies.

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.
Response: The County is not aware of any actions or the need for any actions by the military to modify or eliminate activities that may negatively affect the County.

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?
Response: The County adopted amendments to its Comprehensive Plan in Dec. 2005. They included an *Agricultural* future land use designation for the area proximate to the Avalon Bombing Range. If the Joint Land Use Study for the Avalon Bombing Range recommends any changes to this designation, the County will consider them at that time.

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

Response: The County adopted amendments in Dec. 2005.

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?
Response: As noted above, the County adopted amendments in Dec. 2005.

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.
Response: No it is not.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.
Response: Amendments to the Comprehensive Plan affecting the Avalon Bombing Range are sent to the Base Commander.

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?
Response: Yes

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.
Response: There have been no modifications as the Agricultural land use is compatible with base operations.

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?
Response: No

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?
Response: There are no military installations within Osceola County.

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.
Response: Because no military installations are located within the County, and the closest installation is proximate to rural areas of the County, Osceola County has not had sufficient experience to judge the effectiveness of the statutes.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.
Response: Osceola County has no specific recommendations.

17. Please provide any additional comments or suggestions.
Response: Osceola County has not additional comments or suggestions.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: ***City of Palm Bay***
Name/Title/Contact Information of Person Responding: ***David E. Watkins/Growth Management Director/ watkid@palmbayflorida.org***
Date Response is Returned: ***December 6, 2007***

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction. *Malabar Tracking Annex, 45th Space Wing, Patrick AFB*

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction. *Primarily a tracking facility. Occasional war games have been the only activity that has impacted our citizens. Limited number of employees at this location.*

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel. *Based on our coordination meetings with the 45th Space Wing Headquarter staff, there are no activities they could identify that would impact their operations at this location.*

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property. *We have amended our Comprehensive Plan pursuant to F.S. and have participated in our local coordination committee made up of impacted local governments and the military liaisons with Patrick AFB and the 45th Space Wing.*

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community. *The military now provides advance notification to the City when war games are scheduled. This allows us to calm our citizens once the mortars begin firing!*

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)? *Yes.*

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted. *Not applicable.*

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when? *Not applicable.*

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any. *No incompatibilities were identified by either the City or the military.*

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice. *Yes. We provide that notification through our representative on the Planning and Zoning Board.*

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments? *We have had no changes around the installation to date. The area is essentially built out.*

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain. *Not applicable.*

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent? *6 days.*

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often? *Only if actions would impact their facility. To date, nothing has.*

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S. *In our case, we believe the statute provides adequate intergovernmental coordination measures. That may or may not be the case for more active military installations.*

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations. *None at this time.*

17. Please provide any additional comments or suggestions. *None at this time.*

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: City of Panama City Beach
Name/Title/Contact Information of Person Responding: Charles Silky/ Planner
850-233-5100/ CS@PCBGOV.COM
Date Response is Returned: 12-7-07

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction. There are no military installations located in our jurisdiction or activities which affect our community.

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction. NA

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel. NA

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property. NA

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community. NA

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)? NO

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted. NA

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when? We have not discussed with our City Council.

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any. NO

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice. NO

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments? NA

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain. NA

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent? NO

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often? NO

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S. I have not yet reviewed 163.3177 at the time of this survey

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

17. Please provide any additional comments or suggestions.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: City of Panama City
Name/Title/Contact Information of Person Responding: Allara Mills Gutcher
Date Response is Returned:

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.

There are no military installations within our local government's jurisdiction. Realize that this question will only apply to a County, where the military installation is located. Military installations are not within a city limit.

Tyndall Air Force base does not currently effect our residents, under current legislation.
The Coastal Systems Station has operations in St. Andrews Bay, adjacent to the City. However, these waters are not within the City's jurisdiction.

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

As current operations are conducted, military activities do not affect the City's residents.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

The City of Panama City is not within any Tyndall AICUZ or noise compatibility zone.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

Not applicable.

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.

Not applicable.

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?

Not to date.

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

Amendments will be conducted within the next eighteen months as a result of the findings of the 2007 Evaluation and Appraisal Report.

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?

See above.

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

The City of Panama City provides a courtesy packet for each and every Planning Board agenda to the Tyndall Air Force base designee, Wes Smith.

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

The City of Panama City does not receive comments from the Tyndall designee.

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?

Yes, 10 days prior.

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?

No.

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

I am not extensively familiar with the statute, but to offer some comments:

There should be a clear height zone, ldn zone (to 55 or 65 ldn, as deemed appropriate), and residential development restrictions within a particular perimeter surrounding military installations. In addition, there should be a restriction on the location of nuisance activities, such as open landfills, which attract birds that may inhibit flight activities.

Bay County has recently adopted a revision to their land development regulations that helps preserve the activities of the to be relocated Bay County – Panama City International Airport. These regulations can be found at http://www.co.bay.fl.us/bcds/planning/ldr/ldr_ch10.pdf and are a great guide to preserving flight activities. I would suggest a review of these regulations for potential revisions to legislation.

However, it is important to realize that private property rights are protected by the Burt Harris Act, and unless a condemnation by the federal or state government is initiated to protect the general good of the American public, a degradation in these development rights is not easily attainable by the local government.

It is more difficult to protect Coast Guard and Navy operations, as the waterways are not easily regulated or policed. However, St. Andrews Bay in the Bay County area is heavily utilized for marine training activities for the Coastal Systems Station. This could not be a City regulatory matter, but would fall to the County or State.

17. Please provide any additional comments or suggestions.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: City of Parker (Bay County), FL 32404
Name/Title/Contact Information of Person Responding: Mayor Brenda G. Hendricks, 1001 West Park Street, Parker, Florida 32404.
Date Response is Returned: December 6, 2007

Note: The survey is addressed to:

Ms. Karen M. Camechis
Florida House of Representatives
Policy Chief, Government Efficiency and Accountability Council

Ms. Camechis' survey requests cities' authorization for the survey by Speaker Rubio to the staff of the House Committee on Military and Veterans' Affairs.

The City is confused as to which staff (Military Affairs or Government Efficiency) is conducting the survey and would appreciate clarification.

EXECUTIVE SUMMARY OF CITY OF PARKER'S RESPONSE
FLORIDA HOUSE COMMITTEE ON MILITARY AFFAIRS SURVEY

The City of Parker ("City" or "Parker"), whose population has fluctuated around 4,700 people, is located just to the north of Tyndall Air Force Base ("TAFB").

1. Committee on Veterans' and Military Affairs – Florida House Question

Please identify the military installation(s) located within your local governments' jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.

Tyndall Air Force Base, Florida lies just outside the chartered corporate limits of the City of Parker, separated by St. Andrew Bay.

Parker is substantially impacted by noise zones for Tyndall Air Force Base.

Parker is a small community with commercial areas along U.S. Highway 98 (Tyndall Parkway) and U.S. Business 98. Parker has recently enacted a Community Redevelopment Area in order to try to eliminate "blight" within the community. The City is landlocked by other jurisdictions and therefore unable to annex property on the north side of St. Andrew Bay.

Several parcels of property located in the Longpoint area of Parker are within the 65 dB DNL noise contour depicted on the Air Installation Compatible Use Zone ("AICUZ") map of Tyndall Air Force Base.

2. Committee on Veterans' and Military Affairs – Florida House Question

Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

How is Parker affected today?

- The City has appointed a representative of TAFB as an ex-officio member of its Planning Commission.

- All proposed amendments to the City's comprehensive plan and land development regulations are referred to TAFB for review and comment.

- All plats within the 65 dB DNL noise contour depicted on the AICUZ map of Tyndall Air Force Base shall contain a disclosure statement that said property is located near Tyndall Air Force Base and is possibly subject to noise, military aircraft and hazards associated with a major U.S. Air Force Base.

- For any development within any noise contour equal to or above the 65 dB DNL as depicted on the adopted AICUZ overlay, applicants proposing structures which meet and/or exceed the federal notification criteria pursuant to 14 C.F.R. FAR Part 77.13, shall provide to the City written evidence of a Federal Aviation Administration (FAA) aeronautical study based on the submittal of FAA Form 7460-1 or electronic equivalent. The applicant shall provide a written copy of a FAA aeronautical study which has determined the proposed structure is not a hazard to air navigation before obtaining any development permit or such requirement shall become a condition to the development permit.

- The City shall not grant "hardship" relief for noise attenuation standards and real estate disclosure requirements within any noise contour equal to or above the 65 dB DNL as depicted on the AICUZ overlay.

- Certain mobile homes within the 65 dB DNL noise contour depicted on the AICUZ map of Tyndall Air Force Base shall not be replaced with other mobile homes. Also, the County will not allow relocation of older mobile homes. The City desires to preserve the quality of life of all of its residents, including that of low income housing. The legislature should provide funding for those affected and for the affected municipalities to try to address replacement low income housing. The City recommends that if the mobile home as manufactured can meet or exceed the noise attention standards for location within this area that they be allowed to be placed there. Failure to provide suitable replacement

housing could lead to additional "blight" within the CRA area, already subject to "blight" conditions. This scenario could lead to additional crime in this area.

How might Parker be affected in the future?

- Development of the area within the City located within the noise contour equal to or above the 65 dB DNL as depicted on the AICUZ overlay may be dramatically affected due to the increased administrative and practical implications.

- Traffic is expected to increase through the City as TAFB continues to expand its mission. Such increased traffic demands may impact the level of service ("LOS") on U.S. Highway 98 and on U.S. Business 98, necessitating expansion or modification of portions of the roadways. In addition, increased traffic on U.S. Highway 98 may mitigate against development of residential areas adjacent to that roadway.

3. Committee on Veterans' and Military Affairs – Florida House Question

Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

- Given the policies implemented within the City, land use activities, particularly within the noise contour equal to or above the 65 dB DNL as depicted on the AICUZ overlay, should not adversely affect the activities conducted on Tyndall Air Force Base or by its personnel.

4. Committee on Veterans' and Military Affairs – Florida House Question

Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177 (6) (a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

The City has enacted policies in its comprehensive plan, implemented by provisions in its land development regulations to try to ensure compatibility with TAFB. The difficulty arises because of the nature of Parker, especially Longpoint, and its extensive waterfront. Because of the substantial waterfront there has been considerable interest over the last few years for high dollar residential development. Such proposed development has included planned condominiums wherein the residents would be some height (less than 120 feet) above ground level. As such, aircraft passing overhead or in close proximity would be closer to those occupants.

The City has suggested that if TAFB wanted to significantly limit or preclude development on Longpoint that the federal government should purchase the land at fair market value. To our knowledge, no such land has been acquired by the federal

government. Further, Parker has no funds with which to acquire fee simple ownership of the land or development rights.

Parker has expressed its willingness to be a part of a Joint Land Use Study ("JLUS") for Tyndall Air Force Base; however, we are not aware of any such JLUS having been initiated.

5. Committee on Veterans' and Military Affairs – Florida House Question

Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.

Parker Response:

We are unaware of any such actions having been taken by TAFB.

6. Committee on Veterans' and Military Affairs – Florida House Question

Has your local government amended its comprehensive plan in accordance with s. 163.3177 (6) (a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?

Parker Response:
Yes. Parker has adopted policies for noise disclosures in its most recent Large Scale Plan Amendment.

7. Committee on Veterans' and Military Affairs – Florida House Question

If your local government has not amended its comprehensive plan in accordance with s. 163.3177 (6) (a), F.S., please explain why the amendment has not been adopted.

Not Applicable.

8. Committee on Veterans' and Military Affairs – Florida House Question

If your local government has not amended its comprehensive plan in accordance with s. 163.3177 (6) (a), F.S., do you intend to adopt this amendment and, if so, by when?

Not Applicable.

9. Committee on Veterans' and Military Affairs – Florida House Question

Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

There will continue to be a struggle between the desire to develop the waterfront by developers and property owners and the desire by TAFB to minimize the number of people and privately owned parcels to provide a small "pool" of those potentially adversely affected. Depending on any changes to the ACUIZ or changes precipitated by the JLUS upon the replacement of F-15's with F-35's, Parker may have incompatibility issues with TAFB.

10. Committee on Veterans' and Military Affairs – Florida House Question

Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

Yes. The representative from Tyndall Air Force Base receives the same packet of material as that provided to the other Planning Commission members of all matters expected to go before the Planning Commission. In addition, similar notice is provided for matters of interest to TAFB expected to be heard by the City Council.

11. Committee of Veterans' and Military Affairs – Florida House Question

When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

No concrete feedback has been obtained on any issue by the City.

12. Committee on Veterans' and Military Affairs – Florida House Question

To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

Parker's last Large Scale Plan Amendment incorporated comments from the Florida Department of Community Affairs that were supposedly initiated by TAFB. Unfortunately, Parker received no direct comments at any stage of the process.

13. Committee on Veterans' and Military Affairs – Florida House Question

Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?

Yes as discussed in Response No. 10 above. Such material is typically provided approximately one week in advance of the relevant meeting.

14. Committee Veterans' and Military Affairs – Florida House Question

Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?

A representative does attend periodically but when present, does not offer any firm positions of any subject. The representative primarily serves to gather information from the City.

15. Committee on Veterans' and Military Affairs – Florida House Question

Are Florida's statutes sufficient to ensure that future use and development of Land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.

No. There needs to be some way to more effectively engage the military in taking positions on various issues. Further, Florida law does not (and likely cannot) provide local Florida governments access to military installation planning. For example, although encouraged by Chapter 163, the local military installation has declined to provide response to local planning initiatives. Regardless of the intent of the Florida Legislature, communication has simply been a 'one way street' with respect to sharing of planning information.

16. Committee on Veterans' and Military Affairs – Florida House Questions

Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

The City of Parker generally concurs in the conceptual changes to Florida Statutes suggested by City of Valparaiso, Florida in its input on these questions. See their attachment one.

Generally, Parker suggests that Florida Statutes regarding the use of lands surrounding military aviation installations be similar to those regarding lands surrounding Florida's (30) commercial service airports. The economic impacts are similar and land use compatibility considerations should be also.

Parker also suggests that Florida Statute modifications regarding Community Redevelopment Agencies, be amended to recognize that the 'blighted' community definition be modified to included municipalities/counties impacted by 'military installations'.

This will allow communities such as Parker to plan, implement and develop mitigation initiatives and with funding some small part of impacts that (in our case) will sustain our community in the exhaust of the economic engine felt over all of Northwest Florida.

17. Committee on Veterans' and Military Affairs – Florida House Question

Please provide any additional comments or suggestions.

1. Legislation suggested by Valparaiso in its Attachment One to its response dated September 28, 2007, should be adopted.

2. An environmental justice analysis has not been conducted; however, it is speculated that Parker has a disproportionately impacted minority/low income population impacted by the military installation.

   No analysis has been provided at this writing regarding Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks (1997). Children are at greater risk to hearing damage and loss than adults (Air Force Study).

3. Parker remains significantly concerned with any possible legislative modifications to chapter 163 of the Florida Statutes which could potentially cause claims to be made against the City under Florida's Bert J. Harris Act, particularly thru subsequent Florida Administrative Code adaptations.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: Unincorporated Polk County

Name/Title/Contact Information of Person Responding:
Ana Martinez-Hubert
Long Range Planning Division
Ph # (863) 534-6486
Fax # (863) 534-6471
Drawer TS05
Post Office Box 9005
Bartow, Florida 33831-9005

Date Response is Returned: 11/15/07

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.

Air Force Avon Park Ground Training Center (Bombing Range)

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

At this time it has been mainly the noise from the airplanes and sometime the bombing activities. You can hear some of it for fairly long distances. There is no planned or permitted development in close vicinity to the installation, so impacts are mostly indirect.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

There is no planned or permitted development in close vicinity (within 2 miles north) to the installation, so impacts are mostly indirect. Most of the area immediately to the north has been subdivided into ½ acre lots with no legal access to an existing road, and sold as the membership to a hunting club (River Ranch). There are scattered homes, illegally built, around this area. These residents could be the most impacted if there was an accident on the north side of the base because they have no services (fire, EMS, sheriff, etc.) nearby. They could also be the most impacting on the installation because of their location within one or two miles of the property line and because they might not respect the property boundaries or fences.

To the northeast is the River Ranch Resort which includes some (winter resident) condos, a resort and other tourist related activities, including a private landing strip. This strip has been in use for over 20 years and its operation might be affected by an

increase in air traffic around the military installation. Approved development in unincorporated Polk County north of this facility is mostly rural in nature and might be disrupted by the noise caused by intensified activity in the range and in the surrounding air space. Other than potential complaints about the noise, these uses have little or no impact on the installation.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

We notify the base commander of any request for development approval within a 3-mile radius of the military installation and notify the property owner and developer of the potential impacts of activities within the range on the proproperties.

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.

A working group has been establish with representatives of the affected local governments, the state planners (DCA) and the military to discuss potential impacts and strategies to address those impacts. A grant has been approved to complete a Joint Land Use Study (JLUS) to determine the best ways to protect the needs of both the military installation and the property owners in the surrounding areas.

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?

NO

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

The lack of staff and resources to address all the priority projects has been the main reason. Additionally, because of the ownership pattern of the area immediately surrounding the northern perimeter of the installation, the probabilities of a request for development in that area being submitted are very low.

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?

As we do further analysis and complete the JLUS for the area north of the installation, we will complete the appropriate steps to adopt the guidelines strategies into the comprehensive plan and the land development code respectively.

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

No – see response to questions 3. and 7.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

As the case planner initiates the review of the case (or at preaplication if a large project or comprehensive plan amendment), staff sends a letter to the installation commander outlining the request and other factual information and an invitation to the DRC (Development Review Committee) meeting.

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

They have in the past.

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

This process is fairly new (less than 12 months), and because of the lack of development activity in the area, so far we have not had to suggest any changes.

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?

DRC agendas are sent out a**t least a week prior to the meeting. Notification to public hearings or public meetings is sent at least 20 days in advance.**

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?

This process is fairly new (less than 12 months), and because of the lack of development activity in the area, so far we have had them attend two planning related public hearings.

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.

As they are written today, they will have some effect by making the planning community aware of the issues, but unless there more sticks and carrots some affected local governments will not change the plan until the benefits are very clear and the (problem) issues are really affecting the local governments.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

Include the provision of funding for the acquisition of properties or easements to maintain and protect these immediately adjacent properties to minimize potential effects of development in the vicinity of the installation.

17. Please provide any additional comments or suggestions.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: Putnam County, FL
Name/Title/Contact Information of Person Responding: Brian S. Hammons, AICP, Director
Putnam County Planning and Development Services
Date Response is Returned: 10/19/07

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction. **The Rodman and Lake George portions of the JNAS Pinecastle Bombing Range Facility.**

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction. **Largely noise from low-flying aircraft. No live ordnance dropped on these portions of the range.**

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel. **Densities of residential use are low around Rodman. Densities north of Lake George and east of the St. Johns River are much higher and have significant development pressure relative to the rest of the County. We are currently notifying JNAS of proposals to increase density or erect tall structures within the area of their restricted airspace surrounding these facilities.**

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property. **We have transmitted our required Comp Plan amendment to DCA and are awaiting ORC comments. Putnam County did participate in the JLUS that was finalized in August, 2007. We will be adopting modest amendments to the Land Development Code once the Plan Amendment is adopted. We already require lighting to be directed downward. Real Estate disclosures should be a requirement of real estate licensees per Chapter 475 F.S. like other commonly required real estate disclosures. The local government is not involved in real estate transactions until after the fact. Rodman is already surrounded by publicly-owned land. No County program is anticipated to acquire property for this purpose.**

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community. **No known modifications have occurred to date.**

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)? **Amendment has been transmitted to DCA; we expect adoption in December, 2007 or January, 2008. We will then consider how to implement in the Land Development Code.**

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted. **Short staff, no rush given the JLUS had not been not completed,**

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when? **See number 6 above.**

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any. **Potentially a problem in the Georgetown area on the north end of Lake George. Noise primarily.**

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice. **Any tall structure or application to increase density is sent to our JNAS contact when other required notices of public hearing are sent. No response to date.**

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments? **We have never received comments.**

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain. **See No. 11 above.**

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent? **Yes. Two weeks.**

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often? **No. Never.**

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S. **The local governments cannot control small scale EM emissions. Only large scale emissions not involving the electric utilities. Involving local**

government in real estate disclosures is madness and utterly ineffective. Control of densities is the primary control we can exert…if political realities will allow. We already require lighting to be deflected downward. Putnam County is rural and does not have the resources to acquire the land, particularly under the present budgetary circumstances that the State Legislature has put us in.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations. **The military should purchase the land or development rights if it wishes to effectively control land use.**

17. Please provide any additional comments or suggestions. **We are doing as much as we can given current fiscal and political constraints.**

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: Santa Rosa County
Name/Title/Contact Information of Person Responding:
Date Response is Returned:

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.

NAS Whiting Field North and South; Navy Outlying Landing Fields (NOLFs) Spencer, Harold, Santa Rosa, Choctaw, Holley and Pace; Eglin Air Force Base

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

Flight training operations affect residents and property owners in Santa Rosa County by way of noise impacts and accident potential under flight paths.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

Incompatible land uses impact military operations in a number of ways. Residents or owners of incompatible uses make complaints to the military about the impact of training operations, particularly noise. High concentrations of incompatible uses hinder military operations, which may result in training realignment decisions that negatively impact a community.
Lighting associated with development can hinder night vision goggle training. Wet holding ponds, landfills, and other uses attract birds which are a hazard to flight operations. Smoke associated with some development activity, building and tower height, and even some forms of pavement makings can be hazards to flight operations.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

Santa Rosa County completed a Joint Land Use Study (JLUS) in 2003. Implementation of JLUS recommendations included adoption of Military Airport Zones around all training fields within which upzoning to higher density residential are prohibited, incompatible uses are restricted, and additional performance standards apply. The military is invited to review and comment on all development plans within the MAZs. Notification zones have been established within which property owners are required to notify potential purchases of airfield proximity at time of contract for sale of the

property. The Comprehensive Plan has been amended consistent with s. 163.3177(6)(1), F.S.. The county has partnered with state and federal government, as well as other organizations, to purchase lands within significant flight training areas. All tower development must have approval from the military.

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.

When possible, the military has adjusted flight paths and training times to limit impacts on residential areas; however, their ability to do so without negatively impacting their mission is very limited.

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?

Yes.

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

Implementation of the JLUS with NAS Whiting Field significantly reduces the potential for future compatibility problems. A JLUS with Eglin A.F.B. is pending, and development pressure in that area prior to completion and implementation is a potential threat.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

Yes, such notices are routed through their designated point of contact.

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

Yes.

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

Comprehensive Plan Amendment requests in the form of Future Land Use Map Amendments have been denied in some cases. Residential FLUM amendment requests (outside the MAZ) have been modified from higher to lower densities. Airfield proximity notification requirements have been added as conditions to FLUM amendments.

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?
Yes; one week prior to the meeting.

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?
Yes. He attends almost all meetings, and is frequently called upon by the Board to provide comments from a military perspective.
15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.

Yes.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

17. Please provide any additional comments or suggestions.

Two suggestions: (1) Sound attenuation requirements for construction of residential structures was a recommendation of our JLUS. Amendment of the State Building Code to include such requirements would be very beneficial. (2) Continued funding of programs such as Florida Forever and the Defense Infrastructure Grant program is essential for land acquisition when needed
to limit encroachment.

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Survey of Local Governments
The USE AND EDEVELOPMENT OF LAND AS IT RELATES TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: **City of Satellite Beach, FL 32937**
Name/Title/Contact Info Person Responding: **City Manager, Michael Crotty**
Date: October 2, 2007

Questions/Responses:

1. Military installation located within jurisdiction and any other military installations whose activities affect residents and/or property within jurisdiction.
No military installation is located within the jurisdiction of the City of Satellite Beach, Florida.
The nearest military installation is: Patrick AFB, FL
Approximately 165 housing units serving Patrick AFB military personnel and their families are located within the City of Satellite Beach, in a military housing privatization area, annexed into the City in 2004.
Since 2004, the City of Satellite Beach has provided Fire, EMS, and Police services to the military families located within the City of Satellite Beach.
The City of Satellite Beach is not being compensated by the privatization project for the provision of Fire, EMS, and Police services.
Approximately 8.4 % of the City's ad valorem tax base value is land/improvements owned by the privatized project.

2. Describe how military activities conducted by military installation personnel affect of may affect residents and/or property within your jurisdiction.
No residential properties within the City of Satellite Beach lie within the new clear zone (crash zone) identified in 2006 by the Air Force.

3. Describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.
No land use activities are affected by the activities conducted by military personnel.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.
The City of Satellite Beach appointed the Deputy Director of Civil Engineering, (the base commander's designee) to the Comprehensive Planning Advisory Board as an ex-officio representative member. The appointee receives monthly notice of

activities regarding land use planning. The appointee is advised of issues which potentially affect the presence of military personnel living in the military housing privatization area.
Further, pursuant to SB 1604, the Deputy Director of Civil Engineering, on behalf of the base commander, presented to the land planning staff and key city leadership, the Patrick Air Force Base 10-year strategic plan related to land uses.

5. Describe what actions, if any, military installations have taking to modify or eliminate activities that negatively affect your community.
N/A

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent, or closely proximate lands with the military installation?
No.

7. If your local government has not amended its comprehensive plan, under s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.
Due to the fact that the military installation is not immediately adjacent to the military installation, the military base representative at the Florida Department of Community Affairs, has advised that the City's comprehensive plan does not need to be updated regarding this subject. The City's actions continue to be voluntary and in the spirit of cooperation between the land use personnel at Patrick Air Force Base and the City's planning director.

8. If your local government has not amended its comprehensive plan in, under s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?
No.

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Provide examples of problems, if any.
No.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Describe the process your local government uses when providing this notice.
The City of Satellite Beach appointed the Deputy Director of Civil Engineering, (the base commander's designee) to the Comprehensive Planning Advisory Board as an ex-officio representative member. The appointee receives monthly notice of activities regarding comprehensive plan changes and amendments. The appointee is advised of issues which potentially affect the presence of military personnel living in the military housing privatization area. In addition, when a comprehensive plan

change which, "if approved would affect the intensity, density or use of land adjacent to or in close proximity to a military installation", the base commander is directly sent notice of the proposed change(s).

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?
Yes.

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.
None needed as of this time.

13. Does your local government send an agenda and supporting material to the representative of military installation prior to planning meetings? If so, how many days in advance?
Minimum of seven (7) days, and maximum of thirty (30) days when required for a public hearing.

14. Does a representative of the military installation located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?
Yes. Ex-officio representative attends when matter has potential to impact military operations, or personnel.

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain.
Yes.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.
None.

17. Please provide any additional comments or suggestions.
None.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: City of Springfield, Florida
Name/Title/Contact Information of Person Responding: Teresa Cox, City Clerk 850.872.7570
Date Response is Returned: 12/10/07

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.

The City of Springfield is not affected by local military installations. The City of Springfield and Tyndall Air Force Base are separated by two other local municipalities, the City of Parker and the City of Callaway.

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

To date, there are no known military activities conducted by military installation personnel that have affected or may affect the residents and / or property within your jurisdiction.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

N / A

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

N / A

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.

N / A

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?

No.

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

No amendment is needed.

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?

No.

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

N / A

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

N / A

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

N / A

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

N / A

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?

No.

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?

No.

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.

N / A

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

N / A

17. Please provide any additional comments or suggestions.

None.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: City of Tampa
Name/Title/Contact Information of Person Responding: Randy Goers, Urban Planning Manager, 306 East Jackson Street, Tampa, FL 33609; 813-274-8694
Date Response is Returned: 12/20/07

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.

MacDill AFB

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

A portion of the City is located within the MacDill AFB Flight Path. Land located within the flight path is exposed to similar impacts of land located within civilian airport flight paths – potential accidents and noise. Because of its location at the southern tip of Interbay Peninsula, the area is subject to traffic impacts.

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

There have been increased concerns regarding noise from aircraft and increased traffic congestion.

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

a) Joint Land Use Study was completed in 2006
b) MacDill AFB representatives review all proposed plan amendments and re-zonings near the installation
c) MacDill AFB representatives sit on City's development review committee on review of development proposals
d) City has proposed to reduce maximum allowable residential densities from 10 DU/acre to 6 DU/acre (policies are being recommended in current comprehensive plan update)

e) City has acquired land (amount not available for this survey) in the flight path
f) MacDill AFB representative sits on the Hillsborough County City-County Planning Commission

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.

Not available at the time of this survey response.

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?

Some criteria have been approved in previous plan amendment cycles. Additional policies have been developed for the comprehensive plan update. Policies focus on reducing maximum allowable densities and review of proposed plan amendments.

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.

Proposed policies were delayed to address comments from both the local community and the Department of Community Affairs.

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?

Comprehensive Plan Update (due in 2008) will contain the policies that approved by members of MacDill, City of Tampa and Community interests.

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

The area within the flight path is a desirable community and has experienced increased residential development; however, because the area is nearly built out, the rate of the redevelopment may be less than what is occurring near other installations.

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

Yes. Plan Amendments and rezoning requests are sent to base planners. MacDill AFB planners also sit on the City's development review committee and the planning commission board as an ex-officio, non-voting member.

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

The base planner provides comments to the lead City planner for rezoning and special use applications in a timely manner, generally..

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

Developers have historically altered density and intensity level to a monr degree based on military comments, or have withdrawn their requests absed on those comments.

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?

Site plans and copies of applications for rezoning and special use are sent to the base planner about 3 weeks in advance of the City's development review committee meeting.

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?

The base planner attends the City's development review committee meetings on a regular basis.

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.

Generally yes, however, local land use and zoning changes are difficult to change if the area is already developed. Property owner fear of loss of property rights, potential impacts of non-conforming use designations and affect on property values tend to make difficult to reach community consensus on making major changes to existing regulations. The statutes also do not provide an absolute mandate to protect the installations by restricting growth and development, which can lead to a "watering down" of potential regulations at the local level. When dealing with the public at the local level, community concerns mixed with local politics can culminate in weaker standards than were the anticipated outcome of the State in drafting these statutes.

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

See above.

17. Please provide any additional comments or suggestions.

SURVEY OF LOCAL GOVERNMENTS

THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: City of Valparaiso (Okaloosa County), FL 32580
Name/Title/Contact Information of Person Responding: see below
Date Response is Returned: September 28, 2007

Responding:

On September 21, 2007 Valparaiso City Commission voted to provide this response. Our contact person is Ms. Lisa Algiere, City Administrator, 850-729-5402.

Note: The survey is addressed to:

Ms. Karen M. Camechis
Florida House of Representatives
Policy Chief, Government Efficiency and Accountability Council

Ms. Camechis' survey requests cities' authorization for the survey by Speaker Rubio to the staff of the House Committee on Military and Veterans Affairs.

The City is confused as to which staff (Military Affairs or Government Efficiency) is conducting the survey and would appreciate clarification.

Also included relative to the questions posed are:

- Attachment One, suggested Legislative changes
- Attachment Two, Environmental Justice Analysis
- Attachment Three, Ten Citizen Questions

September, 2007
EXECUTIVE SUMMARY OF VALPARAISO RESPONSE
FLORIDA HOUSE COMMITTEE ON MILITARY AFFAIRS SURVEY

- Valparaiso is within Eglin AFB and Eglin AFB is within Valparaiso (pop. 6,500).

- Seventy-five years ago Valparaiso donated the lands which established the base, constructing two runways, initially used for bi-planes.

- The total Northwest Florida economy is sustained by this military economic engine (20,000-30,000 direct jobs). Valparaiso lies under the exhaust pipe of this engine; now 724 square miles covering three counties plus 120,000 square miles of test ranges over the Gulf of Mexico.

- Eglin is the largest U.S. military installation on the planet. Aviation activity ('Fighter Town-USA') is expected to expand beginning in 2008 with the new F-35 aircraft, increasing five fold by 2015 (to be even greater than that at Miami International Airport).

- From an economic perspective state-wide the new F-35 aircraft is expected to bring to Northwest Florida what Disney World brought to Orange County and Orlando in the early 1970's.

- Valparaiso is substantially impacted by noise and safety zones which have been recently expanded by Eglin (2006). Aircraft have crashed in the clear zone and significantly damaged two Valparaiso homes.

- Valparaiso is not a 'growth' community – remaining substantially unchanged since the 1950's – 1960's. There is little development; commercial activity has moved elsewhere. Valparaiso is landlocked, therefore, unable to annex new land.

- No other local community, experiences these impacts nor does on-base military housing. Furthermore, the Air Force is now moving its housing even further away from noise and safety impacts.

- Approximately 20 Valparaiso homes are in the current runway clear zone. More homes and businesses are in Accident Potential Zones I and II.

- Minority and low income populations in Valparaiso appear disproportionately impacted – announced expansions (F-35) will enlarge this graphic and possibly involve special risks to children.

1. Committee on Veteran's and Military Affairs – Florida House Question

Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.

Valparaiso Response:

Eglin Air Force Base, Florida – 724 square land miles; 120,000 square miles of test ranges (Gulf of Mexico).

Eglin Air Force Base – main base industrial complex (inside the base fence) lies within the 1921 chartered corporate limits of the City of Valparaiso.

Substantial military lands (outside the base fence) also lie within the City of Valparaiso.

Generally, the lands 'within the fence' are covered by Deeds of Cession granted by the State of Florida in the 1940's; the lands 'outside the fence' are not so covered.

Approximately 80% of the lands within the 1921 Valparaiso corporate limits are ownedby Eglin Air Force Base.

Approximately 70% of the city's ad valorem tax base is land/improvements owned by Eglin Air Force Base and is hence 'immune' (tax exempt) from taxation.

Eglin Air Force Base is the sole military installation impacting Valparaiso. However, the installation is used by all U.S. military forces – Navy, Marines, Army and others (including foreign governments).

Naval installations in Escambia and Santa Rosa County as well as Tyndall Air Force Base in Bay County have substantial links to Eglin.

Overall, the Eglin installation is routinely utilized by all U.S. military services as well as foreign government customers.

Eglin is the largest U.S. military installation on the planet.

2. Committee on Veteran's and Military Affairs – Florida House Question

Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.

Valparaiso Response:

How is Valparaiso affected today?

- Approximately 20 single family homes now lie in a new clear zone (crash zone) identified in 2006 by the Air Force. These same 1960's homes existed and were dog-legged out of, i.e.

excluded from the clear zone identified by the Air Force in 1977.

An aircraft crashed on and burned two homes in 2003. These were 1960's homes.

A nearby Air Force installation study anticipates this type of tragedy to occur once every 1.9 years.

- Valparaiso has substantial development (as it did fifty years ago) in Air Force Runway 19 (Eglin) Accident Potential Zones I and II – including homes, ball fields, recreational facilities, churches, daycare, etc.. These zones were identified by Eglin in 1977. The land uses existed at the time.

Generally, there has been little addition to this development since the 1960's.

- Banking/Finance

The Air Force has advised (2006) Valparaiso that homes in these zones likely do not qualify for VA/HUD or other conventional public financial/mortgage backing.

- Demographics

Valparaiso's population is approximately 6,500.

About 500 residents live inside the Eglin Air Force Base security gate and 6,000 on the city side of the fence. All vote in PCT #15, City of Valparaiso.

Valparaiso has the lowest income profile in the south of Okaloosa County and the highest minority resident profile in the total county (Okaloosa). The future impact of Eglin Air Force Base and the F-35 will thus be disproportionate on minority/low income residents (see attachment two).

- Tax Base

Approximately 70% of the city's property tax base is immune (tax exempt) from local taxation due to Air Force ownership. Thousands of jobs from elsewhere outside Valparaiso in Northwest Florida enjoy this immunity.

- Traffic

Eglin has five gates to its industrial complex which includes today about 2500 military housing units. Three gates are in Valparaiso.

Approximately 40,000 vehicles/day travel through Valparaiso on Florida State Road 397 (originally a residential street) commuting to jobs at Eglin thru the 'East gate'.

The ‘North gate’ to Eglin through Valparaiso serves as a ‘commercial’ entrance. Generally, heavy truck traffic carrying munitions and other materials traverses Valparaiso to get to Eglin.

Valparaiso has one traffic light on Highway 397 and none at the commercial traffic gate location on Highway 85.

Routine military security precautions often back up commuter traffic at the ‘East gate’ throughout all of Valparaiso on the 397 corridor. Another gate known locally as the ‘Matador’ gate in Valparaiso is used on a limited basis for commuters.

This traffic corridor (397) currently has a FDOT level of service (LOS) rating of C (stable conditions – 50% of free flow speeds).

FDOT in 2004 advised Valparaiso that it has no funds to support an upgrade – nor has the local TPO identified this corridor as a priority (appropriately) due to substantial challenges elsewhere.

Nonetheless, it appears that by 2015 traffic can be expected to increase through Valparaiso by approximately 50% due to announced expansions of the military installation.

This may place State Road 397 in LOS “F” – representing ‘gridlock’ (impeded flow - 25-33% of free flow speeds). Gridlock already exists today when special security measures are implemented.

How might Valparaiso be affected in the future?

- Substantially.

Eglin has announced (2005) the coming by Base Realignment and Closure Committee (BRAC) of 107 new F-35 based aircraft between FY 2009 and FY 2015. Eglin is to become ‘Fighter Town – USA’ according to the Air Force.

Media reports based on Air Force comments, and those of professional consultants, indicate one of these aircraft will take-off or land every 90 seconds. If true, Eglin will become the busiest aviation facility in the State of Florida; exceeding the aeronautical activity of even Miami International Airport.

Valparaiso lies under the approach to the busiest runway at Eglin (used 50% of the time per the Air Force).

Military aviation operations are expected to increase over Valparaiso by a factor of five.

The F-35 has been characterized by the Department of Defense as "…the loudest aircraft ever constructed by the military."

The Air Force has already begun demolition of its own on-base military housing, acknowledging sensitivity to the arrival of the F-35. Unlike Valparaiso, none of this current on-base housing lies under a runway approach.

From an environmental justice perspective the F-35 will disproportionately impact a minority/low income population. (Executive Order 12898).

The Air Force has advised the city that "… (delivery) of the F-35 (will begin) in 2008."

- Bottomline:

Over the last thirty years Eglin has moved noise impacts away from its own 2,000 plus military housing units onto homes in Valparaiso (per the 2006 Air Force Study AICUZ).
In 2007 Eglin began demolition of its own housing units committing that no replacement units would be constructed in noise zones above 60 DNL.

Approximately half the City of Valparaiso lies in current noise zone 65 DNL or above. When the F-35 arrives, impacts will be worse.

Additional impacts of the F-35 will only be over the Valparaiso community with disproportionate impacts to minority and low income residents; and possibly special risks to children.

Notes

The Air Force has characterized 65 noise level with respect to residential, mobile homes, transient lodgings and school as "…not compatible (e.a.) and should be prohibited".

The measurement numbers (such as 65) are 'logarithmic' not 'linear'. According to the Air Force "… if a sound's intensity is doubled the sound level increases by 3 db, regardless of initial sound level. Thus for example 60dB + 60dB= 63 dB…".

It follows that average levels of 65 over Valparaiso is substantially more than twice as noisy than the standard the Air Force has set locally for its own housing units, transient lodgings and schools(60). The Air Force has already begun to demolish some military housing units (2007) with reported sensitivity to the coming of the F-35 and its 'noise impacts'.

3. Committee on Veteran's and Military Affairs – Florida House Question

Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel.

Valparaiso Response:

- Land use in the total City of Valparaiso is impacted negatively by military aviation operations at Eglin Air Force Base.

- No other Northwest Florida land mass is so impacted by these military aviation operations – all other impacts are spread over state waters (Choctawhatchee Bay) or uninhabited lands owned by the United States; and the Gulf of Mexico.

- The Air Force has announced that Eglin will become Fighter Town USA when the F-35 aircraft begins to arrive in 2008.

Valparaiso has no land use compatibility planning perspective which will accommodate the full use scenario impact of the F-35.

4. Committee on Veteran's and Military Affairs – Florida House Question

Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177 (6) (a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.

Valparaiso Response:

General

The city participated in an Air Force sponsored hearing regarding current (March, 2006) aviation noise impacts announced by the Air Force; and made the information available to citizens and by posting at City Hall. The subject has been discussed at most City Commission meetings since March, 2006 following the Air Force Study. The posting provided only interim information. The City has no funds with which to acquire fee simple or development rights.

No other steps have been taken as the city lacks information regarding near term and announced impact information from the military installation, i.e. the coming of the F-35 and Fighter Town – USA. The information has been requested since June, 2006. It is 'not available' to date.

Comprehensive Plan Amendments, F.S. 163.3177 (6) (a)

Joint Land Use Study (JLUS)
The City has participated in a JLUS study sponsored by Okaloosa County since June, 2006. The study as currently designed will be completed in the Fall, 2008 without the F-35 impact information.

The City applied for its own JLUS funding assistance in August, 2007 from the Department of Defense – response remains pending. Part of the City's study design proposes incorporation of the F-35 impact data.

Property Disclosures
The city has included this as part of its proposed scope-of-works in its application for JLUS funding assistance.

In essence, the City has proposed to support any state-wide initiative to adopt 'property disclosures', believing also that this should also be a good idea for identifying impacts on citizens regarding Florida's 30 commercial service airports and heavily used general aviation airports.

Valparaiso does not:

1. own the airport or military installation,
2. own the aircraft,
3. nor, does it have regulatory power over either airports, aircraft or the real estate industry in Florida.

Valparaiso has pledged in its application (Department of Defense/Office of Economic Assistance) for JLUS funding to support a state-wide initiative regarding both military installations and civil airports with respect to real estate disclosures.

5. Committee on Veteran's and Military Affairs – Florida House Question

Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.

Valparaiso Response:

Generally

None.

Other:

Based on input provided by Valparaiso in 1977 Eglin appears to have modified its aircraft operations to eliminate aircraft sortie type operations over the City (between 1977 and 2006).

However, in 1977 there was also local concern regarding aircraft maintenance run-up – there is no known documentation supporting modifications to this often late-night noise. Although Valparaiso requested this information of the military installation in March, 2006 (public hearing) no response has been provided.

Further, military aircraft operations approximately doubled at Eglin between 1977 and 2006 (35,000 to 66,000).

An examination of the Air Force studies (AICUZ 1977 vs. AICUZ 2006) indicates aviation noise has been moved away from Eglin's on-base military housing areas onto the City of Valparaiso.

In 2006 the Eglin installation advised Valparaiso that:

'In an effort to reduce the noise effects of Eglin AFB operations on surrounding communities, the installation routes flight tracks to avoid populated areas'.

However, approximately 50% (same Air Force study) of aircraft operations are currently routed over Valparaiso – even though there are three other alternatives. The other three alternatives involve take-off's/landings over undeveloped military lands or state waters.

There is no available dynamic data to indicate that the 50% (operations on Runway 19) represents an increase in air operations over Valparaiso between 1977 and 2006. What is measurable is that between 1977 and 2006 air operations have doubled; and that the noise impacts have moved away from Air Force housing on base (currently being demolished as sensitive to noise) onto the Valparaiso residential community between 1977 and 2006.

The upcoming F-35/Fighter Town USA 'unknown' impacts are scary in this context.

Valparaiso has also suggested in its application (August, 2007) to the Department of Defense Office of Economic Assistance that a professional examine with sensitivity both the military mission and community impacts and possible air operational changes at Eglin Air Force Base. Valparaiso's suggestions are specific, and to the point of examination of off-setting economics. A response remains pending.

6. <u>Committee on Veteran's and Military Affairs – Florida House Question</u>

Has your local government amended its comprehensive plan in accordance with s. 163.3177 (6) (a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?

Valparaiso Response:

No.

Valparaiso remains in communication with the Florida Secretary, Department of Community Affairs.

Valparaiso cannot reasonably update its comprehensive plan with meaningful public input absent identification of the noise impacts posed by the incoming F-35 aircraft.

Valparaiso has applied (Department of Defense/Office of Economic Assistance) for a JLUS-Phase II study to identify these impacts.

7. Committee on Veteran's and Military Affairs – Florida House Question

If your local government has not amended its comprehensive plan in accordance with s. 163.3177 (6) (a), F.S., please explain why the amendment has not been adopted.

Valparaiso Response:

Meaningful data is not available regarding the announced near term impacts of the F-35 aircraft.

Valparaiso has also requested (2006) of the Air Force a copy of the F-35 'Bed Down Study' completed in 2006. According to the study's consultant (HDR Engineering), the Bed Down Study documents the impacts of the F-35 on nearby communities such as Valparaiso.

In 2007 the Air Force denied Valparaiso's request for this report. The Mayor's appeal under the Freedom of Information Act remains pending. (September, 2007).

Bottom-line:

Valparaiso is prepared to examine appropriate amendments to its comprehensive plan whenever meaningful data is available from the military installation for public consideration.

8. Committee on Veteran's and Military Affairs – Florida House Question

If your local government has not amended its comprehensive plan in accordance with s. 163.3177 (6) (a), F.S., do you intend to adopt this amendment and, if so, by when?

Valparaiso Response:

Whenever the F-35 aircraft noise impact data becomes available from the military installation the city will begin the required amendment process.

It does not make sense to us to take the public through an update or amendment process based on information that is obsolete (absent the F-35 impact data) from a planning perspective.

9. Committee on Veteran's and Military Affairs – Florida House Question

Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.

Valparaiso Response:

Yes.

Current Use and Present Problems:

Approximately one half of the City of Valparaiso is incompatible with military activities at Eglin Air Force Base according to currently available Air Force studies.

Foreseeable Problems:

The whole of the City of Valparaiso is expected to be incompatible with military activities at Eglin Air Force Base according to some Air Force announcements regarding future impacts (F-35).

10. Committee on Veteran's and Military Affairs – Florida House Question

Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.

Valparaiso Response:

No. It is not required.

F.S. 163.3175 does not require notice (e.a.).

F.S. 163.3175 alternatively does require that:
"…. Each affected local government must transmit to the commanding officer of that installation information (e.a.) relating to proposed changes to comprehensive plans, plan amendments, and proposed changes to land development which, if approved (e.a.), would effect the intensity, density or use of land adjacent to or in close proximity to a military installation."

Since the enactment of this legislation (2005) Valparaiso has:
-proposed no changes to the City's comprehensive plan,
-proposed no comprehensive plan amendments,
-neither proposed nor approved land development '..in close proximity to a military installation'.

Hence, no "notice" has been required.

Rather, "information" has been routinely provided by the City of Valparaiso.

In Valparaiso a property owner is required to provide notice (by certified mail) to land owners within 400 feet of any land use change proposed (whether requiring a plan change/amendment or not).

Since the Air Force is a large land owner in Valparaiso such advice is routinely provided to the base commander, albeit since proposals are limited (say one every two years or so – regarding zoning or set back changes) these instances are limited.

In essence, the 'information' required by F.S. 163.3175 is provided to the base commander.

In 2004-2005 the City of Valparaiso established an ex-officio representative position for Eglin's representation on its city planning board which passes first on all decisions regarding land use. In the past two years (the board meets monthly), an Air Force representative participated in one meeting (and after receiving notice from the property owner).

The establishment of the ex-officio representative position by Valparaiso complied with F.S. 163.3175 (5).

The base owns property in Valparaiso (outside the gate); and base industrial activity and housing (inside the gate) lies in Valparaiso's corporate limits. Some base residents (inside the gate) are Valparaiso voters. As such, even absent F.S.

requirements conventional public notice regarding land use changes have been available to the military installation for many years.

No other property owner in Valparaiso has the status of 'ex-officio' membership on the City's planning board.

Finally, irrespective of F.S. 163.3175 since Eglin is a part of Valparaiso 'ex-officio' status is not a requirement – they can serve on any city board and actually 'vote'.

11. Committee of Veteran's and Military Affairs – Florida House Question

When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?

Valparaiso Response:

Not applicable – no 'notice' has been provided or is required by F.S. 163.3175. However, see below.

Other Comment:

1. In 2006 and 2007 the City of Valparaiso requested 'advice' from the installation commander by letter on two occasions. The response in both instances was a referral of Valparaiso to Okaloosa County, which, respectfully, does not have the jurisdiction to act.

2. In 2006 the Air Force study advised Valparaiso that:

"Eglin AFB personnel are prepared to participate in the continuing discussion of zoning and other land use matters as they may affect, or may be affected by the base (e.a.). Base personnel also are available to provide information, criteria, and guidelines to state, regional and local planning bodies, civic associations, and similar groups."

"Through this communication process, the Base reviews applications for development or changed use of parcel properties within the noise impact and safety areas, as well as other nearby parcels. The Base coordinates closely (e.a.) with surrounding communities and counties on zoning and land use issues."

Sadly, this has not happened in our small community.

However, Valparaiso has pursuant to its local government responsibility (same study), advised Eglin of development.

Specifically, Valparaiso has applied (August, 2007) to the Department of Defense, Office of Economic Adjustment for overall planning assistance encouraged nationally by the Air Force.

The 'study design' which accompanied the application for federal assistance includes actions pursuant to all Air Force recommendations regarding 'local community responsibilities'.

Feedback on the application for funding assistance remains pending.

Note: The application for planning assistance funding was previously suggested to Valparaiso by DOD/OEA (2000) and Okaloosa County (2006). Valparaiso is currently working with both parties to secure this assistance.

12. Committee on Veteran's and Military Affairs – Florida House Question

To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.

Valparaiso Response:

Not applicable, see response to #11. However, essentially no changes have been suggested by military personnel pursuant to F.S. 163.3175(11).

Alternatively, Valparaiso's 2006 suggestion of temporary changes (to allow time for study) to the military use of Runway 19 to mitigate safety concerns that were identified in 2006 by the Air force were rejected.

13. Committee on Veteran's and Military Affairs – Florida House Question

Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?

Valparaiso Response:

No.

Nor are they sent (on a prior basis) to City of Valparaiso Planning Board members.

The Valparaiso Planning Board meets regularly on the last Monday of each month. The military has an ex-officio seat on the board as required by F.S.
Generally, the military installation has declined to participate in these meetings.

The Air Force is an owner of lands in Valparaiso and residents of its base are voters in Valparaiso. Valparaiso has no 'wards' nor is any landowner or voter singled out for 'notice' regarding planning meetings.

In actuality, the military installation needs no ex-officio seat pursuant to F.S. in Valparaiso – they are already residents and voters.

Land use changes in the City of Valparaiso (pursuant to the Code of Ordinances) are considered via 'quasi-judicial' hearings. One such hearing is conducted by the City's Planning Board and one by the City Commission (final decision).

Due to public legal notice and other local requirements it is challenging to any property owner to compress the cycle to less than 120 days.

Generally, the public including the military installation has notice regarding the few land us change proposals that come before the City.

14. Committee Veteran's and Military Affairs – Florida House Question

Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?

Valparaiso Response:

No. See response also to question #13.

Generally, the military installation, although a large landowner in the City of Valparaiso inclusive of registered voters, has declined to participate in planning meetings.

15. Committee on Veteran's and Military Affairs – Florida House Question

Are Florida's statutes sufficient to ensure that future use and development of Land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.
Valparaiso Response:

No.

Strength: F.S. recognizes the importance of the economic engines provided by military to the state wide economy. It also provides these installations the access to local government planning. However ex-officio, this input is seriously considered by

us locally when available. But in our experience for the last two years, it is not forth coming.

Weakness: F.S. does not (and likely cannot) provide local Florida government access to military installation planning. For example, although encouraged by Chapter 163 the local military installation has declined to provide response to local planning initiatives.

However regrettable, it is incumbent on us to communicate that the legislature's Intent has become a 'one way street' with respect to sharing of planning information. We share, there has been marginal response.

In fairness, the local military installation in our case heavily supports local macro planning initiatives such as:

1. VISION 2015
2. Joint land Use Planning (JLUS)
3. Sustainable Emerald Coast Committee
4. Growth Management Study

Valparaiso participates in all of the above. However, these are all targeted at three-four county areas with broad scale objectives. They are understandably not intended to address the specific challenges of a small town adjacent/proximate/and within. Also, in fairness, the Department of Defense has recently acknowledged Valparaisos' most impacted community' status. Valparaiso will continue to work within these local process initiatives.

16. Committee on Veteran's and Military Affairs – Florida House Questions

Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

Valparaiso Response:

See attachment one.

Generally, Valparaiso suggests that Florida Statutes regarding the use of lands surrounding military aviation installations be similar to those regarding lands surrounding Florida's (30) commercial service airports. The economic impacts are similar and land use compatibility considerations should be also.

Valparaiso also suggests that Florida Statute modifications regarding Community

Redevelopment Agencies (CRA), be amended to recognize that the 'blighted' community definition be modified to included municipalities/counties impacted by 'military installations'.

This will allow communities such as Valparaiso to plan, implement and develop mitigation initiatives and with funding some small part of impacts that (in our case) will sustain our community in the exhaust of the economic engine felt over all of Northwest Florida.

17. Committee on Veteran's and Military Affairs – Florida House Question

Please provide any additional comments or suggestions.

Valparaiso Response:

4. Suggested legislation is provided via Attachment one.

5. Comments have also been provided under each question and an executive summary in preface supplied. If necessary from a format standpoint please consider them duplicated here.

6. An environmental justice analysis has been provided by Attachment Two, Valparaiso appears to have a disproportionately impacted minority/low income population impacted by the military installation.

No analysis has been provided at this writing regarding Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks (1997). Children are at greater risk to hearing damage and loss than adults (Air Force Study).

Valparaiso has one elementary school (built in 1957) and one middle school (built in 1970) proximate to Air Force aircraft noise zones (65 DNL). With projected aircraft noise impact increases coming between 2008-2015, these schools are expected to be newly within even higher noise zones.

Okaloosa County Growth Management has suggested that Valparaiso paint the city schools and everyone overall inside these zones today. 43% of the middle school population comes from the military installation. We do not know where the line will be so cannot 'paint' this line.

Other than limited protection regarding school locations proximate to civil airports covered by F.S. 333 Valparaiso is unaware of how F.S. may address this situation. Current F.S., although sensitive to Safety Zones does not appear to specifically include 'noise impacts' with respect to schools.

7. Valparaiso remains significantly concerned with any possible legislative

Modifications to F.S. 163 which can place the city afoul Florida's Bert J. Harris Act, particularly thru subsequent Florida Administrative Code adaptations.

The burden of any 'taking' through local legislation or regulation with respect to private property to 'protect' the military installation could effectively mandate our 1921 community out of existence.

ATTACHMENT ONE
SUGGESTED LEGISLATIVE CHANGES

1. F.S. Chapter 333, Airport Zoning (suggested changes) (underlines are additions)

F.S. 333.01 Definitions

(1) "Aeronautics" means transportation or use by aircraft including military aircraft; …

(2) "Airport" means any area of land or water designed or set aside for the

landing or taking off of aircraft including military aircraft and utilized or to be utilized in the interest of the public or the military for such purpose.

(10) "Runway clear zone" means a runway clear zone as defined by 14 C.F.R.

Part 151.9(b) and military aviation installation clear zones and accident prevention zones as defined by the Unified Facilities Criteria (UFC) 3-260-1, 3-260-01 as promulgated by the United States.

Note:
The references to the Unified Facilities Criteria are taken from a local Air Installation Compatible Use Zone Study.

Military aviation clear zones are different from civil airport clear zones, although the intent is generally the same. In addition, military installations go further and specify 'Accident Potential Zones I and II'. We are unaware of a civil aviation equivalent.

Valparaiso suggests to the house staff that the Florida Department of Transportation – Aviation Bureau remains the best expert to provide the appropriate reference.

BOTTOM LINE

Valparaiso believes that Florida's military aviation installations should be equally protected to the same degree that F.S. 333 provides for Florida's commercial and general aviation airports.

The suggestions regarding legislative action are provided in this context.

2. F.S. Chapter 163, Intergovernmental Programs (suggested changes) (underlines are additions)

F.S. 163.3175 Legislative findings on compatibility of development with military installations and civil airports; exchange of information between local governments, airport owners and military installations. –

(1) "… development of land close to civil airports and military installations…"

"…threatens the public safety because of accidents occurring within the areas surrounding military installations and civil airports."

"…economic vitality of a community is affected when military operations and missions or civil aviation operations must relocate because of incompatible urban development."

"…the Legislature finds it desirable for the local governments in the state to cooperate with military installations and civil aviation airports to encourage compatible land use…"

"…and facilitate the continued presence of major military installations and civil airports in this state."

(2) "Each county in which a military installation or civil airport is …located must transmit to the commanding officer of that installation or the public body owning the civil airport information relating to proposed changes to comprehensive plans…(that) would affect the intensity, density or use of the land adjacent to or in close proximity to the military installation or civil airport . Each country and affected government shall provide the military installation or civil airport owner an opportunity to review and comment on proposed changes."

(3) "…commanding officer or his or her designee or the public airport owner may provide comments…on the impact such proposed changes may have on the mission of the military installation or the civil airport." "Such comments may include:"

(3)(a) "If the military installation has an airfield whether such proposed changes will be incompatible with the safety and noise standards contained in the Air Installation Compatible Use Zone (AICUZ) adopted by the military installation for that airfield. In the case of civil aviation airport the safety and noise standards of the Federal Aviation Administration FAR Part 150 shall apply.

(3)(c) "Whether such changes are incompatible with the findings of a Joint Land Use Study (JLUS) or Florida Development of Regional Impact Statement, or Federal Environmental Impact Statement or FAR Part 150 Noise Study in the case of civil airports, if one has been completed; and

(3)(d) "Whether the military installations mission or the existing or planned aviation operation at the military installation or civil airport will be adversely affected by the proposed actions…".

(4) "The county or affected local government shall take into consideration any comments provided by the community officer or his or her designee or the owner of the civil aviation airport when making such decision regarding comprehensive planning…".

(5) "To facilitate the exchange of information…a representative of a military installation on behalf of all military installations within that jurisdiction and a representative of each civil airport owner shall be included as an ex officio, non voting member of …(the) land planning or zoning board."

(7) (a) "Affected local government" means a municipality adjacent to or in close proximity to the military installation or civil aviation airport.

(7) (c) ADD

A civil aviation airport means an "Airport" as defined by F.S. 333.01(2).

Bottom Line

Valparaiso believes that Florida's commercial and general aviation airports should be protected to the same degree as that afforded to military aviation facilities.

3. Other:

In addition, the following changes are suggested regarding section 163.340, Florida Statutes (underlines are additions).

(7) "Slum area" means an area having physical or economic conditions conductive to disease, infant morality, juvenile delinquency, poverty, or crime due to its proximity to a military installation or facility or because there is a …"

(8)"Blighted area" means an area in which there are a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property, and which two or more of the following factors are present:
….(o) proximal military installations or facilities."

ATTACHMENT TWO
ENVIRONMENTAL JUSTICE ANALYSIS

Analysis

Executive order 12898, Environmental Justice was issued by the President on February 11, 1994.

It requires identification of minority and low income populations and a determination as to whether any proposed federal action would have disproportionately high and adverse health or environmental effects on these populations.

Conventionally, in order to decide whether or not environmental/health effects would disproportionately affect minority or low income populations a Community of Comparison (COC) must be established which covers the geographic footprint.

Disproportionate impacts to minority populations occur when the percentage of minority or low income population impacted exceeds the Community of Comparison percentage.

The cursory analysis below utilizes 2005 demographics published by the Economic Development Council of Okaloosa County in 2007.

	Total Population	Minority %	Per Capita Income
* Okaloosa County	182,172	17.54%	$24,535
Valparaiso	6,565	22.18%	$20,385
Florida (2004)	17,789,864	not available	$31,469

* Community of Comparison

Valparaiso is the sole community excepting minor parts of Niceville which has residents lying in the 65-70-75 noise impact zones and the safety zones – Clear Zone, Accident Potential Zone I and Accident Potential Zone II.

Demographics regarding low income/poverty levels are not available – however, Valparaiso has the lowest income demographic in the south of Okaloosa County surrounding Eglin.

Note: Approximately (100) HUD financed low income housing units lie within Accident Potential Zone II and the 65 LDN noise impact contour (some within the 70 LDN noise contour). They were constructed twenty-five years ago and have a long waiting list.

Bottom Line

Noise impacts and safety zone impacts disproportionately impact minority populations and possibly low income populations currently. When the F-35 aircraft arrives soon, this impact is expected to increase substantially.

ATTACHMENT THREE
TEN CITIZEN QUESTIONS
AIRCRAFT NOISE IMPACTS IN VALAPARAISO

1. Question

   I live in an area of Valparaiso shown today on the city map to experience aircraft noise at the 65 -70 noise level. What does this mean?

   Answer:

It means that the average noise you experience in your yard is greater than that of vacuum cleaner running 24 hours a day – 7 days a week if you stand 10 feet away from the vacuum cleaner.

We know that when the airplane flies over it is a lot of noise and it goes away.

But the vacuum cleaner is the average of all the noise 24hrs/day – 7 days a week in your yard.

If there were no airplane noise you would average about 40 anyway which is rated at “quiet” (the crickets, dogs barking and mostly traffic). Anybody anywhere gets about 40. A soft whisper in a bedroom 5 feet away from you is rated at 30.

We know you do not run the vacuum cleaner all the time, sleep near it running, or grill hamburgers with it in the back yard 10 feet away. But, that’s the average noise

you get today. We don't know what the future will bring when the new F-35 gets here.

2. Question

   My house is in the area of Valparaiso shown today as above the 70 level. What does this mean?

   Answer:

   You have reached the 'moderately loud' level.

   At 80 (70 is a lot less) it's like standing in your kitchen 24 hours a day – 7 days a week with the garbage disposal running. Another example is a freight car train or a jackhammer, either one, about 50 feet away – again 24-7.

   70 is a lot less than 80 but you get the picture. And 70 is more than twice the noise of 65.

   A rock music concert is about 110, but you don't get any real 'pain' until 120 which is a jet take-off 200 feet away.

3. Question

   Does all this stuff cause hearing loss?

   Answer:

   According to the Air Force we know you won't be outside the house 24 hours a day.

   So, if you are in even the 75 – there is little possibility of hearing loss because of the airplanes.

   However, children are at 'special risk' as opposed to adults (according to the Air Force). We don't know what these impacts are in Valparaiso.

4. Question

   What is this noise impact doing to the property value of my home? I'm in the 65 to 70 noise area.

   Answer:

   We don't know.

However, the Air Force advised Valparaiso last year (2006) that if the bank finds out about it any buyer of your home probably won't qualify for federal mortgage insurance (such as HUD or VA) unless its insulated for noise.

When the new aircraft (F-35) arrives at Eglin starting in 2008 everyone in Valparaiso will probably be in the 65 zone, so you are not alone.

5. Question

My house is inside the 65 and has been for many years, what's wrong?

Answer:

Nothing according to the Air Force if you insulated your home to reduce airplane noise.

6. Question

My children attend Valparaiso Elementary School, are they ok?

Answer:

Good question. Today they are, far as we know. The school is between the 65 and the 70 noise impact zone.

That means they are probably ok inside the school since it has air conditioning now.

When they are on the playground we don't know – remember the vacuum cleaner. However, the school playground area/little league ball field is in Air Force Accident Potential Zone I. We will tell you about that below.

Getting back to airplane noise, we don't know yet how the coming F-35 at Eglin will impact Valparaiso Elementary. Schools should be prohibited in the 75 according to the Air Force.

This is not uncommon. Prohibited uses also include residential housing, hospitals/nursing homes/churches/outdoor sports, etc. Golf courses are allowed if the club houses are insulated.

7. Question

Tell me more about the safety stuff regarding Valparaiso Elementary?

Answer:

Ok.

About 1/3 of the school property lies in the Air Force's Accident Potential Zone I, the airplane approach to Eglin's runway 19. The school building itself appears to be outside this zone.

The line runs north/south about halfway between the buildings and the fields to the east on Aurora Avenue.

In this Accident Potential Zone I the Air Force study (2006) generally advises land use is compatible only with agriculture and limited manufacturing.

In summary, the Air Force has indicated the school's current use of its property west of the buildings themselves is not compatible with base operations due to safety reasons.

8. Question

Tell me more about these crash/accident zones?

Answer:

Ok.

Overall they cover about ¼ of the city.

They start at the end of Runway 19 on Eglin and run out well beyond College Boulevard.

About (18) homes on Andrew Drive are in the 'Clear Zone'. This is new.

The Air Force now says that the accident potential over these Andrew Drive homes "…is so high that the necessary land use restrictions would prohibit reasonable economic use of the land….it is Air Force policy to request that Congress authorize and appropriate funds to purchase the real property interests in this area to prevent incompatible land uses."

Without going into detail APZ I should be limited to agriculture/open space and not more than (1) dwelling per acre should be in APZ II (Kelly Mill Rd. to the North).

9. Question

I live on the east side of Valparaiso outside the noise and safety zones, what's happening to me?

Answer:

Good question, we don't know.

The safety zones won't move but the noise probably will. We have asked the Air Force what happens when the F-35 arrives next year. There has been no response to date.

10. (reserved)

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government:

County of Volusia *(responses pertain to unincorporated area ONLY)*

Name/Title/Contact Information of Person Responding:

Ed Isenhour, Planner III
Department of Growth and Resource Management
Division of Land Acquisition and Management
123 West Indiana Avenue, Room 201
DeLand, Florida 32720
(386)740-5261

Date Response is Returned: November 28, 2007

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1. **Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction.**

   The Department of Defense (Navy) maintains a practice bombing range over a portion of Lake George, situated within the extreme northwestern corner of the county. A couple of minor upland uses (observation towers and ancillary improvements) associated with the range are located on the eastern shore of the waterbody. The first of these is sited adjacent to the terminus of Lake George Road, within the Pine Island community. This tower is located on approximately one-half of an acre owned by the U.S. Department of Interior/Bureau of Land Management. The second tower site is located adjacent to the terminus of Nine Mile Point Road and is situated on land jointly owned by the County and the St. Johns River Water Management District.
   Staff is unaware of any other military installations, as defined in Chapter 163.3175, Florida Statutes, within the unincorporated region of the county.

2. **Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction.**

   Noise is the principal potential effect associated with the aforementioned military use. However, this potential concern is ameliorated due to the remoteness of the range and the land use pattern of the general area adjacent to the eastern shore of Lake George which is characterized by vast

acreage of conservation lands in public ownership (County, St. Johns River Water Management District, and State) and large lot residential and agricultural uses. A few, small, isolated clusters of higher intensity use (e.g. typically a mixture of residential and recreational structures such as the aforementioned Pine Island community) are scattered along the shore of Lake George.

3. **Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel**.

   Use of the aforementioned bombing range could, theoretically, be affected through prescribed burning undertaken on adjacent conservation lands. However, when properly planned and executed the use of prescribed fire will not hinder or affect use of the range. This potential concern is no different from that associated with and routinely addressed by other ranges used by the military, such as that found within the Ocala National Forest.

4. **Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property.**

   Prior to undertaking the prescribed burn of lands adjacent to Lake George, the County routinely advises and coordinates the prospective management activity with the appropriate Naval personnel. Prescribed burning may be postponed or terminated, as appropriate, based upon use of the range. Where aerial ignition is to be used during prescribed burning, prior flight clearance is obtained from the Navy.
   Existing and continued use of the range has been furthered through the efforts of the County's land acquisition program, "Volusia Forever". This twenty year program, begun in the year 2000 and funded through ad valorem assessment, provides for the acquisition and management of conservation and outdoor recreation lands. Since inception, the County has acquired over 1,200 acres in the area adjacent to the eastern shore of Lake George. Through these efforts the possibility of future residential or other potentially incompatible development adjacent to the range has been removed. The County presently manages approximately 8,000 acres of conservation land in this area.

   Existing and continued use of the range is also furthered by the Future Land Use plan of the County's Comprehensive Plan. As previously mentioned, the general area adjacent to the eastern shore of Lake George is characterized by vast acreage in public ownership and large lot residential and agricultural uses. This use is reflected by the future land use pattern of

the area which is dominated by the categories of Conservation, Forestry Resource, Agricultural Resource and Environmental Systems Corridor.

5. **Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community.**

   Unknown.

6. **Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)?**

   Volusia County was scheduled to amend the plan in our Evaluation & Appraisal Report based amendments in the 07-2 amendment cycle, but the EAR amendments were delayed to the 08-1 cycle. These should be adopted in October, 2008.

7. **If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted.**
   See #6 above.

8. **If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when?**
   See #6 above.

9. **Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any.**

   The existing use and future development of lands within the unincorporated region does not present either current or foreseeable problems with military installations or activities.

10. **Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice.**

    For comprehensive plan amendments, the military contact person notified as a "state reviewing agency" under 9J-11.009(5)(j), FAC.

11. **When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments?**

    For comprehensive planning, we have not seen any review comments and assume there no impacts to military operations.

12. **To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain.**

N/A

13. **Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how many days prior to the meeting is the material sent?**

    See #10 above.

14. **Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often?**

    No. The military contact person has been afforded the opportunity to review the comprehensive plan amendments. Should the military identify an issue during their review we would then coordinate with them to ensure consideration of their comments.

15. **Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S.**

    Yes. However, the *Jacksonville Bombing Range Complex Land Use Compatibility Study* was not received by the County until August 7, 2007. We are now trying to get the GIS files for the maps contained in the report so they will be displayed accurately in our plan.

16. **Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.**

    None.

17. **Please provide any additional comments or suggestions**.

SURVEY OF LOCAL GOVERNMENTS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Local Government: Walton County - BCC
Name/Title/Contact Information of Person Responding: Mark Martin, Budget & Staffing Mgr.
E-mail – marmark@co.walton.fl.us PH# 850-267-1955
Date Response is Returned: Oct. 2, 2007

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1. Please identify the military installation(s) located within your local government's jurisdiction and any other military installations whose activities affect residents and/or property within your jurisdiction. **Answer: Eglin AFB – Testing Range, Site C-6 radar facility**

2. Please describe how military activities conducted by military installation personnel affect or may affect residents and/or property within your jurisdiction. **Answer: A large portion of central Walton County is covered by the Eglin range and noise from the bombing can be heard in the surrounding areas to the range.**

3. Please describe how land use activities within your local government jurisdiction affect or may affect activities conducted by military installation personnel. **Answer: The surrounding area land uses and development activities near the Eglin range maybe affected by height restriction.**

4. Please describe the steps your local government has taken to ensure the compatible use and development of land affected by the activities of any military installation. Examples include amending the comprehensive plan in accordance with s. 163.3177(6)(a), F.S., participating in a Joint Land Use Study, requiring disclosure to buyers of property in areas affected by military activities, or participating in acquiring a fee interest or development rights in real property. **Answer: Walton County is participating in a JLUS with Eglin AFB, Okaloosa & Santa Rosa Counties. All development projects with possible height issues are required to obtain an approval letter from Eglin AFB. Walton County has worked with private sector and other agencies for the development of special low fly corridors. Eglin AFB has an ex-officio representative on the Walton County Planning Commission.**

5. Please describe what actions, if any, military installation(s) have taken to modify or eliminate activities that negatively affect your community. **Answer: Eglin AFB has an appointed individual for community contact.**

6. Has your local government amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., to include criteria that will be used to achieve compatibility of adjacent or closely proximate lands with the military installation(s)? **Answer: No, due to the counties work on the low fly corridor, natural buffers to the Eglin range and the Eglin range being bordered by very rural area. These types of amendments will be addressed as a part of the county's EAR review in 2008. We have Eglin noted as its on land use category on the future land use map.**

7. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., please explain why the amendment has not been adopted. **Answer: Necessity for an amendment has not been an issue due to the communication between the county and Eglin AFB on projects.**

8. If your local government has not amended its comprehensive plan in accordance with s. 163.3177(6)(a), F.S., do you intend to adopt this amendment and, if so, by when? **Answer: Walton County will review the county's future land use map as a part of the 2008 EAR response.**

9. Is the use and development of land in a manner that is incompatible with military activities a present or foreseeable problem within your jurisdiction? Please explain and provide examples of current problems, if any. **Answer: No, height of structures, compatibility issues and noise from the range work is not to a level in which surrounding areas are affected.**

10. Does your local government provide notice to each military installation commander in accordance with s. 163.3175, F.S.? Please describe the process your local government uses when providing this notice. **Answer: Yes, Eglin AFB is noticed on developments which would effect there uses via the project review notice and Eglin AFB has an ex-officio member on the Walton County Planning Commission.**

11. When provided with notice in accordance with s. 163.3175, F.S., does the military installation commander or designee provide timely and constructive comments? **Answer: Yes, Eglin AFB will provide comments back to the county via a memo addressing any concerns on a project as a part of the county's review process.**

12. To what extent have proposed changes been modified to reflect comments provided by military installation personnel in accordance with s. 163.3175, F.S.? Please explain. **Answer: The Eglin AFB comments are reviewed by county staff and incorporated into a projects staff report.**

13. Does your local government send an agenda and supporting material to the representative of military installation(s) prior to planning meetings? If so, how

many days prior to the meeting is the material sent? **Answer: Yes, information concerning Eglin AFB or a project which would affect Eglin's range area is sent to the base officials for review.**

14. Does a representative of the military installation(s) located within your local government's jurisdiction attend and participate in planning meetings? If so, to what degree and how often? **Answer: Eglin has an ex-officio position on the Planning Commission and regularly attends meetings.**

15. Are Florida's statutes sufficient to ensure that future use and development of land will be compatible with military activities conducted by Florida's military installations? Please explain, including a discussion of the strengths and weaknesses of ss. 163.3175 and 163.3177, F.S. **Answer: Yes, it appears the statutes give enough guidance and regulation for the military, state and local governments to be able to direct future development.**

16. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations. **Answer: Noise guidelines or consideration for effects on surrounding areas.**

17. Please provide any additional comments or suggestions.

APPENDIX H

RESPONSES TO SURVEY OF MILITARY INSTALLATIONS

The format of responses included in this appendix may differ from the original responses due to incompatibility of computer software.

THE USE AND DEVELOPMENT OF LAND AS IT RELATES TO FLORIDA'S MILITARY INSTALLATIONS

Air Force Response to Questions 9 and 10
Point of Contact: Lt Col Barbara Altera/Regional Environmental Counsel/888-610-7419
Date Response is Returned: 12 Oct 2007

9. Are Florida's current statutes sufficient to ensure that the use and development of land is compatible with your installation's mission? Please explain, including a discussion of ss. 163.3175 and 163.3177, F.S.

While Florida's current statutes are a solid step toward furthering important coordination
between counties and local governments, there are some gaps in coverage that could allow the use and development of land that is incompatible with an installation's mission without first providing to the installation an opportunity to comment.

More specifically, Fla. Stat. 163.3175 does not require notification to the installation commanding officer of proposed development. Instead, it only requires counties and local governments to transmit to the installation commanding officer information relating to proposed changes to comprehensive plans, plan amendments, and proposed changes to land development regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation." As with Fla. Stat. 163.3175, Fla. Stat. 163.3177 requires future land use plans to be based upon, among other items, the compatibility of uses on lands adjacent to or closely proximate to military installations. Consequently, a proposed large development that does not require a change to comprehensive plans or land development regulations but would result in a land use that is incompatible with the installation's current or planned change in mission would not trigger any notification requirement. The statute could be amended to add a requirement for notification of proposed development based on a specified development footprint (such as land area or square footage). Installations and developers would benefit from an exchange of information, and the information from the installation could prompt a developer to evaluate the need for additional noise abatement or other measures.

Also, the proposed changes described in Fla. Stat. 163.3175 that trigger notification must affect land that is "adjacent to or in close proximity" to a military installation,

which could be interpreted by a county or local government to be only a short distance from the base. Similarly, future land use plan development under Fla. Stat. 163.3177 requires consideration of compatible uses on lands “adjacent to or closely proximate” to military installations. However, certain proposed land use changes as far away as five and even ten miles from an installation could be incompatible with the installation’s mission, particularly if the base has a flying mission. For example, the Federal Aviation Administration Advisory Circular (FAA AC) No. 150/5200-33A recommends for all airports a distance of five statute miles between the farthest edge of the airport’s air operations area (AOA) and a hazardous wildlife attractant if the attractant could cause hazardous wildlife movement into or across the approach or departure airspace. Such attractants include landfills, golf courses, and the creation of new wetlands, all of which attract birds, and greater numbers of birds could increase the probability of an aircraft accident due to bird strikes.

In addition to considerations of hazardous wildlife attractants, another important consideration is the fact that base activities include those critical airspace areas authorized by the FAA through Military Operations Areas (MOAs) and Special Use Airspace (SUA). Such critical airspace allows the Air Force to train away from the base and enjoy full operational capacity of the airfield at the installation. Furthermore, noise goes beyond the lateral dimensions of the safety zones established by the Air Installations Compatible Use Zones (AICUZ)*. As a final example, noise levels due to aircraft could be greater than 75 db at distances beyond 3,000 feet from an installation. In summary, while the AICUZ for an installation is important and should be considered, incompatible land uses can arise even beyond the AICUZ.

While the definition of “military installation” in Fla. Stat. 163.3175 is broad, it does not include all areas being used by the military for training or other mission essential activities. Specifically, the definition includes land area under the jurisdiction of the Department of Defense, including any leased facilities. Lands being used under a license or written agreement, however, are not covered. The definition also does not cover areas of water that are being used by one or more of the Services for military training.

* The Air Force AICUZ plan defines three APZs: the Clear Zone, APZ 1, and APZ 2. The Clear Zone extends 3,000 feet beyond the runway and has the highest potential for accidents. APZ 1 extends 5,000 feet beyond the Clear Zone, and APZ 2 extends 7,000 feet beyond APZ 1. An accident is more likely to occur in APZ 1 than APZ 2 and more likely to occur in the Clear Zone than in either APZ 1 or APZ 2.

10. Please discuss any specific recommendations you may have to revise Florida’s statutes governing the use and development of land as it relates to Florida’s military installations.

In addition to suggestions in the response to question 9, the following recommendations are provided.

As mentioned above, noise may be a factor affecting residents who live not only in close proximity to the base but in or near flight paths. Also, regular military operations or testing that have been occurring for many years may be a surprise to a new home buyer, particular an out-of-state buyer who purchases a vacation or winter home – sight unseen -- in one of the many desirable Florida locations. Dissatisfied residents may embroil the Air Force in litigation, public complaints, and complaints to Congress seeking to force the military to cease those operations. One mechanism to minimize the possibility of a new homeowner being surprised by the presence of the military in the local area is to require a statement to be included in a contract for sale of residential property. The statement would notify the buyer that the subject property may be impacted by certain military operations and testing or be in or near flight paths.

Success of the intent of Fla. Stat. 163.3175 depends in part on the ability to identify and deter encroachment issues early in the planning process and before land agreements are consummated. Consequently, the omission of a specific time by which the notification must occur leaves open the possibility for notification to be very late in the process. The text in Fla. Stat. 163.3175(2) could state a period of time prior to a specified public hearing or meeting by which the notification must be given.

Although Fla. Stat. 163.3175(4) requires the county or affected local government to take into consideration any comments, it leaves open-ended the extent of the evaluation that must be done before the decision is made regarding comprehensive planning or land development regulation. Thus, current statutes could benefit from adding a more affirmative duty on county or local governments. One consideration is to require the county or affected local government to respond to the comments. Alternatively, the administrative record for the decision regarding comprehensive planning or land development regulation could be required to include specific findings (e.g., whether the proposed land use plan or zoning proposal will permit a use that will adversely affect the use of the nearby property as a military installation).

While Fla. Stat. 163.3175(4) requires the comments from the installation to be sent to the state land planning agency, review or action by the state land planning agency does not appear to be required. More specific direction on the scope of the review or action required of the state land planning agency could improve the chances of an incompatible land use being identified and communicated to the county or local government.

The provision allowing one military representative to be included as an ex officio, nonvoting member of the land planning or zoning board (Fla. Stat. 163.3175(5)) facilitates the exchange of information concerning land use. However, as military missions vary significantly, allowing a representative of each military installation within the jurisdiction to be included as an ex officio, nonvoting member would greatly further the intent of the statute.

The Air Force appreciates the opportunity to provide feedback on legislation addressing compatible land use and offers to engage in dialog to examine developing issues potentially affecting military installations and to address those issues in connection with local and regional planning programs. We welcome the opportunity to help develop draft text to further the intent of the State of Florida to encourage compatible land use, help prevent incompatible encroachment, and preserve and enhance the military value of installations that are present in the state.

The contributions of the Florida Forever Act (Fla. Stat. 259.105) in addressing encroachment issues warrant special note. This program has complimented military buffer efforts, as demonstrated by the successful Greenway project that includes Camp Blanding and Eglin Air Force Base. One suggestion related to the Florida Forever Act is to include within Fla. Stat. 163.3175 a requirement for county and local governments, in coordination with installation commanding officers, to identify projects or acquisitions that could be initiated based on the authorities in the Florida Forever Act and 10 U.S.C. § 2684a ("Agreements to limit encroachments and other constraints on military training, testing, and operations").

SURVEY OF MILITARY INSTALLATIONS
THE USE AND DEVELOPMENT *OF LAND* AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Navy Response to Questions 9 and 10
Point of Contact: LCDR Keith Gibel/Regional Environmental Counsel/904-542-5218
Date of Response : 15 Oct 2007

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9. Are Florida's current statutes sufficient to ensure that the use and development of land is compatible with your installation's mission? Please explain, including a discussion of ss. 163.3175 and 163.3177, F.S.

Florida's current statutes further crucial coordination between counties and local governments, but there are some gaps in coverage that have contributed to incompatible use of land, water training areas, and airspace with military installations in Florida.

One glaring gap is that current statutes only discuss development "of land" and not areas of water that are being used by one or more of the Services for military training. For instance, the proposed development of a dock in St. Andrews Bay threatened to prevent continued critical military dive training by several military Services at Panama City. Recommend the words "of land" be deleted from the current statutes when discussing proposed development compatibility with military installations and activities.

Moreover, while the definition of "military installation" in Fla. Stat. 163.3175 is broad, it does not include all areas being used by the military for training or other mission essential activities. Specifically, the definition includes land area under the jurisdiction of the Department of Defense, including any leased facilities. Lands being used under a license or written agreement, however, are not covered.

Arguably the most important aspect of ensuring compatible development with military installations is <u>notice</u> to the installation commanders about proposed development "within the operating areas" of military activities, and notice to the county and prospective homeowners about military training that may affect their areas of concern.

More specifically, <u>Fla. Stat. 163.3175 does not require notification to the installation commanding officer of proposed development</u>. Instead, it only requires counties and local governments to transmit to the installation commanding officer information relating to "proposed changes to comprehensive plans, plan amendments, and

proposed changes to land development regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation." As with Fla. Stat. 163.3175, Fla. Stat. 163.3177 requires future land use plans to be based upon, among other items, the compatibility of uses on lands adjacent to or closely proximate to military installations. Consequently, a proposed large development that does not require a change to comprehensive plans or land development regulations but would result in a land use that is incompatible with the installation's current or planned change in mission would not trigger any notification requirement.

The statute could be amended to add a requirement for notification of proposed development based on a specified development footprint. Obviously, each development area is distinct and close coordination between the respective county planning commissions and military installations within their areas of concern will be required to determine the appropriate development footprint. If there is no county guidance on the development footprint, the statute could default to requiring notification of development within five square miles of military installations and military training areas.

Additionally, the statutes could be amended to require county commissioners and local military authorities to agree on language in boat owner licenses and residential property contracts for sale and other property documents to alert new homeowners and recreational boaters to military activities that may affect their property values and use.

Vague language in the statutes may render them ineffective. The proposed changes described in Fla. Stat. 163.3175 that trigger notification must affect land that is "adjacent to or in close proximity" to a military installation, which could be interpreted by a county or local government to be only a short distance from the base. Similarly, future land use plan development under Fla. Stat. 163.3177 requires consideration of compatible uses on lands "adjacent to or closely proximate" to military installations. However, certain proposed land use changes as far away as five and even ten miles from an installation could be incompatible with the installation's mission, particularly if the base has a flying mission. For example, the Federal Aviation Administration Advisory Circular (FAA AC) No. 150/5200-33A recommends for all airports a distance of five statute miles between the farthest edge of the airport's air operations area (AOA) and a hazardous wildlife attractant if the attractant could cause hazardous wildlife movement into or across the approach or departure airspace. Such attractants include landfills, golf courses, and the creation of new wetlands, all of which attract birds, and greater numbers of birds could increase the probability of an aircraft accident due to bird strikes.

10. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

In addition to suggestions above, the following recommendations are provided.

Require Joint Land Use Studies (JLUS) be conducted in all Florida counties containing military training activities and installations and ensure resulting recommendations are implemented to the maximum extent practicable by all participating parties. The JLUS has been an effective tool in ensuring county/military communication and coordination.

Although Fla. Stat. 163.3175(4) requires the county or affected local government to take into consideration any comments, it leaves open-ended the extent of the evaluation that must be done before the decision is made regarding comprehensive planning or land development regulation. Thus, current statutes could benefit from adding a more affirmative duty on county or local governments. One consideration is to require the county or affected local government to respond to the comments. Alternatively, the administrative record for the decision regarding comprehensive planning or land development regulation could be required to include specific findings (e.g., whether the proposed land use plan or zoning proposal will permit a use that will adversely affect the use of the nearby property as a military installation).
Furthermore, 163.3175 provides for the installation to review and comment on proposed changes, but does not provide for a means for ensuring resolution of a conflict concerning proposed development. If the county or affected local government chooses to reject the installation recommendations or objections, no other options are available to the installation to pursue the issue. The legislation does not require the county or affected local government to provide any response to the installations regarding receipt of the comments or how they were considered. A written response could be provided to the installation Commanding Officer for all comments and included in specific findings.

Recommend improving Department of Community Affairs (DCA) coordination with the Military Installations. To ensure that the Navy (or other Military Service) has had full opportunity for input on proposals transmitted to the DCA by the County, it would be helpful if DCA could work more closely with the Military's representative to ensure that the Military's comments have been accurately reflected.

Recommend some additional oversight of the rezoning hearing process. Most rezoning requests are granted by the Rezoning Hearing Examiner (RHE). Despite the list of "objective criteria" to be considered by the RHE, the subjectivity of the RHE often appears to carry the most weight at a rezoning hearing. The potential for abuse increases when the same "well known advocates" for rezoning applicants appear before the same RHE, month after month. Current rezoning is confusing and does not meet the zoning districts and FLU categories throughout the County. Perhaps strengthened State oversight of local rezoning would ensure the RHE upholds the objective rezoning criteria.

The interpretation of the Comprehensive Plan large scale amendment process should be readdressed by the Legislature. Currently, it is one County's position that any number of large scale amendments can be "bundled" together to represent "one Large Scale Amendment" submission to the DCA. This effectively removes any cap as to number of applicants and total acreage affected by the requested amendments. If the Legislature's intent was to restrict the number of applications and thus the total quantity of acreage to be granted a Large Scale amendment in a given year, then the intent has been subverted by this "bundling" of many applications into one submission.

Finally, recommend revising the State Code to consider increased sound attenuation for the construction of residential and public structures with in the vicinity of airfields.
Also, there is a need for clarification for protection of low-level routes and low-level Military Operating Areas (MOA) or restricted airspace.

The contributions of the Florida Forever Act (Fla. Stat. 259.105) in addressing encroachment issues warrant special note. This program has complimented military buffer efforts, as demonstrated by the successful Greenway project that includes Camp Blanding and Eglin Air Force Base. One suggestion related to the Florida Forever Act is to include within Fla. Stat. 163.3175 a requirement for county and local governments, in coordination with installation commanding officers, to identify projects or acquisitions that could be initiated based on the authorities in the Florida Forever Act and 10 U.S.C. § 2684 ("Cooperative agreements for management of cultural resources").

The Navy appreciates the opportunity to provide feedback on legislation addressing compatible land and water use and welcomes the opportunity to help develop draft text to further the intent of the State of Florida to ensure compatible land and water use.

SURVEY OF MILITARY INSTALLATIONS

THE USE AND DEVELOPMENT OF LAND AS IT RELATES TO FLORIDA'S MILITARY INSTALLATIONS

Name of Installation: Avon Park Air Ground Training Complex
Name/Title/Contact Information of Person Responding: Pechiney/LtCol/863-452-4196
Date Response is Returned: 27 Sep 2007

1. Please identify the local government jurisdiction(s) within which your installation is physically located and any other local government jurisdictions that are affected by military activities conducted by personnel stationed at your installation.

Highlands County, Okeechobee County, Osceola County, Polk County, City of Avon Park, City of Frostproof

2. Please describe the military activities conducted by personnel stationed at your installation that may affect the use and development of land in close proximity to your installation as well as the use and development of any other lands in Florida.

Provide DoD and Allied users a full spectrum training facility focused on air-ground operations. The complex maintains unique target sets, training sites, and state of the art scoring systems in battle space designated for fire and maneuver. Infrastructure supports any size unit up to and including composite large force exercises.

3. Is there a current or foreseeable conflict between your installation's mission and the use and development of land affected by activities conducted by personnel stationed at your installation? This includes land in close proximity to your installation as well as any other land affected by your installation's military activities. Please explain and describe any existing or potential uses of land that currently or may interfere with your installation's mission.

The potential for land development activities presents possible conflicts between these activities and the military mission. A Joint Land Use Study (JLUS) is currently underway to identify issues and develop a comprehensive plan to avoid future conflicts.

4. Have the local governments adjacent or closely proximate to your installation, as well as any other local governments whose lands are affected by activities conducted by your installation, adopted land use compatibility criteria in their local comprehensive land use plan sufficient to address current and possible future land use compatibility issues? If not, please suggest specific actions that the local governments may take to alleviate compatibility concerns.

Refer to No. 3 above.

5. Has your installation designated a single point of contact for coordinating land use planning activities with local governments? If so, who is that contact?

Mr. Ron Riedel/863-452-7110

6. Do the local governments within which your installation is located provide notice to the base commander in accordance with s. 163.3175, F.S., and does the base commander or a designee provide timely and constructive comments?

Yes. The county government provides frequent notice of zoning actions and gives the opportunity to comment. In the last two years, none of these notices have been on issues that would cause an impact to Air Force operations.

7. If comments are provided by the base commander or designees in accordance with s. 163.3175, F.S., do the local governments generally incorporate those comments into proposed changes that may affect the installation's mission?

The situation described in question No. 7 has not occurred. There has been no need to provide comment in the last two years.

8. Does a representative of the military installation attend and participate in local government or regional planning meetings? If so, to what degree and how often?

Yes. Participation occurs when the situation warrants. In the last two years this has occurred only once, and Air Force participation was limited to attendance and information gathering.

9. Are Florida's current statutes sufficient to ensure that the use and development of land is compatible with your installation's mission? Please explain, including a discussion of ss. 163.3175 and 163.3177, F.S.

[Please see the consolidated response for Question 9.]

10. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

[Please see the consolidated response for Question 10.]

11. Please provide any other comments or suggestions.

None.

SURVEY OF MILITARY INSTALLATIONS

THE USE AND DEVELOPMENT OF LAND AS IT RELATES TO FLORIDA'S MILITARY INSTALLATIONS

Name of Installation: Marine Corps Support Facility – Blount Island

Name/Title/Contact Information of Person Responding:

Kim Weisenburger
Head, Installation Management Office
Work: (904) 696-5154
Cell: (912) 322-1563
Fax: (904) 696-5681
WeisenburgerKD@bic.usmc.mil

Date Response is Returned: October 2, 2007

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12. Please identify the local government jurisdiction(s) within which your installation is physically located and any other local government jurisdictions that are affected by military activities conducted by personnel stationed at your installation.

City of Jacksonville, Florida; Duval County; State of Florida

13. Please describe the military activities conducted by personnel stationed at your installation that may affect the use and development of land in close proximity to your installation as well as the use and development of any other lands in Florida.

Activities at the Command are industrial in nature. The Command performs maintenance and repair of military equipment, storage of equipment and supplies, loading and unloading of military cargo ships, throughput of equipment and supplies, and operation of an equipment test track. Blount Island is completely surrounded by the St. Johns River and beyond the river the land uses are primarily residential with some industry, agricultural and conservation areas. Because the St. Johns River is a natural barrier around the Island, no non-industrial land uses are directly contiguous to the Island.

14. Is there a current or foreseeable conflict between your installation's mission and the use and development of land affected by activities conducted by personnel stationed at your installation? This includes land in close proximity

to your installation as well as any other land affected by your installation's military activities. Please explain and describe any existing or potential uses of land that currently or may interfere with your installation's mission.

At the present time; there is no current or foreseeable conflicts between Blount Island Command's mission and the existing or potential uses of land adjacent to or in close proximity to the installation. It is noted that approximately 9 months ago, JAXPORT was considering locating a new cruise ship terminal just out side the north entrance to the command. However, JAXPORT has recently determined that a new cruise ship terminal at this north entrance location is not feasible.

15. Have the local governments adjacent or closely proximate to your installation, as well as any other local governments whose lands are affected by activities conducted by your installation, adopted land use compatibility criteria in their local comprehensive land use plan sufficient to address current and possible future land use compatibility issues? If not, please suggest specific actions that the local governments may take to alleviate compatibility concerns.

The local governments adjacent or closely proximate to Blount Island have adopted land use compatibility criteria in their local comprehensive land use plan sufficient to address current and possible future land use compatibility issues. If there are any significant changes to their local comprehensive land use plan, the local government should provide notice to the base commander in accordance with s. 163.3175, F.S.

16. Has your installation designated a single point of contact for coordinating land use planning activities with local governments? If so, who is that contact?

Kim Weisenburger
Head, Installation Management Office
Work: (904) 696-5154
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WeisenburgerKD@bic.usmc.mil

17. Do the local governments within which your installation is located provide notice to the base commander in accordance with s. 163.3175, F.S., and does the base commander or a designee provide timely and constructive comments?

The base commander is informed if proposed changes to comprehensive plans, plan amendments, and land development regulations would affect the intensity, density, or use of land adjacent to Blount Island. If said changes affect the mission of Blount Island Command, the base commander will provide

timely and constructive comments to the local government having jurisdiction in an effort to alleviate the conflict.

18. If comments are provided by the base commander or designees in accordance with s. 163.3175, F.S., do the local governments generally incorporate those comments into proposed changes that may affect the installation's mission?

There have not been any recent significant proposed land development or use changes that have required correspondence between the base commander and the local government.

19. Does a representative of the military installation attend and participate in local government or regional planning meetings? If so, to what degree and how often?

The base commander attends as required and would address any planning issues that would directly affect Blount Island Command's mission.

20. Are Florida's current statutes sufficient to ensure that the use and development of land is compatible with your installation's mission? Please explain, including a discussion of ss. 163.3175 and 163.3177, F.S.

Blount Island Command believes that the current statutes are sufficient to ensure that the use and development of land is compatible with the installation's mission. This statement is predicated on the assumption that local governments continue to inform Blount Island Command of any proposed changes to comprehensive plans, plan amendments, and land development regulations which would affect the intensity, density, or use of land adjacent to Blount Island in accordance with s. 163.3175, F.S., and that the guidelines outlined in s. 163.3177, F.S. are followed for the required and optional elements of a comprehensive plan. Assuming that these statutory requirements are followed, Blount Island Command's mission should not be impacted

21. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

None.

22. Please provide any other comments or suggestions.

None.

SURVEY OF MILITARY INSTALLATIONS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Installation: Camp Blanding Joint Training Center
Name/Title/Contact Information of Person Responding: 2LT Anna M. Peck
Date Response is Returned:

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1. Please identify the local government jurisdiction(s) within which your installation is physically located and any other local government jurisdictions that are affected by military activities conducted by personnel stationed at your installation.

The surrounding government Jurisdiction(s) are: Physically located in Clay County and borders Bradford County on western border

2. Please describe the military activities conducted by personnel stationed at your installation that may affect the use and development of land in close proximity to your installation as well as the use and development of any other lands in Florida.

Typical training on the installation that effects surrounding communities are the use of various military aircraft, heavy weapons such as Multiple Launch Rocket System (MLRS), field artillery, crew served and small arms weapons, and other military explosive ordnance that are utilized for military operations during day and night hours.

3. Is there a current or foreseeable conflict between your installation's mission and the use and development of land affected by activities conducted by personnel stationed at your installation? This includes land in close proximity to your installation as well as any other land affected by your installation's military activities. Please explain and describe any existing or potential uses of land that currently or may interfere with your installation's mission.

There is no foreseeable conflict as Bradford County has adopted a change to their Comprehensive Plan to include a three-mile military buffer zone around the border of Camp Blanding. Clay County will adopt their Comprehensive Plan Amendment on September 25 @ 1900. Due to increased military involvement as a result of events on 9/11 the military mission is continuing to change as its support the Global War on Terrorism. Without this military buffer zone and adoption of these comp plans, the potential for residential sub-divisions being constructed or purchase of small horse ranch or livestock developments will increase

the number of noise complaints from land and homeowners and have a serious impact to future training operations. This would adversely affect the installation's ability to support the existing and projected mission changes of the military in the future.

4. Have the local governments adjacent or closely proximate to your installation, as well as any other local governments whose lands are affected by activities conducted by your installation, adopted land use compatibility criteria in their local comprehensive land use plan sufficient to address current and possible future land use compatibility issues? If not, please suggest specific actions that the local governments may take to alleviate compatibility concerns.

In coordination with The Department of Community Affairs, Clay and Bradford Counties, as well as Camp Blanding, we have established a three-mile military buffer zone that limits growth along Camp Blanding's borders. The new density is one unit per ten acres.

5. Has your installation designated a single point of contact for coordinating land use planning activities with local governments? If so, who is that contact? **Yes, 2LT Anna M. Peck, Planning Consultant, Department of Military Affairs, Florida National Guard**

6. Do the local governments within which your installation is located provide notice to the base commander in accordance with s. 163.3175, F.S., and does the base commander or a designee provide timely and constructive comments? **Yes**

7. If comments are provided by the base commander or designees in accordance with s. 163.3175, F.S., do the local governments generally incorporate those comments into proposed changes that may affect the installation's mission? **Yes**

8. Does a representative of the military installation attend and participate in local government or regional planning meetings? If so, to what degree and how often? **Yes, 2LT Anna M. Peck attends the Planning and Zoning meetings for Clay and Bradford Counties. These meetings are held once a month and she acts on behalf of the Adjutant General for the Florida National Guard and the Commander of Camp Blanding as an ex- offico member of the Planning and Zoning Board during these meetings to review all planning actions that relate to the Camp Blanding military installation.**

9. Are Florida's current statutes sufficient to ensure that the use and development of land is compatible with your installation's mission? Please explain, including a discussion of ss. 163.3175 and 163.3177, F.S. **Yes, In accordance with both ss. 163.3175 and ss163.3177, the local governments adjacent to Camp Blanding are adhering to each section listed which applies to them.**

10. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations. **N/A**

11. Please provide any other comments or suggestions.

With the projected development and fielding of an ever increasing number of Unmanned Aerial Vehicles (UAV) as a part of the army's inventory of equipment requiring extensive operator training, air space management will also become a critical issue for military training facilities. Although the Federal Aviation Administration is primarily responsible for air space management, small civilian airfields in close proximity to military installations that support general aviation should be included in land development initiatives.

SURVEY OF MILITARY INSTALLATIONS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Installation: Cape Canaveral Air Force Station (CCAFS)
Name/Title/Contact Information of Person Responding: Mr. William J. Gibson, Deputy Range/Base Civil Engineer
Date Response is Returned:

1. Please identify the local government jurisdiction(s) within which your installation is physically located and any other local government jurisdictions that are affected by military activities conducted by personnel stationed at your installation.

CCAFS is located in Brevard County north of Port Canaveral and the City of Cape Canaveral.

2. Please describe the military activities conducted by personnel stationed at your installation that may affect the use and development of land in close proximity to your installation as well as the use and development of any other lands in Florida.

Space land and sea launch, space launch recovery, launch tracking, launch weather monitoring, satellite processing, storage and handling of fuels, explosive ordnance disposal, naval launch operations, aircraft takeoff and landing.

3. Is there a current or foreseeable conflict between your installation's mission and the use and development of land affected by activities conducted by personnel stationed at your installation? This includes land in close proximity to your installation as well as any other land affected by your installation's military activities. Please explain and describe any existing or potential uses of land that currently or may interfere with your installation's mission.

A foreseeable conflict could be Brevard County developers requesting to use current conservation areas on CCAFS to mitigate for developing on existing or potential scrub-jay habitat. This would reduce the area on CCAFS that could be developed for mission purposes.

4. Have the local governments adjacent or closely proximate to your installation, as well as any other local governments whose lands are affected by activities conducted by your installation, adopted land use compatibility criteria in their local comprehensive land use
plan sufficient to address current and possible future land use compatibility issues? If not, please suggest specific actions that the local governments may take to alleviate compatibility concerns.

Yes.

5. Has your installation designated a single point of contact for coordinating land use planning activities with local governments? If so, who is that contact?

Yes. Mr. William J. Gibson; Email: william.gibson@patrick.af.mil; Phone: (321) 494-4041

6. Do the local governments within which your installation is located provide notice to the base commander in accordance with s. 163.3175, F.S., and does the base commander or a designee provide timely and constructive comments?

Local communities provide notices of planning meetings and minutes to Mr. Gibson.

7. If comments are provided by the base commander or designees in accordance with s. 163.3175, F.S., do the local governments generally incorporate those comments into proposed changes that may affect the installation's mission?

Yes.

8. Does a representative of the military installation attend and participate in local government or regional planning meetings? If so, to what degree and how often?

Brevard County, Port Canaveral and the City of Cape Canaveral have frequent meetings with Mr. Gibson about compatibility issues. An agreement reached with local planning boards is that they will notify us in advance of any business that may impact CCAFS. If there are any such items, we send a representative to those meeting(s).

9. Are Florida's current statutes sufficient to ensure that the use and development of land is compatible with your installation's mission? Please explain, including a discussion of ss. 163.3175 and 163.3177, F.S.

[Please see the consolidated response for Question 9.]

10. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

[Please see the consolidated response for Question 10.]

11. Please provide any other comments or suggestions.

None at this time.

SURVEY OF MILITARY INSTALLATIONS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Installation: Eglin Air Force Base, Florida
Name/Title/Contact Information of Person Responding:
Larry T. Greene
Chief, Eglin Mission Enhancement Office
101 West D Ave, Suite 222
Eglin AFB, FL 32542-5492
Phone: (850)882-3283
Email: larry.greene@eglin.af.mil
Date Response is Returned: 28 September 2007

1. Please identify the local government jurisdiction(s) within which your installation is physically located and any other local government jurisdictions that are affected by military activities conducted by personnel stationed at your installation.

Eglin is one of the largest military bases in the world, covering 724 square miles of reservation, 126,000 square miles of water ranges in the Gulf of Mexico and 134,000 square miles of airspace. Eglin physically spans three counties, Santa Rosa, Okaloosa and Walton and has an additional 750 acres on Cape San Blas in Gulf County. In addition to the counties affected by Eglin activities, ten different municipalities are located near the Eglin boundary and are affected by military activities. These include Navarre, Crestview, DeFuniak Springs, Freeport, Niceville, Valparaiso, Shalimar, Destin, Mary Esther and Fort Walton Beach.

2. Please describe the military activities conducted by personnel stationed at your installation that may affect the use and development of land in close proximity to your installation as well as the use and development of any other lands in Florida.

Eglin is the headquarters of the Air Armament Center (AAC) and is responsible for development, acquisition, testing, deployment and sustainment of all air-delivered weapons. Eglin is unique because of the depth and breadth of testing and training that occurs here and the fact that Eglin has the only "supersonic range" east of the Mississippi. Mission activities fall into four broad categories: weapon system research, development, test and evaluation; training; space operations; and installation support. BRAC 2005 decisions will bring new missions to Eglin. BRAC designated Eglin as the initial Integrated Training Center (ITC) for the new Joint Strike Fighter (F-35) aircraft. The ITC will bring more than one hundred additional aircraft to Eglin. BRAC also brings the Army's 7th Special Forces Group to Eglin from Ft. Bragg, NC. The 7th SFG will require more than a dozen additional training ranges on Eglin.

3. Is there a current or foreseeeable conflict between your installation's mission and the use and development of land affected by activities conducted by personnel stationed at your installation? This includes land in close proximity to your installation as well as any other land affected by your installation's military activities. Please explain and describe any existing or potential uses of land that currently or may interfere with your installation's mission.

Yes. The Northwest Florida region has experienced significant growth during the past few years. Because of the beautiful beaches and warm weather, the entire region is facing development pressures both along the coast and further inland. Local communities have been growing and expanding rapidly with retirement and resort developments. Future development along Eglin's borders can create potential safety concerns and noise complaints from the public from exploding ordnance, aircraft takeoffs and landings and low-level flight profiles. Encroachment issues could ultimately require adjustments to Eglin's operations, thus reducing operational realism of test and training.

4. Have the local governments adjacent or closely proximate to your installation, as well as any other local governments whose lands are affected by activities conducted by your installation, adopted land use compatibility criteria in their local comprehensive land use plan sufficient to address current and possible future land use compatibility issues? If not, please suggest specific actions that the local governments may take to alleviate compatibility concerns.

Yes. Local governments around Eglin are supportive of the military mission and work closely with the base to help avoid potential encroachment issues. Eglin representatives serve on county and city growth planning boards as non-voting "ex officio" members. Planning boards meet on a monthly basis. Eglin participation promotes compatible development by making recommendations on proposed development projects and land use changes. Eglin's Mission Enhancement Committee, chaired by Bob Arnold, is responsible for ensuring compatibility between the military mission, economic development, and community needs. Santa Rosa, Okaloosa and Walton Counties are currently working with Eglin to conduct a Joint Land Use Study (JLUS). JLUS is a cooperative land use planning effort between military installations and surrounding communities that promotes compatible military-community growth by preventing urban encroachment; safeguarding the military mission; and protecting the public health, safety, and welfare. First draft of JLUS is on track to be available in early 2008. Additionally, the Eglin Installation Commander is the vice-chair of the Eglin Installation Growth Committee which is a tri-county planning effort funded by grants from the Office of Economic Adjustment (OEA) to effectively accommodate BRAC growth to the region. Also, Eglin is represented by Mr. Bob Arnold on the Sustainable Emerald Coast Committee which is a parallel

planning effort funded by the state to insure compatible land use and the implementation of effective growth strategies for the NW Florida region.

5. Has your installation designated a single point of contact for coordinating land use planning activities with local governments? If so, who is that contact?

Yes. Eglin's Mission Enhancement Office is Eglin's single point of contact for coordinating land use planning activities with local community. Larry Greene is Chief of the Mission Enhancement Office. His contact information is provided below.
Larry T. Greene Chief, Eglin Mission Enhancement Office
101 West "D" Avenue, Suite 222 Eglin AFB, FL 32542-5492
Phone: (850) 882-3283
FAX: (850) 882-9512
DSN: 850-882-3283

6. Do the local governments within which your installation is located provide notice to the base commander in accordance with s. 163.3175, F.S., and does the base commander or a designee provide timely and constructive comments?

Yes. Local governments typically provide agendas and read-ahead packages to Eglin's Mission Enhancement Office five working days prior to planning meetings. Mission Enhancement Office personnel serve on local county and city growth planning boards as non-voting "ex officio" members. Planning boards meet on a monthly basis. Eglin participation promotes compatible development by making recommendations on proposed development projects and land use changes. Eglin's Mission Enhancement Committee, chaired by Bob Arnold, is responsible for ensuring compatibility between the military mission, economic development, and community needs.

7. If comments are provided by the base commander or designees in accordance with s. 163.3175, F.S., do the local governments generally incorporate those comments into proposed changes that may affect the installation's mission?

Yes. In general, local communities recognize the economic benefit the military provides to the area and are supportive of Eglin's current and future missions.

8. Does a representative of the military installation attend and participate in local government or regional planning meetings? If so, to what degree and how often?

Yes. Mission Enhancement Office personnel serve on local county and city growth planning boards as non-voting "ex officio" members. Planning boards typically meet on a monthly basis.

Mr. Bob Arnold represents Eglin on the Committee for Sustainable Emerald Coast (CSEC), a regional planning committee established by Florida Governor. CSEC meets on a monthly basis. CSEC's final report is to be presented to the Governor in January 2008.

Col. Dean Clemons, 96ABW/CC, serves on the Eglin Installation Growth Committee (EIGC) Executive Committee. This regional planning committee is chartered to foster/promote compatible military-community growth, consists of a twelve member executive committee with eleven sub-committees. The sub-committees are Transportation, Public Safety, Environmental, Public Health, Citizens Advisory, Economic Development, Education, Utilities, Housing, Planning and Military. The EIGC is responsible for developing a Growth Management Plan for the Santa Rosa, Okaloosa and Walton County region.

9. Are Florida's current statutes sufficient to ensure that the use and development of land is compatible with your installation's mission? Please explain, including a discussion of ss. 163.3175 and 163.3177, F.S.

[Please see the consolidated response for Question 9.]

10. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

[Please see the consolidated response for Question 10.]

11. Please provide any other comments or suggestions.

Consideration by the State encouraging landowners to participate in conservation easements through Florida Forever programs or other Land Trust Alliance organizations could be a positive for strengthening the military mission and also provide a synergistic activity encouraging conservation of natural resources. As Florida's natural resources are a primary reason for its abundant tourist industry and all partners would benefit from this important conservation effort.

- Re-capitalize Florida's Military Buffering Program (i.e. Florida Forever)
- Ensure that planning relating to alternative energy proposals within or in immediate vicinity of the state include representation from potentially affected DoD bases
- Resource and expand the influence/authority of the Florida Defense Alliance
- Continue support for the military position regarding oil/gas leases in the Gulf of Mexico

- Continue support for military friendly legislation in the areas such as property tax and home insurance relief and improved employment opportunities.

SURVEY OF MILITARY INSTALLATIONS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Installation: Homestead Air Reserve Base, 482d Fighter Wing, Homestead FL
Name/Title/Contact Information of Person Responding: Col Dennis Daley, 482d FW Mission Support Group Commander
Date Response is Returned: 27 Sep 2007

1. Please identify the local government jurisdiction(s) within which your installation is physically located and any other local government jurisdictions that are affected by military activities conducted by personnel stationed at your installation.

482d Fighter Wing Response: Homestead Air Reserve Base enjoys proprietary jurisdiction within Miami-Dade County, and to some extent the City of Homestead, as Homestead ARB lies within Miami-Dade County jurisdiction, but the flight paths and approach corridors for the primary runway lie within the city boundaries of Homestead.

2. Please describe the military activities conducted by personnel stationed at your installation that may affect the use and development of land in close proximity to your installation as well as the use and development of any other lands in Florida.

482d Fighter Wing Response: The mission of Homestead ARB is to fly F-16 aircraft in preparation for supporting the Global War on Terrorism (GWOT). Frequent arrivals and departure of these fighter aircraft affect areas identified in the Air Installation Compatibility Use Zone (AICUZ) Study where accident potential could exist based on historical data from all Air Force Base nationwide. These zones are termed Accident Potential Zone I, Accident Potential Zone II, and Clear Zones – which extend approximately three miles off each end of the primary runway and are approximately 3,000 feet wide. In addition to Accident Potential Zones defined in the AICUZ, the Land Use Compatibility guidelines also study average noise contours generated by base assigned and transient aircraft operations. Noise contours where average aircraft operations noise levels are 65db to 80db are displayed in the AICUZ Study as well.

The mission of Homestead ARB continues to expand with the addition of aircraft and personnel, both active and reserve. Consequently, Homestead ARB and the United States Government maintain an active interest in surrounding land use, which will impact or encroach upon current and future operations.
Note 1: Urban infringement into these AICUZ derived boundaries defines the actual encroachment level for the installation. Note 2: Base assigned aircraft frequently use the gunnery range at Avon Park Florida (near Sebring) and Pinecastle Range Florida (near Ocala). In addition to these two ranges, base aircraft frequently fly in

over-water training ranges in the Gulf of Mexico and Straits of Florida. Loss of range operating capability equals a loss in mission training and combat capability.

3. Is there a current or foreseeable conflict between your installation's mission and the use and development of land affected by activities conducted by personnel stationed at your installation? This includes land in close proximity to your installation as well as any other land affected by your installation's military activities. Please explain and describe any existing or potential uses of land that currently or may interfere with your installation's mission.

482d Fighter Wing Response: Urban development near and around the APZ I/II areas located in both Miami-Dade County and City of Homestead areas is a constant threat. Locating dense or planned urban development in these areas, or deviating from the present agricultural zoning to greater that light industrial zoning could hamper future mission accomplishment at Homestead ARB. Additionally, "zoning creep" where owners attempt to expand or increase the density of their operation through the variance process is a significant threat as well. As noted above, the addition of both aircraft and personnel creates heightened awareness and vigilance regarding encroachment issues.

4. Have the local governments adjacent or closely proximate to your installation, as well as any other local governments whose lands are affected by activities conducted by your installation, adopted land use compatibility criteria in their local comprehensive land use plan sufficient to address current and possible future land use compatibility issues? If not, please suggest specific actions that the local governments may take to alleviate compatibility concerns.

482d Fighter Wing Response: Yes. In addition, a recent Joint Land Use Study (JLUS) was completed that included local land owners, Miami-Dade County, City of Homestead, various local interests, and the military. This JLUS yielded significant recommendations that benefited both the military and local landowners, and is awaiting adoption by the Miami-Dade County and City of Homestead Commissions. These partnership agreements are seen as crucial tools to both maintain the interests of the United States, and to educate and inform the surrounding civilian government and civic leaders regarding the strategic importance of Homestead ARB.

5. Has your installation designated a single point of contact for coordinating land use planning activities with local governments? If so, who is that contact?

482d Fighter Wing Response: Yes – Mr. Larry Ventura, Base Civil Engineering / Environmental Flight Chief, 305-224-7163
Note 1: Due to the rapid urban growth and expansion in and around Homestead ARB since 2005, the base has retained an environmental consultant at a cost of over $60,000 per year. The fundamental purpose of this contract is to maintain dialogue with local planning agencies at the county and city levels, ensuring the

base is notified of applications for construction that may encroach on the base or its mission.

6. Do the local governments within which your installation is located provide notice to the base commander in accordance with s. 163.3175, F.S., and does the base commander or a designee provide timely and constructive comments?

482d Fighter Wing Response: As noted in response 5 above, Miami-Dade County and the City of Homestead have a very good dialogue with the base regarding encroachment, but the need for additional monitoring and dialogue of planning and zoning initiatives was needed to ensure the base was kept fully informed of developing issues in a timely manner. Examples of issues where development proposals reached a point of land lease or purchase without full base consideration or awareness were; 1) the proposal to build two towers in close proximity to the base aircraft traffic pattern, that although approved by the FAA, still infringed on the base aircraft flying operations 2) sale of land to construct a multi-story federal building in APZ II, where the original intent of this building could have violated encroachment standards.

7. If comments are provided by the base commander or designees in accordance with s. 163.3175, F.S., do the local governments generally incorporate those comments into proposed changes that may affect the installation's mission?

482d Fighter Wing Response: Yes – but it is important to always consider that the adoption of the base's recommendation may or may not be politically favorable to elected commission bodies, and that commission's may be pro-military or not, which truly decides the fate of the issue. In this case, a city or county commission that is militarily-neutral or pro-urbanization and development could have a long-term and irreversible affect on encroachment.

8. Does a representative of the military installation attend and participate in local government or regional planning meetings? If so, to what degree and how often?

482d Fighter Wing Response: Yes – our encroachment consultant is contracted to attend these forums and as need arises, a military representative will attend to speak for the base.

9. Are Florida's current statutes sufficient to ensure that the use and development of land is compatible with your installation's mission? Please explain, including a discussion of ss. 163.3175 and 163.3177, F.S.

[Please see the consolidated response for Question 9.]

10. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

[Please see the consolidated response for Question 10.]

11. Please provide any other comments or suggestions.

482d Fighter Wing Response: Homestead Air Reserve Base is the second largest employer in south Dade County and the City of Homestead – second only to the county school district. The 482d Fighter Wing's annual economic impact to the local community in 2006 exceeded $190,000,000, and the recent growth of the mission due to 2005 BRAC decisions indicate an annual impact in 2007 and beyond in excess of $210,000,000.

Additionally, the Air Force Chief of Staff recently announced that Homestead ARB will be part of the Total Force Initiative, where the 482d Fighter Wing will receive an additional active duty unit of approximately 150-200 members. This mission expansion is a prime example where, as the largest local employer, the base possesses the potential for significant and unmatched added growth and economic contribution for future years. Providing statutory and regulatory safeguards that ensure future mission capability is critical to military-derived economic expansion at state and local levels in the future.

SURVEY OF MILITARY INSTALLATIONS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Installation: Hurlburt Field
Name/Title/Contact Information of Person Responding:
Glenn Lattanze
Base Community Planner
1 SOCES/CECP
Hurlburt Field, FL 32544
Office Phone: 850-884-6439
Date Response is Returned: XX Sept 2007

1. Please identify the local government jurisdiction(s) within which your installation is physically located and any other local government jurisdictions that are affected by military activities conducted by personnel stationed at your installation.

Answer: Hurlburt Field is approximately 6,500 acres, located in Okaloosa County on the Florida panhandle, approximately 35 miles east of Pensacola , Florida . Adjacent to Hurlburt Field on the north and west is Eglin Air Force Base and adjacent to the east are the cities of Mary Esther and Fort Walton Beach. The south side of the Hurlburt Field fronts Santa Rosa Sound.

2. Please describe the military activities conducted by personnel stationed at your installation that may affect the use and development of land in close proximity to your installation as well as the use and development of any other lands in Florida.

Answer: The three main military activities that may affect the use and development of land close to Hurlburt are:
a. Special Operations night training - Night Vision Goggles used by pilots and ground teams requires mitigation of light sources from civilian activities bordering the Eglin Range Complex.
b. Low level flight operations that enter and exit the Eglin Range Complex create noise that cannot be avoided.
c. Military live-fire weapons training is a potential hazard to any civilian use of lands close to the border of Eglin Range.

3. Is there a current or foreseeable conflict between your installation's mission and the use and development of land affected by activities conducted by personnel stationed at your installation? This includes land in close proximity to your installation as well as any other land affected by your installation's military activities. Please explain and describe any existing or potential uses of land that currently or may interfere with your installation's mission.

Answer: Encroachment of residential developments near the border of Eglin Range

leads to complaints by residents. Planning and zoning agencies should attempt to preclude residential developments within two miles of the range to avoid unacceptable aircraft noise levels and excessive lighting around the developments which would interfere with nightvision goggle operations.

4. Have the local governments adjacent or closely proximate to your installation, as well as any other local governments whose lands are affected by activities conducted by your installation, adopted land use compatibility criteria in their local comprehensive land use plan sufficient to address current and possible future land use compatibility issues? If not, please suggest specific actions that the local governments may take to alleviate compatibility concerns.

Answer: Local governments around Hurlburt are supportive of the military mission and work closely with the base to help avoid potential encroachment issues. Hurlburt representatives serve on county and city growth planning boards as non-voting "ex officio" members. Planning boards meet on a monthly basis. Hurlburt participation promotes compatible development by making recommendations on proposed development projects and land use changes. Hurlburt also has representatives on Eglin's Mission Enhancement Committee, chaired by Bob Arnold, which is responsible for ensuring compatibility between the military mission, economic development, and community needs. Santa Rosa, Okaloosa and Walton Counties are currently working with Eglin and Hurlburt to conduct a Joint Land Use Study (JLUS). A JLUS is a cooperative land use planning effort between military installations and surrounding communities that promotes compatible military-community growth by preventing urban encroachment; safeguarding the military mission; and protecting the public health, safety, and welfare. The first draft of the JLUS is on track to be available in early 2008.

5. Has your installation designated a single point of contact for coordinating land use planning activities with local governments? If so, who is that contact?

Answer: The Base Community Planner is the initial point of contact for local governments, but in many cases, base leaders will also participate and get involved in land use planning activities. The Base Community Planner's contact info is listed below.
Glenn R. Lattanze, R.A.
1 SOCES/CECP
Base Development Office
Hurlburt Field, Florida
DSN: 579-6439
Commercial: 850-884-6439
Fax: 850-884-3780

6. Do the local governments within which your installation is located provide notice to the base commander in accordance with s. 163.3175, F.S., and does the base commander or a designee provide timely and constructive comments?

Answer: Yes. Local governments typically provide agendas and read-ahead packages to Hurlburt's Base Development office a week or so prior to planning meetings. Hurlburt's point of contact serves on local county and city growth planning boards as a non-voting "ex officio" member. Planning boards meet on a monthly basis. Hurlburt participation promotes compatible development by making recommendations on proposed development projects and land use changes and staying informed of local community efforts. If questions come up concerning land use compatibility, they are referred to Eglin's Mission Enhancement Committee, chaired by Bob Arnold, which is responsible for ensuring compatibility between the Hurlburt and Eglin military missions, economic development, and community needs.

7. If comments are provided by the base commander or designees in accordance with s. 163.3175, F.S., do the local governments generally incorporate those comments into proposed changes that may affect the installation's mission?

Answer: Yes. In general, the local community recognizes the economic benefit the military provides to the area and supportive of Hurlburt's current and future missions.

8. Does a representative of the military installation attend and participate in local government or regional planning meetings? If so, to what degree and how often?

Answer: Yes. Mission Enhancement Office personnel serve on local county and city growth planning boards as non-voting "ex officio" members. Planning boards typically meet on a monthly basis.

9. Are Florida's current statutes sufficient to ensure that the use and development of land is compatible with your installation's mission? Please explain, including a discussion of ss. 163.3175 and 163.3177, F.S.

[Please see the consolidated response for Question 9.]

10. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

[Please see the consolidated response for Question 10.]

11. Please provide any other comments or suggestions.

Answer: Consideration by the State encouraging landowners to participate in conservation easements through Florida Forever programs or other Land Trust Alliance organizations could be a positive for strengthening the military mission and also provide a synergistic activity encouraging conservation of natural resources.

As Florida's natural resources are a primary reason for its abundant tourist industry, other trickle down byproducts benefit from this conservation effort.

Continue State of Florida funding for defense grants to better support infrastructure and communities near military bases. Projects identified for defense grants are critical to seamless interaction between the military installations and neighboring local communities.

SURVEY OF MILITARY INSTALLATIONS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Installation: MacDill AFB, FL
Name/Title/Contact Information of Person Responding: Col Robert D. Thomas, Commander 6 Air Mobility Wing, 813.828.4444
Date Response Returned: 27 September 2007

1. Please identify the local government jurisdiction(s) within which your installation is physically located and any other local government jurisdictions that are affected by military activities conducted by personnel stationed at your installation.

MacDill AFB is located within the City of Tampa boundary. Other local government jurisdictions affected are Hillsborough County, Pinellas County, City of St. Petersburg, and City of Clearwater.

2. Please describe the military activities conducted by personnel stationed at your installation that may affect the use and development of land in close proximity to your installation as well as the use and development of any other lands in Florida.

Activities primarily associated with flying; take offs, landings, taxiing aircraft, aircrew training activities, and aircraft maintenance activities.

3. Is there a current or foreseeable conflict between your installation's mission and the use and development of land affected by activities conducted by personnel stationed at your installation? This includes land in close proximity to your installation as well as any other land affected by your installation's military activities. Please explain and describe any existing or potential uses of land that currently or may interfere with your installation's mission.

MacDill is concerned with land use issues along the North boundary of the base. Of concern is the construction of residential and light commercial buildings in or near the designated Clear Zone, Accident Potential Zone (APZ) 1, and APZ 2. These Zones establish a safety area at the end of the runway to protect aircrews and neighboring residences from the impacts of possible accidents. The Clear Zone has the highest accident potential rate. The APZs have a reduced accident potential. The Air Installation Compatible Use Zone (AICUZ) recommends compatible uses for each of these areas. MacDill believes higher residential densities in these areas create incompatible uses resulting in an unwarranted safety hazard for both citizens and air crews.

4. Have the local governments adjacent or closely proximate to your installation, as well as any other local governments whose lands are affected by activities conducted by your installation, adopted land use compatibility criteria in their local comprehensive land use plan sufficient to address current and possible future land

use compatibility issues? If not, please suggest specific actions that the local governments may take to alleviate compatibility concerns.

The City of Tampa and MacDill AFB partnered in a Joint Land Use Study (JLUS) in 2006. This study resulted in several recommendations for incorporation in the Tampa Comprehensive Plan that may preclude proposed incompatible uses. Recommendations included incorporating the AICUZ recommendations into the Tampa Comprehensive Plan, limiting new development to six dwelling units per acre (du/ac), strengthening building regulations, height limits and noise attenuation in new construction, and requiring disclosure of nearby military installation in real estate documents. To date these recommendations have not been incorporated in the City Comprehensive Plan. Additionally, there is a proposal by the City to reduce the size of the Clear Zone from the Air Force requirement of 3,000 ft by 3,000 ft starting at the edge of the over run. The proposal changes the shape to a 1,500 ft width at the beginning of the Clear Zone and 3,000 ft at the end. Reducing the size of the clear zone and allowing building in this area would create an unwarranted safety hazard.

The City will rework their Comprehensive Plan within the next 12- 18 months. MacDill supports the recommendations from JLUS adopted in the new Comprehensive Plan.

5. Has your installation designated a single point of contact for coordinating land use planning activities with local governments? If so, who is that contact?

Ms. Christina Hummel, 813 828-0836

6. Do the local governments within which your installation is located provide notice to the base commander in accordance with s. 163.3175, F.S., and does the base commander or a designee provide timely and constructive comments?

The City of Tampa shares site plans, zoning changes, and meeting agendas with MacDill for review and comment. On issues where MacDill has concerns, comments are returned to the City in a timely manner.

7. If comments are provided by the base commander or designees in accordance with s. 163.3175, F.S., do the local governments generally incorporate those comments into proposed changes that may affect the installation's mission?

Historically, the City has incorporated concerns of MacDill AFB into review, but in general, these concerns are handled on a case by case basis.

8. Does a representative of the military installation attend and participate in local government or regional planning meetings? If so, to what degree and how often?

MacDill's representative attends, and is an ex-officio board member of, monthly Hillsborough Planning Commission meetings. In addition, the Base representative attends Development Review Committee and City Council meetings when issues concerning MacDill are on the agenda.

9. Are Florida's current statutes sufficient to ensure that the use and development of land is compatible with your installation's mission? Please explain, including a discussion of ss. 163.3175 and 163.3177, F.S.

[Please see the consolidated response for Question 9.]

10. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

[Please see the consolidated response for Question 10.]

11. Please provide any other comments or suggestions.

SURVEY OF MILITARY INSTALLATIONS

THE USE AND DEVELOPMENT OF LAND AS IT RELATES TO FLORIDA'S MILITARY INSTALLATIONS

Name of Installation: NAVAL STATION MAYPORT
Name/Title/Contact Information of Person Responding: Mike McVann, Director Planning and Project Development, Public Works Department
Date Response is Returned: 25 September 2007

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1. Please identify the local government jurisdiction(s) within which your installation is physically located and any other local government jurisdictions that are affected by military activities conducted by personnel stationed at your installation.

Physically located within Duval County and the City of Jacksonville; other local jurisdictions affected include: City of Atlantic Beach; City of Jacksonville Beach; City of Neptune Beach

2. Please describe the military activities conducted by personnel stationed at your installation that may affect the use and development of land in close proximity to your installation as well as the use and development of any other lands in Florida.

Naval Station Mayport is unique in that it supports both airfield and waterfront operations. The airfield supports both fixed and rotary wing air operations to, from and in close proximity of the installation. Aircraft, ships in port and various shore facilities emit a range of electromagnetic radiation for communications, surveillance, training and maintenance. This installation stores and handles ordnance.

3. Is there a current or foreseeable conflict between your installation's mission and the use and development of land affected by activities conducted by personnel stationed at your installation? This includes land in close proximity to your installation as well as any other land affected by your installation's military activities. Please explain and describe any existing or potential uses of land that currently or may interfere with your installation's mission.

Commercial and residential growth in the Community of Mayport and along Hecksher Drive could prove to be incompatible with airfield operations. Population density increases could lead to increased noise and safety complaints resulting in adjustment or cessation of certain flight tracks and patterns. Possible cell tower construction and other forms of electronic transmission could impact operations due to height and frequency spectrum conflicts.

Increased port traffic on the St. Johns River, specifically cruise ships, could impact ordnance handling operations in the Mayport Basin due to encroachment into Explosive Safety Quantity Distance (ESQD) Arcs.

Consideration of a cruise ship terminal in the community of Mayport could create traffic and access problems for the installation.

4. Have the local governments adjacent or closely proximate to your installation, as well as any other local governments whose lands are affected by activities conducted by your installation, adopted land use compatibility criteria in their local comprehensive land use plan sufficient to address current and possible future land use compatibility issues? If not, please suggest specific actions that the local governments may take to alleviate compatibility concerns.

The City of Jacksonville has completed a significant rewrite to the Zoning Ordinance, specific to airfield environs, that sufficiently addresses current and future land use with respect to airfield operations.

5. Has your installation designated a single point of contact for coordinating land use planning activities with local governments? If so, who is that contact?

Yes, the installation has designated a single point of contact (POC) for coordinating land use planning activities with local governments. Primary POC is Mike McVann, Director of Planning and Project Development, Public Works Department.

6. Do the local governments within which your installation is located provide notice to the base commander in accordance with s. 163.3175, F.S., and does the base commander or a designee provide timely and constructive comments?

Yes, Naval Station is provided notice of issues relating to proposed changes to comprehensive plans, plan amendments, and proposed changes to land development regulations. Each notice is reviewed and comments provided on a timely basis.

7. If comments are provided by the base commander or designees in accordance with s. 163.3175, F.S., do the local governments generally incorporate those comments into proposed changes that may affect the installation's mission?

Where appropriate, the comments are given due consideration and incorporated. However, feedback on comments needs to be improved.

8. Does a representative of the military installation attend and participate in local government or regional planning meetings? If so, to what degree and how often?

While Naval Station Mayport does not have representation, the Navy is regionally represented on the Jacksonville Planning Board by an ex-facto representative designated by Commander, Navy Region Southeast.

9. Are Florida's current statutes sufficient to ensure that the use and development of land is compatible with your installation's mission? Please explain, including a discussion of ss. 163.3175 and 163.3177, F.S.

See consolidated CNRSE response.

10. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

See consolidated CNRSE response.

11. Please provide any other comments or suggestions.

N/A

SURVEY OF MILITARY INSTALLATIONS

THE USE AND DEVELOPMENT OF LAND AS IT RELATES TO FLORIDA'S MILITARY INSTALLATIONS

Name of Installation: NAS Jacksonville, Florida
Name/Title/Contact Information of Person Responding: Captain John C. Scorby, Jr., Commanding Officer. Telephone Number: (904) 542-2334 Fax: (904) 542-2831
Email: John.Scorby@navy.mil

Date Response is Returned: 25 September 2007

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1. Please identify the local government jurisdiction(s) within which your installation is physically located and any other local government jurisdictions that are affected by military activities conducted by personnel stationed at your installation.

NAS Jax/OLF Whitehouse – State of Florida, Duval County, City of Jacksonville
Pinecastle Bombing Range – State of Florida, Marion County
Rodman Bombing Range – State of Florida, Putman County
Lake George Bombing Range – State of Florida, Volusia and Putman Counties

2. Please describe the military activities conducted by personnel stationed at your installation that may affect the use and development of land in close proximity to your installation as well as the use and development of any other lands in Florida.

NAS Jacksonville/OLF Whitehouse – Air Field Operations
Pinecastle /Rodman Bombing Ranges – Military Training Operations
Lake George Bombing Range – State of Florida, Volusia and Putman Counties

3. Is there a current or foreseeable conflict between your installation's mission and the use and development of land affected by activities conducted by personnel stationed at your installation? This includes land in close proximity to your installation as well as any other land affected by your installation's military activities. Please explain and describe any existing or potential uses of land that currently or may interfere with your installation's mission.

Displaced threshold on runway 14/32 because of residential/commercial development northwest of runway.

4. Have the local governments adjacent or closely proximate to your installation, as well as any other local governments whose lands are affected by activities conducted by your installation, adopted land use compatibility criteria in their local comprehensive land use plan sufficient to address current and possible future land use compatibility issues? If not, please suggest specific actions that the local governments may take to alleviate compatibility concerns.

Duval County adopted comprehensive plan and zoning changes in March 2007 to be compatible with Navy land use guidance. The State of Florida Department of Community Affairs (DCA) funded a land use study for the counties near the 3 bombing ranges. Counties intend to incorporate land use, zoning and comprehensive plan changes recommended in the study.

5. Has your installation designated a single point of contact for coordinating land use planning activities with local governments? If so, who is that contact?

Yes. Capt. Steven W. Holmes, Jr., Executive Officer NAS Jacksonville for Duval County
Capt. Robert A. Buehm, Jr., Commanding Officer, Fleet Area Control and Surveillance Facility (FASCFAC) Jacksonville for counties near bombing ranges

6. Do the local governments within which your installation is located provide notice to the base commander in accordance with s. 163.3175, F.S., and does the base commander or a designee provide timely and constructive comments?

All counties around NAS Jacksonville, OLF Whitehouse and the bombing ranges provide proposed land use actions to NAS Jacksonville for review prior to county action.

7. If comments are provided by the base commander or designees in accordance with s. 163.3175, F.S., do the local governments generally incorporate those comments into proposed changes that may affect the installation's mission?

Generally yes.

8. Does a representative of the military installation attend and participate in local government or regional planning meetings? If so, to what degree and how often?

Ex-officio member of county Planning Commission that meet bi-weekly.

9. Are Florida's current statutes sufficient to ensure that the use and development of land is compatible with your installation's mission? Please explain, including a discussion of ss. 163.3175 and 163.3177, F.S.

See consolidated Commander, Navy Region SE input.

10. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

See consolidated Commander, Navy Region SE input.

11. Please provide any other comments or suggestions.

Recommend full funding for the Florida Defense Alliance (FDA) Defense Infrastructure Grant (DIG) Program and the State Florida Forever Program. The Defense Alliance Defense Infrastructure Grant is used to award grants to Florida counties for studies, designs and construction on military installations in their county. Duval County has been awarded several grants totaling almost $600,000 over the past several years to support NAS Jacksonville requirements.

Funding of the State Florida Forever Program is beneficial because of its excellent partnership with the Department of Defense on purchasing environmentally sensitive land around Florida military installations that also protect the installations and ranges against incompatible encroachment by development.

SURVEY OF MILITARY INSTALLATIONS

THE USE AND DEVELOPMENT OF LAND AS IT RELATES TO FLORIDA'S MILITARY INSTALLATIONS

Name of Installation:

NAS Pensacola
- **Includes Navy Outlying Landing Fields (NOLF) Saufley Field and Site 8**

Name/Title/Contact Information of Person Responding:

Captain Peter Frano
Commanding Officer
Naval Air Station Pensacola
190 Radford Blvd. Bldg. 624
Pensacola, FL 32508-5217
Telephone: (850) 452-2714
E-mail: pete.frano@navy.mil

Date Response is Returned:

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1. Please identify the local government jurisdiction(s) within which your installation is physically located and any other local government jurisdictions that are affected by military activities conducted by personnel stationed at your installation.

Primarily, Escambia County
Secondarily, City of Pensacola*
Potential impacts to neighboring jurisdictions in Alabama*

*** Military flight operations over-fly these jurisdictions; the imaginary height surfaces described in the Escambia County code extend outward into the City of Pensacola.**

2. Please describe the military activities conducted by personnel stationed at your installation that may affect the use and development of land in close proximity to your installation as well as the use and development of any other lands in Florida.

The primary mission of NAS Pensacola (NASP) is Naval and Air Force flight training and operations, both fixed and rotary wing. These aviation operations include:

a. **Training Air Wing SIX (TRAWING SIX), which provides advanced Naval Flight Officer, Air Force Navigator, and International Flight Officer Training.**
b. **The Blue Angels Navy Flight Demonstration Squadron**
c. **Training Air Wing FIVE (TRAWING FIVE) Helicopter Support Detachment, which supports Aviation Survival Training.**

Additional activities include Naval surface shipping, explosive arc calculations, dredging, establishment of Security Zones in waters surrounding NAS Pensacola, and delivery of fuel via barge.

3. Is there a current or foreseeable conflict between your installation's mission and the use and development of land affected by activities conducted by personnel stationed at your installation? This includes land in close proximity to your installation as well as any other land affected by your installation's military activities. Please explain and describe any existing or potential uses of land that currently or may interfere with your installation's mission.

Through the Joint Land Use Study (JLUS) process, Escambia County enacted very comprehensive land use and planning ordinances to protect the mission of NAS Pensacola from encroachment. The resulting ordinances created Airfield Influence Planning Districts (AIPDs) which encompass land areas greater than the standard Air Installation Compatibility Use Zone (AICUZ) dimensions. The AIPDs represent the willingness of the County to extend "extra" planning protections in areas outside of the AICUZ but still subject to overflight and noise. However, as the composition of the County Board of Commissioners change, maintaining the balance between preservation of the Department of Defense missions and accommodation of development needs to be re-emphasized. Applications for small scale and large scale Comprehensive Plan amendments affecting land in the vicinity of Naval aviation training facilities are by and large adopted. These amendments predictably lead to rezoning in the AIPD-2 areas (AIPD-2 includes land that is close enough to the airfield that it may affect or be affected by operations), which allows for increased density or incompatible uses. Such development exerts pressure against the Navy's aviation mission near these areas.

4. Have the local governments adjacent or closely proximate to your installation, as well as any other local governments whose lands are affected by activities conducted by your installation, adopted land use compatibility criteria in their local comprehensive land use plan sufficient to address current and possible future land use compatibility issues? If not, please suggest specific actions that the local governments may take to alleviate compatibility concerns.

Yes, as mentioned in the response to the previous question, Escambia County, Florida, Growth Management Department, completed a Joint

Land Use Study (JLUS) in September 2003 that considered the operational missions of Naval Air Station Pensacola, Navy Outlying Landing Field (NOLF) Saufley Field. Escambia County was proactive in implementing the recommended actions developed during the study, to include creation of Airfield Influence Planning Districts, strengthening real estate disclosure requirements, and developing a county-wide land acquisition program. Escambia County continues to make adjustments to its ordinances, with opportunity for Navy input.

However, in review of Comprehensive Plan Amendments, non-JLUS type criteria of more general application stated elsewhere in the Comprehensive Plan are not upheld by the County when reviewing the propriety of granting a requested Comprehensive Plan change. For example, the Comprehensive Plan criteria discouraging rezoning to higher densities in land with a Future Land Use (FLU) of Agriculture often seems to be overridden by other, more "pragmatic" concerns favoring development. Despite such criteria as the "no increased densities in Agriculture areas", several Comprehensive Plan amendments seeking FLU changes (which will lead, predictably enough, to rezoning to match the new FLU category) have been approved even though these criteria would be violated. Justification for supporting the requested FLU change seems to depend upon the expectation that the County will move to adopt a revised FLU and Zoning District allocation throughout the County, as recommended by the ongoing Central Escambia County Area Study (CECAS). The CECAS recommends consolidated development in the central area of the County, which includes lands in the vicinity of Saufley Field. Such concentration of new development in the vicinity of these Navy training fields sets up a potential for conflict with the ongoing Naval aviation mission.

5. Has your installation designated a single point of contact for coordinating land use planning activities with local governments? If so, who is that contact?

Yes. The Office of General Counsel Attorney assigned to NAS Pensacola has been appointed to serve as the Navy's *ex officio* representative to the County Planning Board. NAS Pensacola's Airfield Manager/ACUIZ Officer attends the County's Development Review Committee to provide input when a proposed development order, subdivision or other development or construction activity is within the AIPDs or could be of interest to the Navy (such as erection of new cell towers, wherever located within the County).
Points of Contact information:

C. Fitch Boles IV
Counsel, NAS Pensacola

190 Radford Blvd
Pensacola, FL 32508-5217
Telephone: (850) 452-3100 x. 1357
452-1001 ext. 1586
E-mail: cal.boles@navy.mil

Stephanie S. Oram
Airfield Manager
190 Radford Blvd
Pensacola, FL 32508-5217
Telephone: (850) 452-3100 ext. 1357
E-mail: Stephanie.oram@navy.mil

6. Do the local governments within which your installation is located provide notice to the base commander in accordance with s. 163.3175, F.S., and does the base commander or a designee provide timely and constructive comments?

Yes. The Navy's *ex officio* representative to the County Planning Board receives notice of Comprehensive Plan amendment applications, changes to and interpretations of the Land Development Code, and other items appearing on the Planning Board agenda. However, advance notice is often limited to a week, which does not provide the desired amount of time to review and prepare comment for the Planning Board session at which the agenda items will be discussed. This places the Navy representative in a disadvantage as typically, County staff has been working the issues prior to the inclusion of the matter on the agenda.
County staff also transmits via email to the Navy representative notice of rezoning requests and requests for variances or conditional uses when the parcel in the request is within the AIPDs. County staff also provides notice to the Navy of proposed development, wherever located in the County, that might be of interest to the Navy or which is located within the AIPDs.

7. If comments are provided by the base commander or designees in accordance with s. 163.3175, F.S., do the local governments generally incorporate those comments into proposed changes that may affect the installation's mission?

Escambia County is sensitive to the requirements of the Department of Defense. The leaders are educated regarding the roles and missions of military activities within their jurisdiction and understand the economic importance of the military installations. Comments regarding new or revised ordinances are generally well-received. Comments by the Navy regarding Comprehensive Plan amendments and rezoning that will lead

to increased residential development in the vicinity of Navy installations are more routinely not persuasive.

8. Does a representative of the military installation attend and participate in local government or regional planning meetings? If so, to what degree and how often?

Yes. The Navy's representative attends all scheduled Planning Board sessions and workshops when the published agenda includes items of interest to the Navy. This typically involves two days a month of attending the public forum of the Planning Board. The Navy representative is provided full opportunity to participate in discussion of agenda items. The NAS Pensacola Airfield Manager is an alternate to the Planning Board. The Airfield Manager regularly attends the weekly Development Review Committee. Additionally, Board of Adjustments meetings and rezoning hearings are attended whenever there is an item on the agenda that could have a potential impact to any military installation within the County.

9. Are Florida's current statutes sufficient to ensure that the use and development of land is compatible with your installation's mission? Please explain, including a discussion of ss. 163.3175 and 163.3177, F.S.

See consolidated CNRSE comments.

10. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

See consolidated CNRSE comments.

11. Please provide any other comments or suggestions.

Continued funding for the Florida Forever Program is essential. This program serves as the required match for the Department of Defense Readiness and Environmental Protection Initiative (REPI) and is instrumental in preserving adjacent lands to the installation.

Additionally, recommend closer vigilance on the State regulation of electronic media billboards/signs. This type of media seems to have gained momentum as the prevalence of such signs indicates. There is the potential that these signs may have a negative impact to aviation, especially night flying.

SURVEY OF MILITARY INSTALLATIONS

THE USE AND DEVELOPMENT OF LAND AS IT RELATES TO FLORIDA'S MILITARY INSTALLATIONS

Name of Installation:

NAS WHITING FIELD

- **Includes Navy Outlying Landing Fields (NOLFs) Choctaw, Harold, Holley, Pace, Santa Rosa, Saufley, Site 8, and Spencer.**

Note 1: NAS Whiting Field Aviation/Community Planner appointed by Commander, Air Armament Center, as Eglin Air Force Base representative for Santa Rosa County Planning issues.

Note 2: NAS Pensacola represents NAS Whiting Field on planning issues regarding NOLFs Saufley and Site 8

Name/Title/Contact Information of Person Responding:

Captain Enrique Sadsad
Commanding Officer
Naval Air Station Whiting Field
7550 USS Essex Street, Suite 200
Milton, FL 32570-6155
Telephone: (850) 623-7121
FAX: (850) 623-7757
E-mail: Enrique.Sadsad@navy.mil

Date Response is Returned:

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1. Please identify the local government jurisdiction(s) within which your installation is physically located and any other local government jurisdictions that are affected by military activities conducted by personnel stationed at your installation.

- **Physically located in Santa Rosa County, Florida**
- **Local jurisdictions affected by military activities**
    1. **City of Milton**
    2. **Escambia County, Florida**

2. Please describe the military activities conducted by personnel stationed at your installation that may affect the use and development of land in close proximity to your installation as well as the use and development of any other lands in Florida.

To effectively support the mission accomplishment of multiple tenant commands in the training of U.S. Navy, Marine Corps, Air Force, Coast Guard and International students, by efficiently providing high quality installation facilities and operational services at two primary airfields and 14 Navy Outlying Landing Fields. These NOLFs are located in two states (Alabama – 6 and Florida – 8)

Flight training activities originating from NAS Whiting Field include helicopter (TH-57) and fixed-wing (T-34C) aircraft conducting both day and night training. Helicopter training includes Night Vision Goggle flights. The daily training is conducted in northwest Florida and southern Alabama airspace from 200 feet above ground level (AGL) to 20,000 feet. Compatible development around the airfields in this operating area is required as training aircraft operate at lower altitudes when landing and taking off.

3. Is there a current or foreseeable conflict between your installation's mission and the use and development of land affected by activities conducted by personnel stationed at your installation? This includes land in close proximity to your installation as well as any other land affected by your installation's military activities. Please explain and describe any existing or potential uses of land that currently or may interfere with your installation's mission.

Conflict of varying degrees is inevitable when you have military airfield facilities in one of the fastest growing areas of the state. The nature of flight training requires repetition of flight profiles at low altitudes. Florida Counties can accomplish only so much with zoning changes without invoking the "taking" issue. Individuals or developers have the right to develop their land. Numerous subdivisions have been proposed within areas adjacent to Navy airfields that meet County Code. Santa Rosa County has no up zoning within one-half mile of the field, but even lower densities are also not compatible. Many of these vacant lands are within the area of desired acquisition by the State of Florida under the Florida Forever Program. Funding of this program and the Florida Defense Alliance (FDA), Defense Infrastructure Grant (DIG) Program are essential. The DIG program allows the counties to acquire the acreage that does not meet the requirements of Florida Forever. These programs can also serve as the required match for the Department of Defense Readiness and Environmental Protection Initiative (REPI).

4. Have the local governments adjacent or closely proximate to your installation, as well as any other local governments whose lands are affected by activities conducted by your installation, adopted land use compatibility criteria in their local comprehensive land use plan sufficient to address current and possible future land use compatibility issues? If not, please suggest specific actions that the local governments may take to alleviate compatibility concerns.

Santa Rosa County has completed a Joint Land Use Study (JLUS) and has adopted regulations incorporating many of the recommendations of the Navy Air Installation Compatible Use Zones (AICUZ). Santa Rosa County was proactive in developing Military Airport Zones (MAZ), Military Airport Influence Areas (MAIA) and Notification Zones. Santa Rosa County continues to make adjustments to regulations. Santa Rosa County has compatibility criteria in place (includes no up zonings) that is more restrictive than most. Any further restrictions would probably push the limits of "taking."

5. Has your installation designated a single point of contact for coordinating land use planning activities with local governments? If so, who is that contact?

Yes.
Walter "Marty" Martin
Aviation/Community Planner
Naval Air Station Whiting Field
Code 31, Room 110
7550 USS Essex Street
Milton, FL 32570-6155
Telephone: (850) 623-7196, 4
FAX: (850) 623-7804
E-mail: marty.martin@navy.mil

6. Do the local governments within which your installation is located provide notice to the base commander in accordance with s. 163.3175, F.S., and does the base commander or a designee provide timely and constructive comments?

Santa Rosa County:

The Aviation/Community Planner receives the same information provided to the Board of Adjustments, Planning Board and/or Board of County Commissioners for Special Rezoning Meetings. Written comments are provided, as required, for items that may concern both NAS Whiting Field and Eglin Air Force Base. County staff telephones or emails the Aviation Planner/Community of items that may concern the base prior to packet development. Santa Rosa County includes NAS Whiting Field (North and South) and Navy Outlying Landing Fields

(NOLFs) Choctaw, Harold, Holley, Pace, Santa Rosa, and Spencer. The Aviation/Community Planner also serves as representative for Eglin Air Force Base for Santa Rosa County planning issues. Additionally, the Planner receives agendas for all Board of County Commission meetings.

Escambia County:

The Aviation/Community Planner also receives the agenda for all Escambia County Developmental Review Committee (DRC) meetings and responds accordingly. Additionally, the Aviation/Community Planner attends any meeting that concerns NOLFs Saufley and Site 8.

7. If comments are provided by the base commander or designees in accordance with s. 163.3175, F.S., do the local governments generally incorporate those comments into proposed changes that may affect the installation's mission?

Santa Rosa County is proactive in considering the requirements and comments of the Navy and Air Force. The leaders of this area are pro-military and understand the economic importance of their installations.

8. Does a representative of the military installation attend and participate in local government or regional planning meetings? If so, to what degree and how often?

The Aviation/Community Planner is a member of the Planning Board (Non-voting) and participates in the monthly meetings. Additionally, the Board of Adjustment and Board of County Commissioner rezoning hearings, as well as any meeting of the Board of County Commissioners, are attended whenever any item that could affect the Navy are to be discussed.

9. Are Florida's current statutes sufficient to ensure that the use and development of land is compatible with your installation's mission? Please explain, including a discussion of ss. 163.3175 and 163.3177, F.S.

See consolidated CNRSE comments.

10. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

See consolidated CNRSE comments.

11. Please provide any other comments or suggestions.

Funding for the Florida Forever Program and the DIG Program is essential. These programs serve as the required match for the Department of Defense Readiness and Environmental Protection Initiative (REPI). The DIG program allows the Counties to acquire the acreage that do not meet the requirements of Florida Forever.

SURVEY OF MILITARY INSTALLATIONS

THE USE AND DEVELOPMENT OF LAND AS IT RELATES TO FLORIDA'S MILITARY INSTALLATIONS

Name of Installation: NAVAL SUPPORT ACTIVITY PANAMA CITY, FL.
Name/Title/Contact Information of Person Responding: Mr. George C. Betz Jr, Operations IPM
Date Response is Returned: 21 Sep 07

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1. Please identify the local government jurisdiction(s) within which your installation is physically located and any other local government jurisdictions that are affected by military activities conducted by personnel stationed at your installation.

Naval Support Activity Panama City is located on the western shore of St. Andrews Bay in Bay County, Florida. It is bordered on the west by Thomas Drive and its associated commercial and residential development. Thomas Drive is a major Thoroughfare connecting U.S. Route 98 to Panama City Beach. It is bordered on the north by U.S. Route 98 (the Hathaway Bridge), an east-west highway that runs from southern Florida to western Mississippi. South of NSA PC is Magnolia Beach Road with associated commercial and residential development. The installation totals 657 acres of land. Operations are routinely conducted on the installation and in the local waters of St Andrews Bay, Inter-coastal Waterway and the Gulf of Mexico.

2. Please describe the military activities conducted by personnel stationed at your installation that may affect the use and development of land in close proximity to your installation as well as the use and development of any other lands in Florida.

- Surface/subsurface Mine Countermeasures testing/training.
- Landing Craft Air Cushion (LCAC) systems integration testing.
- Airborne Mine Countermeasures equipment testing.
- Seal Delivery Vehicle (SDV) systems integration testing.
- A variety of RDT&E equipment testing.
- USAF 46th Test Wing, Eglin AFB conducts a variety of RDT&E events in areas W151A,W151B (airspace above Panama City Operating Area (PCOA.)
- COMSUBLANT conducts submerged operations.
- Utilized to support Carrier Strike Groups (CSGs) and Expeditionary Strike Groups (ESGs) exercises, Joint Task Force Exercises (JTFEXs), and Composite Training Unit Exercises (COMPTUEX).
- Surface Mine Countermeasures training.
- Seal Delivery Vehicle (SDV) advanced operator training.
- NDSTC beginners and advanced diver training.

- NDSTC is the major training facility for US Navy Divers, US Marines Combat divers, US Air Force Para-rescue swimmers and US Army Construction divers.
- Navy Experimental Diving Unit equipment/process testing/training.
- US Coast Guard station provides for local Search/Rescue and marine law enforcement.
- Florida Wildlife Conservation Commission operates ` out of this installation.

3. Is there a current or foreseeable conflict between your installation's mission and the use and development of land affected by activities conducted by personnel stationed at your installation? This includes land in close proximity to your installation as well as any other land affected by your installation's military activities. Please explain and describe any existing or potential uses of land that currently or may interfere with your installation's mission.

- Current impacts: Magnolia Bay Club Condominium proposed construction of pier with boat slips that encroached into water area designated for combat swimmers training. This water area is noted as a critical requirement for the combat swimmers course. This pier construction permit was denied by US Army Corp of Engineers, construction revisions are pending.
- Construction planning phase in progress in reference to "Rebecca's Landing". Development plans for the site include 700 permanent residential units (condominiums), a 250-room conference hotel (including 40,000 square feet of conference center space), 472,000 square feet of retail/service space, 200,000 square feet of office space, and a 2,200 seat movie theater. The development will contain an internal roadway system that will maximize the internal flow of traffic within the RAC, and connect to existing roadways on adjoining properties. This site is proposed for an area directly west of Thomas Drive and south of Hwy 98.
- Current zoning allows for residential development along the southern and northern perimeter and commercial development to the west along Thomas Drive. Multi-family residential infill development has been occurring adjacent to the installation on the south perimeter. Much of the development along the fence line is incompatible with the land use activities and training operations on the installation.
- Commercial zoning along Thomas Drive, which borders the west side of the installation, is an encroachment challenge. DoD minimum antiterrorism standards require buildings to be located 148 ft away from parking and roadways or a controlled perimeter.
- Many critical testing and training missions are conducted in open water area in St. Andrews Bay and in the Panama City Naval Operation Areas utilizing approximately 75 nautical miles along the shoreline in the Gulf of Mexico (GOM) and approximately 55 nautical miles out into the GOM comprising approximately 4200 sq miles of waterspace. As commercial and residential development continues to occur on the bay and front property and the population of the region grows, conflicts between recreational boating and NSA PC mission activities are expected to increase significantly.

4. Have the local governments adjacent or closely proximate to your installation, as well as any other local governments whose lands are affected by activities

conducted by your installation, adopted land use compatibility criteria in their local comprehensive land use plan sufficient to address current and possible future land use compatibility issues? If not, please suggest specific actions that the local governments may take to alleviate compatibility concerns.

Joint Land Use Study (JLUS) with Bay County to include Panama City/Panama City Beach. Scope of Work (SOW) being written by county planning/zoning personnel with inputs from NSA Panama City. County plans to send Request for Proposal (RFP) out for bid November 2007 and commence actual study January 2008.
Encroachment Action Plan (EAP) in progress with final draft currently being reviewed by NSA Panama City and Bay County interests.
Restricted Areas Applications in progress for St. Andrews Bay, inshore and offshore operations areas, Public Notice for comments expired 27 August. Army Corps of Engineers is currently reviewing documentation and should be issuing permits for restricted areas by 1 October, 2007.
Community Outreach Program effort has been increased significantly in 2006 thru 2007.

5. Has your installation designated a single point of contact for coordinating land use planning activities with local governments? If so, who is that contact? Mr. George C. Betz, Jr.

6. Do the local governments within which your installation is located provide notice to the base commander in accordance with s. 163.3175, F.S., and does the base commander or a designee provide timely and constructive comments? Yes, notices started in 2006 after Base Commander designated Mr. Betz to get involved with the community planning meetings.

7. If comments are provided by the base commander or designees in accordance with s. 163.3175, F.S., do the local governments generally incorporate those comments into proposed changes that may affect the installation's mission? Yes

8. Does a representative of the military installation attend and participate in local government or regional planning meetings? If so, to what degree and how often? Yes, monthly

9. Are Florida's current statutes sufficient to ensure that the use and development of land is compatible with your installation's mission? Please explain, including a discussion of ss. 163.3175 and 163.3177, F.S.

See consolidated Commander, Navy Region SE input.

10. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

See consolidated Commander, Navy Region SE input.

11. Please provide any other comments or suggestions. Florida and Bay County have been great supporters of the US military, and we greatly appreciate it!

SURVEY OF MILITARY INSTALLATIONS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Installation: Annexes to Cape Canaveral Air Force Station (CCAFS)--Offsite Areas
for Launch Tracking, Instrumentation or Weather Monitoring
Name/Title/Contact Information of Person Responding: Mr. William J. Gibson, Deputy
Range/Base Civil Engineer
Date Response is Returned:

1. Please identify the local government jurisdiction(s) within which your installation is physically located and any other local government jurisdictions that are affected by military activities conducted by personnel stationed at your installation.

The 20+ CCAFS Annexes (ranging in size from 2500 SF to 640 acres, each consisting of a boundary fence, one or more towers and/or radars and/or buildings, etc.) are located in the following Florida counties: Brevard, Volusia, Orange, Osceola, Indian River, St. Lucie and Martin. Some of the annexes are located **within** the following cities, towns and communities: Titusville, Cocoa Beach, Palm Bay and Malabar. Some are located **near** the following cities, towns, communities and county: Christmas, Wedgefield, Port St. John, Merritt Island, Melbourne Beach, Fellsmere, Sebastian, Wabasso, Ft. Pierce, Stuart, Port St. Lucie, Tequesta and Palm Beach County.

2. Please describe the military activities conducted by personnel stationed at your installation that may affect the use and development of land in close proximity to your installation as well as the use and development of any other lands in Florida.

Space launch tracking, launch weather monitoring.

3. Is there a current or foreseeable conflict between your installation's mission and the use and development of land affected by activities conducted by personnel stationed at your installation? This includes land in close proximity to your installation as well as any other land affected by your installation's military activities. Please explain and describe any existing or potential uses of land that currently or may interfere with your installation's mission.

A foreseeable conflict could be development which constrains or blocks lines of sight from instruments to launched rockets and/or launch pads at CCAFS. Nearby land owners could possibly object to the presence of radar dishes, domes, towers, etc. necessary for the Air Force to conduct its mission.

4. Have the local governments adjacent or closely proximate to your installation, as well as any other local governments whose lands are affected by activities

conducted by your installation, adopted land use compatibility criteria in their local comprehensive land use plan sufficient to address current and possible future land use compatibility issues? If not, please suggest specific actions that the local governments may take to alleviate compatibility concerns.

Yes.

5. Has your installation designated a single point of contact for coordinating land use planning activities with local governments? If so, who is that contact?

Yes. Mr. William J. Gibson.

6. Do the local governments within which your installation is located provide notice to the base commander in accordance with s. 163.3175, F.S., and does the base commander or a designee provide timely and constructive comments?

The local governments of Brevard County, Palm Bay and Melbourne Beach provide notices of planning meetings and minutes to Mr. Gibson. The other governments coordinate with Mr. Gibson on a case-by-case basis.

7. If comments are provided by the base commander or designees in accordance with s. 163.3175, F.S., do the local governments generally incorporate those comments into proposed changes that may affect the installation's mission?

Yes.

8. Does a representative of the military installation attend and participate in local government or regional planning meetings? If so, to what degree and how often?

Brevard County, Palm Bay and Melbourne Beach have frequent meetings with Mr. Gibson about compatibility issues. The other governments coordinate with Mr. Gibson on a caseby- case basis. An agreement reached with local planning boards is that they will notify us in advance of any business that may impact CCAFS Annexes. If there are any such items, we send a representative to those meeting(s).

9. Are Florida's current statutes sufficient to ensure that the use and development of land is compatible with your installation's mission? Please explain, including a discussion of ss. 163.3175 and 163.3177, F.S.

[Please see the consolidated response for Question 9.]

10. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

[Please see the consolidated response for Question 10.]

11. Please provide any other comments or suggestions.

None at this time.

SURVEY OF MILITARY INSTALLATIONS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Installation: Patrick AFB
Name/Title/Contact Information of Person Responding: Mr. William J. Gibson, Deputy
Range/Base Civil Engineer; Email: william.gibson@patrick.af.mil; Phone: (321) 494-4041
Date Response is Returned:

1. Please identify the local government jurisdiction(s) within which your installation is physically located and any other local government jurisdictions that are affected by military activities conducted by personnel stationed at your installation.

Brevard County and the City of Satellite Beach

2. Please describe the military activities conducted by personnel stationed at your installation that may affect the use and development of land in close proximity to your installation as well as the use and development of any other lands in Florida.

Patrick AFB Air Installation Compatible Use Zone Study defines recommended land uses that could if adopted by the county limited land use development density levels. Routine flight and flight training operations are conducted on the base.

3. Is there a current or foreseeable conflict between your installation's mission and the use and development of land affected by activities conducted by personnel stationed at your installation? This includes land in close proximity to your installation as well as any other land affected by your installation's military activities. Please explain and describe any existing or potential uses of land that currently or may interfere with your installation's mission.

Low density residential at south end of base is in conflict with AICUZ land use recommendations approximately 15 acres in APZ I. Area is built out and has no major impacts to base mission. Brevard County chose to have development areas impacted identified on deeds as to be within a health and safety zone. Included requirements for noise attenuation procedures and street signing identifying the area as having noise and safety issues. No further conflicts are anticipated as remaining areas our over water and meet low density land use conditions. If adjacent APZ I and II land use densities were allowed to increase to higher densities it would be in conflict with recommended land use zoning recommendation, which could increase health and safety risks in those areas.

4. Have the local governments adjacent or closely proximate to your installation, as well as any other local governments whose lands are affected by activities conducted by your installation, adopted land use compatibility criteria in their local

comprehensive land use plan sufficient to address current and possible future land use compatibility issues? If not, please suggest specific actions that the local governments may take to alleviate compatibility concerns.

Per item three above; APZ I lands are built out in high-end estate homes. Areas in the APZ II are zoned for low density one acre plus homes and do not conflict with the APZ II land use recommendations. Recommend that land areas within the APZ I and II be identified on the county's maps and zoned for low density use per AICUZ criteria.

5. Has your installation designated a single point of contact for coordinating land use planning activities with local governments? If so, who is that contact?

Mr. William J. Gibson; Email: william.gibson@patrick.af.mil; Phone: (321) 494-4041

6. Do the local governments within which your installation is located provide notice to the base commander in accordance with s. 163.3175, F.S., and does the base commander or a designee provide timely and constructive comments?

Local communities provide Patrick Air Force Base notice of planning meetings and minutes to the base commander's designated representative, Mr. William Gibson. The base commander's designee provides timely and constructive comments when applicable with the proper coordination.

7. If comments are provided by the base commander or designees in accordance with s163.3175, F.S., do the local governments generally incorporate those comments into proposed changes that may affect the installation's mission?

Yes, we only have one issue related to land use in accident potential zone II (APZ II) and Brevard County is addressing this. The area of concern does not violate proper land use in APZ II, but changing the zoning will ensure that future development does not create a violation.

8. Does a representative of the military installation attend and participate in local government or regional planning meetings? If so, to what degree and how often?

The agreement reached with the local planning boards is they will notify the designated representative in advance of any business that may impact the 45th Space Wing. If there are any items that require coordination the base commander sends a representative.

9. Are Florida's current statutes sufficient to ensure that the use and development of land is compatible with your installation's mission? Please explain, including a discussion of ss. 163.3175 and 163.3177, F.S.

[Please see the consolidated response for Question 9.]

10. Please discuss any specific recommendations you may have to revise Florida's statutes governing the use and development of land as it relates to Florida's military installations.

[Please see the consolidated response for Question 10.]

11. Please provide any other comments or suggestions.

None at this time

SURVEY OF MILITARY INSTALLATIONS
THE USE AND DEVELOPMENT OF LAND AS IT RELATES
TO FLORIDA'S MILITARY INSTALLATIONS

Name of Installation: Tyndall Air Force Base (TAFB)
Name/Title/Contact Information of Person Responding: Jim Roncaglione/325 FW Airspace Manager/(850) 283-4148/jim.roncaglione@tyndall.af.mil
Date Response is Returned: NLT 2 Oct 07

1. Please identify the local government jurisdiction(s) within which your installation is physically located and any other local government jurisdictions that are affected by military activities conducted by personnel stationed at your installation.

• TAFB is located in Bay County, Florida, however our over land flying activities have the potential to affect the additional counties of Washington, Jackson, Calhoun, Gulf, Franklin and Liberty. Multiple municipalities lie within these seven counties (see map on page 4).

2. Please describe the military activities conducted by personnel stationed at your installation that may affect the use and development of land in close proximity to your installation as well as the use and development of any other lands in Florida.

• The 325th Fighter Wing is the exclusive active-duty training unit for F-15C pilots and the only training location for F-22 pilots.
• The Air Force Research Laboratory conducts various operations to include unmanned aerial vehicle activities and explosives detonation which have the potential to affect others with additional noise and vibration effects.
• The 53rd Weapons Evaluation Group conducts various operations to include unmanned aerial vehicle activities, live fire and explosives detonation which have the potential to affect others with additional noise and vibration effects.
• The Detachment 1, 823 Red Horse Squadron provides rapid runway recovery contingency training for USAF civil engineers prior to deployments. Explosives are used routinely in the training program east of the main gate and north of Highway 98.
• The 325 Civil Engineering Squadron's Explosive Ordnance Disposal team uses property east of the main gate south of Highway 98. Explosives are detonated for training and real-world purposes multiple times each week.
• Air Force NORTH and 325 FW use a wide swath of the electro-magnetic spectrum and signal interference protection is a key concern.
• "Close proximity" as it pertains to this discussion, is a term that requires a precise definition and should be inclusive of the airspace, land and or water that underlies that associated airspace the installation may regularly use. The TAFB Influence Area is a four zone model we designed to help civil authorities identify these critical areas, (see map on pages 5, & 6 & key on page 7). Lack of a definition has caused discord among civil authorities.

3. Is there a current or foreseeable conflict between your installation's mission and the use and development of land affected by activities conducted by personnel stationed at your installation? This includes land in close proximity to your installation as well as any other land affected by your installation's military activities. Please explain and describe any existing or potential uses of land that currently or may interfere with your installation's mission.

• The lack of mandatory disclosure statements for development and sale of property in close proximity* to military installations and military activities/mission jeopardizes the long term viability of military installations.
• A disclosure statement should identify to the buyer that the property is either located close enough to the runway, traffic patterns, approach paths, departure paths or it underlies special use airspace used by military aircraft at altitude levels that may be perceived to be a nuisance.
• * Define the term "close proximity" as noted above.

4. Have the local governments adjacent or closely proximate to your installation, as well as any other local governments whose lands are affected by activities conducted by your installation, adopted land use compatibility criteria in their local comprehensive land use plan sufficient to address current and possible future land use compatibility issues? If not, please suggest specific actions that the local governments may take to alleviate compatibility concerns.

• The sheer number of municipalities and counties in close proximity* to Tyndall AFB presents an overwhelming task to encourage each to enact adequate land use compatibility criteria. *Define the term "close proximity" as noted above.
• Not all local municipalities have submitted large scale plan amendments. To accomplish this would require involvement by Dept of Community Affairs.
• Mandate disclosure statements for development/sale of properties in close proximity (as defined herein) to military installations.
• Consider offering reduced land taxes for compliance with installation compatibility use zone recommendations.

5. Has your installation designated a single point of contact for coordinating land use planning activities with local governments? If so, who is that contact?

• Mr. Wes Smith, (850) 283-3065, is the TAFB area planner and is our single point of contact with local governments. Mr. Roncaglione, (850) 283 4148, is the 325th Fighter Wing Airspace Manager and will assist with land use planning activities.

6. Do the local governments within which your installation is located provide notice to the base commander in accordance with s. 163.3175, F.S., and does the base commander or a designee provide timely and constructive comments?

• Not all of the local governments within close proximity* provide notice. When notice is given, a response is returned. *Define the term “close proximity” as noted above.

7. If comments are provided by the base commander or designees in accordance with s. 163.3175, F.S., do the local governments generally incorporate those comments into proposed changes that may affect the installation’s mission?

• Local governments do not always follow recommendations provided by the installation.

8. Does a representative of the military installation attend and participate in local government or regional planning meetings? If so, to what degree and how often?

• A representative from the base attends as a non-voting member of several planning and zoning councils when invited and if applicable. Attendance is based upon local government projected land use changes that may impact the installation and mission.

9. Are Florida’s current statutes sufficient to ensure that the use and development of land is compatible with your installation’s mission? Please explain, including a discussion of ss. 163.3175 and 163.3177, F.S.

• [Please see the consolidated response for Question 9.]

10. Please discuss any specific recommendations you may have to revise Florida’s statutes governing the use and development of land as it relates to Florida’s military installations.
• [Please see the consolidated response for Question 10.]

11. Please provide any other comments or suggestions.
• Continued support and increased funding for programs such as Florida Forever, with funds specifically earmarked for encroachment protection for military installations, airspace and or lands associated with the installation’s mission.
• Mandate a state wide avigation easement for all DoD flights conducted IAW Federal Aviation Administration regulatory guidance.
• Mandate sound attenuation for all new construction for residences in the 65dbl or higher zone to reduce inside residence noise to 45dbl or lower.
• It is reasonable to consider offering reduced land taxes for compliance with air installation compatibility use zone recommendations.
• Quantify/highlight the long-term benefits of retaining military installations and their associated
[Graphics omitted]

APPENDIX I

Federal and State Points of Contact

I. Florida State Government Contacts

State Entity	Contact Person and Email Address	Contact Phone Number
The Florida House of Representatives, Committee on Military & Veterans' Affairs	Karen Camechis, Staff Director karen.camechis@myfloridahouse.gov	850-410-4905
The Florida Senate, Military Affairs and Domestic Policy Committee	Jane McElroy, Staff Director mcelroy.jane@flsenate.gov	850-487-5785
Executive Office of the Governor, Office of Tourism, Trade, and Economic Development	Brice Harris, Defense Coordinator brice.harris@eog.myflorida.com	850-487-2568
The Florida Defense Alliance	Rocky McPherson rmcpherson@eflorida.com	850-298-6652
The Florida Department of Community Affairs	Walker Banning Walker.Banning@dca.state.fl.us	850-922-1785
The Florida Department of Environmental Protection	Deborah Poppell, Acting Director, Division of State Lands Deborah.poppell@dep.state.fl.us	850-245-2555

II. Florida Local Government Contacts

Related Military Installation	Local Government	Contact Person and Email Address	Contact Phone Number
Avon Park Air Force Range	HIGHLANDS COUNTY	Zane Thomas, Planner, zthomas@hcbcc.org	863-402-6927
	OKEECHOBEE COUNTY	William Royce, Director Planning Department broyce@co.okeechobee.fl.us	863-763-5548
	OSCEOLA COUNTY	Jeffrey Jones Smart Growth Director jjon3@osceola.org	407-343-2395
	POLK COUNTY	Ana Martinez Huburt Long Range Planning Division anamartinez@polk-county.net	863-534-6486
Blount Island Command: Marine Corps	JACKSONVILLE-DUVAL COUNTY	Kristen Reed, AICP/City Planner Supervisor KReed@COJ.NET	904-630-2137
Camp Blanding Joint Training Center: US Army	CLAY COUNTY	Sung-Man Kim, Ph.D., AICP,Chief Planner sung-man.kim@co.clay.fl.us	904-269-6301
	BRADFORD COUNTY	Alex Hinely, County Planner alex_hinely@bradford-co-fla.org	904-966-6213

Eglin Air Force Base	GULF COUNTY	David Richardson, Planner Gulf1@gtcom.net	850-227-9562
	OKALOOSA COUNTY	Terry Jernigan, Planning Manager tjernigan@co.okaloosa.fl.us	850-651-7180
	Crestview	Michael Wing mwing@cityofcrestview.org	850-689-1618
	Destin	Jerry Mucci jmucci@cityofdestin.com	850-837-4242
	Fort Walton Beach	Samantha D. Abell sabell@fwb.org	850-833-9604
	Mary Esther	William Bradley Code@cityofmaryesther.com	850 243-3566
	Niceville	Wanda Cruttenden wcruttenden@niceville.org	850-729-4005
	Valparaiso	Lisa Algiere Cityadministrator@valp.org	850 729-5402
	WALTON COUNTY	Mark Martin, Budget & Staffing Mgr. marmark@co.walton.fl.us	850-267-1955
	Freeport	Latilda Henninger lhenninger@freeportflorida.gov	850-835-2822
	DeFuniak Springs	Gregory L. Scoville, AICP, City Planner cityplanner@defuniaksprings.net	Work: 850.892.8571 Fax: 850.892.8570
	SANTA ROSA COUNTY	Beckie Faulkenberry, Planning and Zoning Director beckief@santarosa.fl.gov	850-981-7075
Homestead Air Force Reserve Base	MIAMI-DADE COUNTY	**Steve Foren, Principal Planner** **ForenS@miamidade.gov**	305-375-2835
	Homestead	Shari Kamali, Director of Development Services skamali@cityofhomestead.com	305-224-4529
MacDill Air Force Base	Tampa	Randy Goers Randy.goers@tampagov.net	813-274-8694
Naval Air Station Jacksonville	JACKSONVILLE-DUVAL COUNTY	Kristen Reed, AICP/City Planner Supervisor KReed@COJ.NET	904.630.2137
	LAKE COUNTY	Brian T. Sheahan, AICP,Director of Planning & Community Design bsheahan@lakecountyfl.gov	352-343-9632
	MARION COUNTY	Michael Kokosky, Senior Planner michael.kokosky@marioncountyfl.org	352-438-2600
	PUTNAM COUNTY	Brian S. Hammons, AICP Director, Planning & Development Services brian.hammons@putnam-fl.com	386-329-0438
	VOLUSIA COUNTY	Ed Isenhour, Planner III Department of Growth and Resource Management eisenhour@co.volusia.fl.us	386-740-5261

Naval Air Station Key West	MONROE COUNTY	Acting Director, Townsley Schwab schwab-townsley@monroecounty-fl.gov Clarence Feagin feagin-clarence@monroecounty-fl.gov	305-289-2517
	Key West	Gail Kenson, AICP, Planning Director gkenson@keywestcity.com	305-809-3728
Naval Station Mayport	JACKSONVILLE-DUVAL COUNTY	Kristen Reed, AICP/City Planner Supervisor KReed@COJ.NET	904-630-2137
Naval Support Activity Panama City	BAY COUNTY	Daniel Shaw, Assistant County Manager dshaw@co.bay.fl.us	850-914-6402
Naval Air Station Pensacola	ESCAMBIA COUNTY	Charity Jones, Urban Planner II charity_jones@co.escambia.fl.us	850-595-3633
Naval Air Station Whiting Field: North and South	SANTA ROSA COUNTY	Beckie Faulkenberry, Planning and Zoning Director beckief@santarosa.fl.gov	850-981-7075
Patrick Air Force Base & Cape Canaveral Air Force Station	BREVARD COUNTY	Robin Sobrino Robin.sobrino@brevardcounty.us	321-633-2069
	Cape Canaveral	Todd Peetz, AICP City Planner TPeetz@millerlegg.com	321-868-1230
	Melbourne	Todd Corwin, Planner tcorwin@melbourneflorida.org	321-953-6209
	Palm Bay	David E. Watkins, AICP, Director Growth Management Dept. watkid@palmbayflorida.org	321-733-3042
	Satellite Beach	Michael Crotty, City Manager mcrotty@satellitebeach.org	321-773-4409
Tyndall Air Force Base	BAY COUNTY	Daniel Shaw, Assistant County Manager dshaw@co.bay.fl.us	850-914-6402
	Callaway	Amanda Richard, Planning Director arichard@cityofcallaway.com	850-871-6000
	Cedar Grove	Jamie Fielding Jamie@cedargrovefl.com	850-763-2911
	Mexico Beach	Chris Hubbard, City Administrator c.hubbard@mexicobeachgov.com	850-648-5700
	Panama City	Allara Mills-Gutcher, Planning Manager Allara.Gutcher@cityofpanamacity.com	850-872-7259
	Panama City Beach	Charles Silky cs@pcbgov.com	850-233-5100
	Parker	Mayor Brenda G. Hendricks coparker@knology.net	850-871-4104
	Springfield	Ms. Teresa Cox, City Clerk tcox@springfield.fl.gov	850-872-7570 ext 110

III. Federal Government and Regional Military Contacts

Federal Entity	Contact Person and Email Address	Contact Phone Number
U.S. Department of Defense, Office of Economic Adjustment	Rich Tenga richard.tenga@wso.whs.mil	703-604-6020
U.S. Air Force	Thomas D. Sims, Regional Environmental Coordinator Thomas.Sims@brooks.af.mil	404-562-4200 Toll Free: 888-610-7419
U.S. Army	Susan Gibson, Regional Environmental Coordinator susan.p.gibson@us.army.mil	404-524-5061
U.S. Marine Corps	Scott Brewer, Regional Environmental Coordinator scott.a.brewer@usmc.mil	910-451-7019
U.S. Navy	Camille Destafney, Regional Environmental Coordinator camille.r.destafney@navy.mil	904-542-8274

IV. Florida Military Installation Contacts

Military Installation	Point of Contact	Contact Person Email Address and Phone Number	Base Commander
Avon Park Air Force Range	Ron Riedel	ronald.riedel@avonpark.macdill.af.mil 863-452-7110	Lt. Colonel John Pechiney
Blount Island Command: Marine Corps	Mr. Kim Weisenburger	WeisenburgerKD@bic.usmc.mil Work: 904- 696-5154 Fax: 904-696-5681	Colonel Haviland
Camp Blanding Joint Training Center: US Army	Anna M. Peck	Anna.m.peck@fl.ngb.army.mil Work: 904-823-0316 Fax: 904-823-0189	Major General Douglas Burnett
Cape Canaveral Air Force Station	William J. "Jack" Gibson, Deputy Range-Base Civil Engineer	william.gibson@patrick.af.mil 321-494-4041	Wing Commander Brigadier Gen Susan Helms
Eglin Air Force Base	Larry T. Greene, Eglin Mission Enhancement Office	larry.greene@eglin.af.mil 850-882-3283	Installation Commander, Colonel Dean Clemons
Homestead Air Force Reserve Base	Mr. Larry Ventura, Base Civil Engineering / Environmental Flight Chief	Lawrence.ventura@homestead.af.mil 305-224-7163	Colonel Dennis Daley

Military Installation	Point of Contact	Contact Person Email Address and Phone Number	Base Commander
Hurlburt Field	Glenn Lattanze, Base Community Planner	Glenn.Lattanze@Hurlburt.AF.MIL 850-884-6439	Wing Installation Commander Colonel Brad Webb Mission Support Group Colonel Michael Smietana
MacDill Air Force Base	Ms. Christina Hummel, Base Community Planner Chugach Mgt Svc Inc., Contractor	christina.hummel.ctr@macdill.af.mil 813- 828-0836	Colonel Robert Thomas
Naval Air Station Key West	Mr. Ron Demes, Business Manager	ron.demes@navy.mil 305-293-2488	CAPT. USN, Commanding Officer James R. Brown
Naval Station Mayport	Mr. Mike McVann, Public Works Office	michael.mcvann@navy.mil 904-270-5207, ext 137	CO Captain Aaron Bowman XO Commander Mike Watson
Naval Support Activity Panama City	Mr. George C. Betz, Jr., Operations IPM	George.betz@navy.mil 850-235-5378	Captain Harbeson
Naval Air Station Pensacola	C. Fitch Boles IV, Counsel, NAS Pensacola Stephanie S. Oram, Airfield Manager	cal.boles@navy.mil 850-452-3100, ext 1357 Stephanie.oram@navy.mil 850-452-4763	Captain Pete Frano
Naval Air Station Whiting Field: North and South	Walter R. "Marty" Martin	marty.martin@navy.mil Work: 850- 623-7196 Fax: 850- 623-7804	Commander, Captain Enrique Sadsad
Patrick Air Force Base	William J. "Jack" Gibson, Deputy Range-Base Civil Engineer	william.gibson@patrick.af.mil 321-494-4041	Wing Commander Brigadier Gen Susan Helms
Tyndall Air Force Base	Wes Smith, Civil Engineering Jim Roncaglione, Chief, Airspace Management	william.smith@tyndall.af.mil 850-283-3065 Jim.Roncaglione@Tyndall.af.mil Work: 850-283-4148 Fax: 850-283-0759	General Wolters

Please note: The contact information listed above is current to the best of our knowledge as of December 18, 2007. It is important to note that this information will change over time and the installation or local government should be contacted directly to determine the name of the current point of contact.

APPENDIX J

Sources of Information Regarding Encroachment

Entity	Website
Base Realignment and Closure Commission	*http://www.brac.gov/*
California Governor's Office of Planning and Research (California Advisory Handbook for Community and Military Compatibility Planning)	*http://www.opr.ca.gov/*
Defense Technical Information Center	*http://www.dtic.mil/*
Department of Defense	*http://www.defenselink.mil/*
U.S. Environmental Protection Agency (National Environmental Policy Act, the Sikes Act of 1960)	*http://www.epa.gov/*
Federal Interagency Committee on Aviation Noise (Federal Interagency Committee on Noise report: Federal Agency Review of Selected Airport Noise Analysis Issues)	*http://www.fican.org/*
Florida Defense Alliance (Florida military fact book)	*http://www.floridadefense.org/*
Florida Department of Community Affairs (Comprehensive Planning information)	*http://www.dca.state.fl.us/*
Florida Department of Environmental Protection (Conservation Partnerships, Florida Forever)	*http://www.dep.state.fl.us/*
International City/County Management Association	*http://www.icma.org*
National Association of Counties	*http://www.naco.org/*
National Conference of State Legislatures	*http://www.ncsl.org/*
National Governors Association	*http://www.nga.org/portal/site/nga*
Office of Economic Adjustment (DoD)	*http://www.oea.gov*
United States General Accounting Office	*http://www.gao.gov/*

[1] The nine U.S. unified Combatant Commands within the DoD include: Central Command (located in Florida); European Command; Joint Forces Command; Northern Command; Pacific Command; Southern Command (located in Florida); Special Operations Command (located in Florida); Strategic Command; and Transportation Command.
[2] *Florida Defense Industry Economic Impact Analysis*, Haas Center for Business Research and Economic Development, The University of West Florida (Jan. 2008).
[3] Adjusted Appropriations for FY 2007-08 totaled approximately $71 billion, including $19 billion in federal funding. Therefore, $52 billion of the state budget was funded with state funds, as opposed to federal funds. The Florida Legislature, Fiscal Analysis in Brief, 2007 Legislative Sessions (Through Special Session D), General Appropriations Act, Chapter 2007-72, Laws of Florida, Adjusted for Vetoes, Supplementals and Special Sessions, p. 1 (Nov. 29, 2007).
[4] *NGA Center Offers Strategies for Compatible Development Near Military Bases,* Press Release, National Governors Association (March 13, 2006).
[5] *Working with State Legislators: A Guide for Military Installations and State Legislators*, Dept. of Defense, National Conference of State Legislatures, p.4. (undated)
[6]*California Advisory Handbook for Community and Military Compatibility Planning*, State of California, Governor's Office of Planning and Research, p. E-1 (Feb. 2006).
[7] *Practical Guide to Compatible Civilian Development Near Military Installations*, Dept. of Defense, Office of Economic Adjustment, in cooperation with the National Governors Association Center for Best Practices, p. III-3 (July 2005).
[8] *Florida Defense Industry Economic Impact Analysis*, Haas Center for Business Research and Economic Development, The University of West Florida, vol. 1, p.10. (Jan. 2003).
[9] *Florida Defense Industry Economic Impact Analysis*, Haas Center for Business Research and Economic Development, The University of West Florida (Jan. 2008).
[10] The information provided in this section may be found in the *Practical Guide to Compatible Civilian Development Near Military Installations*, Dept. of Defense (July 2005).
[11] *Working with State Legislators: A Guide for Military Installations and State Legislators* at p.4.
[12] *Commander's Guide to Community Involvement*, Range Commanders Council Sustainability Group, p. 5 (undated)
[13] *Practical Guide to Compatible Civilian Development Near Military Installations* at p. I-4.
[14] *Practical Guide to Compatible Civilian Development Near Military Installations* at p. I-5.
[15] *NGA Center Offers Strategies for Compatible Development Near Military Bases,* National Governors Association, Press Release (March 13, 2006).
[16]*Land Management and Land Use Planning, Policy Position NR-17,* National Governors Association (March 5, 2007).
[17] *Working with State Legislators: A Guide for Military Installations and State Legislators* at p.1.
[18] The provisions of Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Pub. L. 100-526, 102 Stat.2623, 10 U.S.C. S 2687 note), or the Defense Base Closure and Realignment Act of 1990 (Pub. L. 100-526, Part A of Title XXIX of 104 Stat. 1808, 10 U.S.C. S 2687 note).
[19] U.S. Dept. of Defense Website, BRAC Realignment and Closure 2005, Definitions. May be found at http://www.defenselink.mil/brac/definitions_brac2005.html.
[20] John D. Banusiewicz, American Forces Press Service, *BRAC Conference Focuses on Both Downsizing, Growth (*May 3, 2006).
[21] *Report to the President, Closure and Realignment Recommendations of the Commission,* Defense Base Closure and Realignment Commission, p. 5-38 (1991).
[22] *Florida Defense Industry Economic Impact Analysis*, Haas Center for Business Research and Economic Development, The University of West Florida (Jan. 2008).
[23] *Practical Guide to Compatible Civilian Development Near Military Installations* at p. III-17.
[24] *Working with State Legislators: A Guide for Military Installations and State Legislators* at p.10.
[25] Ch. 163, Part II, F.S., The Local Government Comprehensive Planning and Land Development Regulation Act.
[26] s. 163.3177(1), F.S.
[27] The Florida Dept. of Community Affairs website, http://www.dca.state.fl.us/fdcp/DCP/compplanning/.

[28] s. 163.3191, F.S.
[29] s. 163.3177(6)(a), F.S.
[30] ch. 2004-230, L.O.F.
[31] s. 163.3175(1), F.S.
[32] s. 163.3177(6)(a), F.S. The term "military installation" is defined in s. 163.3175(7)(b), F.S., as "a base, camp, post, station, airfield, yard, center, home port facility for any ship, or other land area under the jurisdiction of the Department of Defense, including any leased facility. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects."
[33] s. 163.3177(6)(a), F.S.
[34] s. 163.3191(2)(n), F.S.
[35] s. 163.3177(10)(l), F.S.
[36] s. 163.3175(2), F.S.
[37] s. 163.3175(2), F.S.
[38] The Air Force AICUZ plan defines three Accident Potential Zones (APZs): the Clear Zone, APZ 1, and APZ 2. The Clear Zone extends 3,000 feet beyond the runway and has the highest potential for accidents. APZ 1 extends 5,000 feet beyond the Clear Zone, and APZ 2 extends 7,000 feet beyond APZ 1. An accident is more likely to occur in APZ 1 than APZ 2 and more likely to occur in the Clear Zone than in either APZ 1 or APZ 2. Please see the Air Force Response to Questions 9 and 10 of the Survey of Military Installations.
[39] s. 163.3175(3), F.S.
[40] s. 163.3175(4), F.S.
[41] s. 163.3175(5), F.S.
[42] See local government responses to Survey Question #6. Comprehensive plan has been amended to address military compatibility: Bay, Bradford, Escambia, Gulf, Highlands, Jville/Duval, Miami-Dade, Okaloosa, Osceola, Santa Rosa counties; Callaway, Cape Canaveral, Cedar Grove, Crestview, DeFuniak Springs, Destin, Fort Walton Bch, Freeport, Homestead, Key West, and Mary Ester. Comprehensive plan has not been amended to address military compatibility: Brevard, Clay, Lake, Marion, Monroe, Polk, Putnam, Volusia, and Walton counties; cities of Melbourne, Mexico Beach, Niceville, Palm Bay, Panama City, Panama City Beach, Parker, Satellite Beach, Springfield, Tampa, and Valparasio.
[43] *Comments regarding the implementation of Chapter 2004-230, Laws of Florida*, Walker Banning, Fl. Dept. of Community Affairs (Jan. 5, 2008).
[44] *Governor, Cabinet Approve Purchase of Land Near Military Base*, Press Release, Fl. Dept. of Environmental Protection (Sept. 7, 2005).
[45] *Florida Joins Forces with Defense Department to Conserve Land,* Press Release, Florida Dept. of Environmental Protection (June 28, 2004).
[46] *Practical Guide to Compatible Civilian Development Near Military Installations* at p. III-18.
[47] Ch. 2006-31, L.O.F.; s. 259.105(2), F.S.
[48] s. 259.105(7)(a), F.S.
[49] Ch. 2003-286, L.O.F.
[50] s. 339.61, F.S.
[51] s. 339.64, F.S.
[52] s. 339.64(5), F.S.
[53] s. 339.64(5)(b), F.S.
[54] s. 339.175, F.S.
[55] s. 339.2819, F.S.
[56] s. 380.05, F.S.
[57] s. 380.05, F.S.
[58] Currently designated Areas of Critical State Concern are: City of Apalachicola (Franklin County), City of Key West and the Florida Keys (Monroe County), the Green Swamp (portions of Polk, Sumter, Lake, Pasco and Hernando counties) and the Big Cypress Swamp (Collier County).
[59] The Administration Commission is composed of the Governor and Cabinet.
[60] *Practical Guide to Compatible Civilian Development Near Military Installations* at p. III-3.
[61] Ch. 95-181, L.O.F.; s. 70.001, F.S.
[62] *Brevard County v. Stack,* 932 So.2d 1258, 1261 (Fla. 5th DCA 2006).
[63] *Id.*
[64] Ch. 95-181, L.O.F.; s. 70.001, F.S.

[65] s. 70.001(3)(e), F.S.
[66] s. 70.001(2), F.S.
[67] See generally, *Protecting Florida's Contributions to the Nation's Military Readiness*, The Florida Senate, Committee on Military and Veterans' Affairs, Base Protection, and Spaceports, Interim Project Report 2004-154 (Dec. 2003).
[68] Ch. 2004-230,L.O.F., s. 288.980, F.S.
[69] The Defense Infrastructure Projects Priority List for FY 07-08 may be found on the Florida Defense Alliance website at http://www.floridadefense.org/grants.asp.
[70] Ch. 99-251, L.O.F.; s. 288.980, F.S.
[71] *Working with Local Gov'ts: A Practical Guide for Installations* at p.17.
[72]Christina L. Nelson & Larry Morandi*, Strengthening Military-Community Partnerships*, Nat'l Conf.of State Legislatures, p. 4 (Jan. 2007).
[73] *Practical Guide to Compatible Civilian Development Near Military Installations* at p. III-3.
[74] Christina L. Nelson & Larry Morandi*, Strengthening Military-Community Partnerships*, Nat'l Conf.of State Legislatures, p. 4 (Jan. 2007).
[75] Id.
[76] *Practical Guide to Compatible Civilian Development Near Military Installations* at p. III-10.
[77] The information regarding Arizona statutes was primarily obtained from *Planning Tools and Policies to Encourage Compatible Development near Military Installations*, Issue Brief, National Governors Association Center for Best Practices, p.7 (Feb. 2006).
[78] Ariz. Rev. Stat. §§2-321, 2-335, 2-336, 9-461.05, 11-806, 28-8461, 28-8481; §§9-461.06, 9-462.04, 11-829, 28-8461, 28-8481; §28-8480.
[79] *Practical Guide to Compatible Civilian Development Near Military Installations* at p. III-14.
[80] *California Advisory Handbook for Community and Military Compatibility Planning*, State of California, Governor's Office of Planning and Research, p. 1-1 (Feb. 2006).
[81] *Id.*
[82] *Id.*
[83] *Id.* at p. 4-1.
[84] *Id.*
[85] *Id.*
[86] Okla. Rev. Stat. §11-43-101.1
[87] Va. Code §§15.2-2223, 15.2-2283, 2006 Va. Acts, Chap. 328; §15.2-2204; §§15.2-2316.1 et seq.
[88] Wash. Rev. Code §36.70A.530; §36.70A.530.
[89] The information in this section was collected primarily from the *Practical Guide to Compatible Civilian Development Near Military Installations*, Part IV.
[90] 49 U.S.C. s. 40103.
[91] 49 U.S.C. ss. 47523 - 47528.
[92] *City of Burbank v. Lockheed Air Terminal, Inc.,* 411 U.S. 624 (1973).
[93] *Aaron v. United States*, 160 Ct. Cl. 295, 311 F.2d 798, 801 (1963).
[94] *Branning v. United States*, 654 F.2d 88 (Ct. Cl. 1981). The vital factor in this case was that the overflights (at 600 AGL) by Marine Corps aircraft, designed to practice carrier takeoffs and landings, occurred with the planes' noses up, tails down, and near maximum power in "unvarying loops" over the plaintiff's land. The noise generated from the flights made construction of single-family homes economically unviable. The overflights occurred over the plaintiff's land because alternative locations were determined to be even more objectionable. According to the court, the plaintiff was "consciously singled out or selected to bear a burden which defendant also consciously elected not to impose on others . . . . This is a classic statement of a taking situation." Id. at 90.
[95] 49 U.S.C. s. 47501 et al.
[96] *Practical Guide to Compatible Civilian Development Near Military Installations* at p. VI-10.
[97] MD Code, Real Property, s. 4-117.
[98] *Practical Guide to Compatible Civilian Development Near Military Installations* at p. VI-10.
[99] *Id.*
[100] 213 Ct. Cl. 362, 552 F.2d 337 (1977).
[101] 21 Ct. Cl. 337 (1990).
[102] 213 Ct. Cl. 362, 552 F. 2d 337 (1977).

[103] Brief for Appellees, *Chester Cox, Jr. v. City of Wichita Falls*, Texas and the United States, No. 01-62 (U.S.).
[104] Brief for Appellees, *Chester Cox, Jr. v. City of Wichita Falls*, Texas and the United States, No. 01-62 (U.S.).
[105] *Practical Guide to Compatible Civilian Development Near Military Installations* at p. IV-4.
[106] *Planning Tools and Policies to Encourage Compatible Development near Military Installations*, Issue Brief, NGA Center for Best Practices (Feb. 2006).
[107] The information in this section was largely gathered from Joint Land Use Study Summary, Ofc. of Economic Adjustment, Dept. of Defense, available at http://www.oea.gov/OEAWeb.nsf/CEA72EC60031122885256E8300449772/$File/Jlus4pgr07.pdf. and *Planning Tools and Policies to Encourage Compatible Development near Military Installations,* National Governors Association, Issue Brief, (Feb. 2006).
[108] *Practical Guide to Compatible Civilian Development Near Military Installations* at p. v.
[109] *Id.*at p. I-1.
[110] *Id.* at p. I-3.
[111] These programs are military branch specific. AICUZ applies to the Navy and Air Force, RAICUZ applies to the Navy and Marines, and ONMP applies to the Army.
[112] Title 10 U.S.C., s. 2391.
[113] Richard Tenga, Project Manager, Office of Economic Adjustment (OEA), Dec. 21, 2007.
[114] *Report to Congress on Sustainable Ranges*, U.S. Dept. of Defense, p. 4-15 (Feb. 2006).
[115] *Joint Land Use Study Summary*, Ofc. of Economic Adjustment, Dept. of Defense (Jan. 2007), available at http://www.oea.gov/OEAWeb.nsf/CEA72EC60031122885256E8300449772/$File/Jlus4pgr07.pdf.
[116] *Id.*
[117] *Protecting Florida's Contributions to the Nation's Military Readiness,* The Florida Senate, Interim Project Report 2004-154, p. 3. (Dec. 2003).
[118] *The JLUS Program Guidance Manual* (Jan. 2007) is available at www.oea.gov.
[119] *Report to Congress on Sustainable Ranges*, U.S. Dept. of Defense, p. 4-4 (Feb. 2006).
[120] Title 10 U.S. Code § 2684a.
[121] *Report to Congress on Sustainable Ranges* at p. 4-5 (Feb. 2006).
[122] *Florida Guard Gets First Compatible Use Buffer Under New Provisions*, U.S. Army Environmental Command, Environmental Update (Summer 2004); *Governor, Cabinet Approve Purchase of Land Near Military Base*, Press Release, Fl. Dept. of Environmental Protection (Sept. 7, 2005). The partnership resulted in the acquisition of approximately 8,500 acres of land surrounding Camp Blanding to create a buffer around the 73,000 acre Florida Army National Guard installation.
[123] See State Strategies to Address Encroachment at Military Installations, National Governors Association Issue Brief (Sept. 2004) for more information on conservation partnerships. (available at http://www.nga.org/cda/files/032403MILITARY.pdf)
[124] *Report to Congress on Sustainable Ranges* at p. 4-6 (Feb. 2006).
[125] 10 USC s. 2684.
[126] *Report to Congress on Sustainable Ranges* at p. 4-11 (Feb. 2006).
[127] For additional information on each program, please refer to the *Report to Congress on Sustainable Ranges*, U.S. Dept. of Defense, p. 4-8 (Feb. 2006).
[128] *Report to Congress on Sustainable Ranges* at p. 4-18 (Feb. 2006).
[129] The 17 installations surveyed include: Avon Park Air Force Range; Blount Island Command: Marine Corps; Camp Blanding Joint Training Center: US Army; Eglin Air Force Base; Homestead Air Force Reserve Base; Hurlburt Field; MacDill Air Force Base; Naval Air Station Jacksonville; Naval Air Station Key West; Naval Station Mayport; Naval Support Activity Panama City; Naval Air Station Pensacola; Naval Air Station Whiting Field: North and South; Patrick Air Force Base; Cape Canaveral Air Force Station; Patrick Air Force Base Annexes; and Tyndall Air Force Base. Although there are 20 installations in Florida, 17 were provided with a survey. Those that were not surveyed include: Corry Station (a Naval facility located near NAS Pensacola); Saufley Field (a Naval facility located near NAS Pensacola); and Naval Aviation Depot in Jacksonville. These installations were not surveyed because the response from a surveyed installation would address the installations' concerns or the installations do not perform missions that are susceptible to encroachment issues.

[130] Local governments were asked to respond to the survey within 30 days after the request was emailed to the local government representatives. If a local government did not reply by the requested due date, staff sent at least two email reminders and contacted staff of the local government by telephone. Staff also contacted the registered legislative lobbyists, if any, for each the local government to seek assistance in obtaining responses. In addition, staff contacted the Florida League of Cities and the Florida Association of Counties and informed each organization of those cities or counties that had not responded. The League and Association provided assistance in obtaining several responses.
[131] See local government responses to Question # 2. Counties and cities reporting potential for accidents include: Brevard, Escambia, Duval, Marion, Miami-Dade, Santa Rosa, Fort Walton Beach, Homestead, Tampa, and Valparasio.
[132] See local government responses to Question # 2. Local governments reporting noise issues include: Bay, Bradford, Brevard, Clay, Escambia, Highlands, Jville/Duval, Marion, Miami-Dade, Polk, Putnam, Santa Rosa, Volusia, Walton counties; Callaway, DeFuniak Springs, Destin, Fort Walton Bch, Freeport, Homestead, Key West, Mexico Beach, Niceville, Parker, Tampa, and Valparasio.
[133] See local government responses to Survey Question #4. Counties that report participating in the JLUS program: Bay, Escambia, Highlands, Miami-Dade, Okaloosa, Osceola, Putnam, Santa Rosa, and Walton. Cities that report participating: DeFuniak Springs, Destin, Fort Walton Beach, Freeport, Homestead, Key West, Niceville, Tampa, and Valparasio.
[134] See local government responses to Survey Question #6. Comprehensive plan has been amended to address military compatibility: Bay, Bradford, Escambia, Gulf, Highlands, Jville/Duval, Miami-Dade, Okaloosa, Osceola, Santa Rosa counties; Callaway, Cape Canaveral, Cedar Grove, Crestview, DeFuniak Springs, Destin, Fort Walton Bch, Freeport, Homestead, Key West, and Mary Ester. Comprehensive plan has not been amended to address military compatibility: Brevard, Clay, Lake, Marion, Monroe, Polk, Putnam, Volusia, and Walton counties; cities of Melbourne, Mexico Beach, Niceville, Palm Bay, Panama City, Panama City Beach, Parker, Satellite Beach, Springfield, Tampa, and Valparasio.
[135] See local government responses to Survey Question #9. Local governments reporting that incompatible land use is a current or foreseeable problem include: Highlands, Duval, Putnam, Santa Rosa counties; Parker, Tampa, and Valparasio. Local governments reporting that incompatible land use is not a current or foreseeable problem include: Bay, Bradford, Escambia, Marion, Miami-Dade, Osceola, Polk, Volusia, Walton counties; cities of Callaway, Melbourne, Cape Canaveral, Mexico Beach, Cedar Grove, Niceville, Palm Bay, Crestview, DeFuniak Springs, Panama City Beach, Destin, Fort Walton Bch, Satellite Beach, Freeport, Homestead, Key West, and Mary Ester.
[136] See local government responses to Survey Question #15. Statutes are sufficient: Bay, Bradford, Clay, Escambia, Duval, Marion, Miami-Dade, Okaloosa, Santa Rosa, Volusia, and Walton counties; cities of Destin, Freeport, Homestead, Mary Ester, Melbourne, Mexico Beach, Niceville, Palm Bay, Tampa, and Satellite Beach. Statutes are insufficient: Clay, Highlands, and Polk counties; cities of Callaway, Cape Canaveral, DeFuniak Springs, Parker, and Valparasio.
[137] Please refer to the survey responses for the complete response from each city and county.
[138] Please see responses to Question 2 of the Survey of Military Installations.
[139] Please see responses to Question 3 of the Survey of Military Installations. Thirteen installations report that encroachment is a current or foreseeable conflict, including: Avon Park Air Force Range, Eglin AFB, Homestead AFRB, Hurlburt Field, MacDill AFB, NAS Jacksonville, NAS Key West, Naval Station Mayport, NSA Panama City, NAS Pensacola, NAS Whiting Field: North and South; Patrick Air Force Base Annexes; and Tyndall AFB. Three installations report that encroachment is not a current or foreseeable conflict, including: Blount Island Command: Marine Corps, Camp Blanding Joint Training Center: US Army, and Patrick Air Force Base.
[140] Please see responses to Question 6 of the Survey of Military Installations. Tyndall AFB reported that not all local governments within close proximity provide notice, and suggested clarification of the statutory term "close proximity".
[141] Please see responses to Question 8 of the Survey of Military Installations.
[142] Please see responses to Question 7 of the Survey of Military Installations.
[143] Please see the Navy's response to Questions 9 and 10 for the complete response.
[144] Please see the Air Force's response to Questions 9 and 10 for the complete response.