



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

RICK SCOTT
Governor

BILLY BUZZETT
Secretary

August 4, 2011

Mr. Don Craig, Planning Director
City of Key West Planning Department
3140 Flagler Avenue
Key West, Florida 33040

Dear ^{Don} Mr. Craig:

This letter requests your assistance in the development of military compatibility criteria and coordination goals, objectives, and policies within the Key West Comprehensive Plan. The current Future Land Use Element does not address compatibility of lands adjacent to an existing military installation.

During the 2011 legislative session, Section 163.3175, Florida Statutes (FS) (enclosed) was amended and provides that a local government that does not address compatibility of land proximate to existing military installations in its future land use plan element by June 30, 2012, shall enter into mediation conducted pursuant to s. 186.509, F.S. Mediation would include representatives from the Naval Air Station Key West (NAS Key West), the City of Key West, the State Land Planning Agency, and the South Florida Regional Planning Council and potentially, other private land owners.

The primary factors of encroachment and compatibility that need to be addressed within the comprehensive plan are the following:

- Structure height,
- Lighting that would impair pilot vision,
- Uses that would generate smoke, steam or dust, or attract birds,
- Electronic interference with aircraft communication or navigation,
- Noise level reduction for buildings,
- Real Estate Disclosures, and
- Land use conflicts arising from use of land by military personnel and the public.

Military bases and activities in Florida provide an important contribution to the State's economy, providing approximately \$536 million in economic impact within

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Monroe County in 2010. The NAS Key West is a significant fighter pilot training center. The excellent weather conditions and visibility with little competition or delays in obtaining air space make the Naval Air Station a very cost effective training center for jet plane pilots.

Additionally, Rule 28-36.003 Florida Administrative Code contains the Principles for Guiding Development (enclosed) for the City of Key West. Principle f requires that development be approved in a manner that protects the value, efficiency, cost effectiveness, and amortized life of the Key West Naval Air Station.

With the recent legislative changes to Section 163.3175, F.S. and the looming July 2012 deadline, it is of utmost importance that the City reviews the 2007 Study, evaluate the needed changes to the comprehensive plan and land development regulations, and adopt policies that address military compatibility criteria.

I recommend that you contact Ms. Gail Kenson (NAS-Key West) at (305) 293-2633, to discuss the specific recommendations that the Navy may have for Key West. With regard to the comprehensive plan amendment, I would like to offer the assistance of Rebecca Jetton for any technical assistance that may be needed. It is very important to the Department that the City moves forward to address this matter to forestall a requirement to initiate mediation in July of 2012. The Department stands ready to assist you in developing your military compatibility policies. Please telephone Rebecca at 850 922-1766 for assistance.

Sincerely,



J. Thomas Beck, Director
Division of Community Planning

cc: Captain Lefere, NAS Key West
Gail Kenson, NAS Key West

Enclosure(s)

Excerpts from Ch. 2011-139, Laws of Florida

163.3175 Legislative findings on compatibility of development with Military installations; exchange of information between local governments And military installations.—

(5) The commanding officer or his or her designee may provide comments to the affected local government on the impact such proposed changes may have on the mission of the military installation. Such comments may include:

(a) If the 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;

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

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

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

The commanding officer's comments, underlying studies, and reports are not binding on the local government.

(6) The affected local government shall take into consideration any comments provided by the commanding officer or his or her designee pursuant to subsection (4) and must also be sensitive to private property rights and not be unduly restrictive on those rights. The affected local government shall forward a copy of any comments regarding comprehensive plan amendments to the state land planning agency.

(9) If a local government, as required under s. 163.3177(6)(a), does not adopt criteria and address compatibility of lands adjacent to or closely proximate to existing military installations in its future land use plan element by June 30, 2012, the local government, the military installation, the state land planning agency, and other parties as identified by the regional planning council, including, but not limited to, private landowner representatives, shall enter into mediation conducted pursuant to s. 186.509. If the local government comprehensive plan does not contain criteria addressing compatibility by December 31, 2013, the agency may notify the Administration Commission. The Administration Commission may impose sanctions pursuant to s. 163.3184(8)(11). Any local government that amended its comprehensive plan to address military installation compatibility requirements after 2004 and was found to be in compliance is deemed to be in compliance with this subsection until the local government conducts its evaluation and appraisal review pursuant to s. 163.3191 and determines that amendments are necessary to meet updated general law requirements.

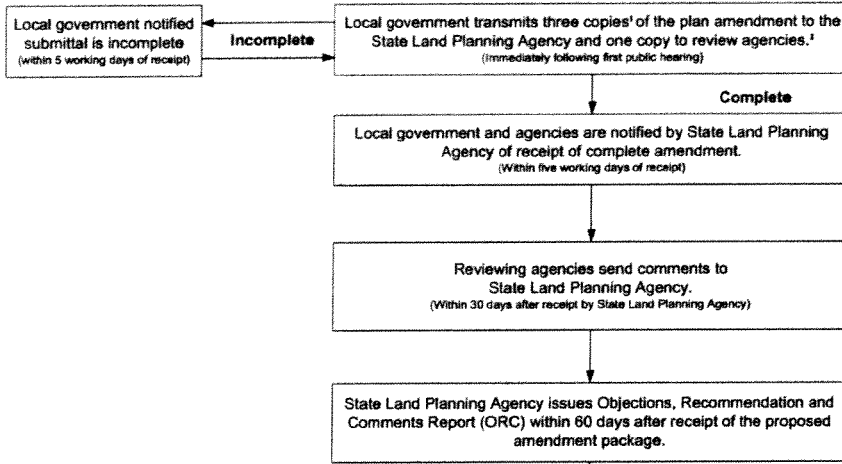
Key West Principles for Guiding Development:
Rule 28-36.003, Florida Administrative Code

- (a) Strengthen local government capabilities for managing land use and development;
- (b) Protection of tidal mangroves and associated shoreline and marine resources and wildlife;
- (c) Minimize the adverse impacts of development on the quality of water in and around the City of Key West and throughout the Florida Keys;
- (d) Protection of scenic resources of the City of Key West and promotion of the management of unique, tropical vegetation;
- (e) Protection of the historical heritage of Key West and the Key West Historical Preservation District;
- (f) Protection of the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
 - 1. The Florida Keys Aqueduct and water supply facilities;
 - 2. Sewage collection and disposal facilities
 - 3. Solid waste collection and disposal facilities
 - 4. Key West Naval Air Station;
 - 5. The maintenance and expansion of transportation facilities; and
 - 6. Other utilities as appropriate.
- (g) Minimize the adverse impacts of proposed public investments on the natural and environmental resources of the City of Key West;
- (h) Protection of the public health, safety, welfare and economy of the City of Key West, and the maintenance of Key West as a unique Florida resource.

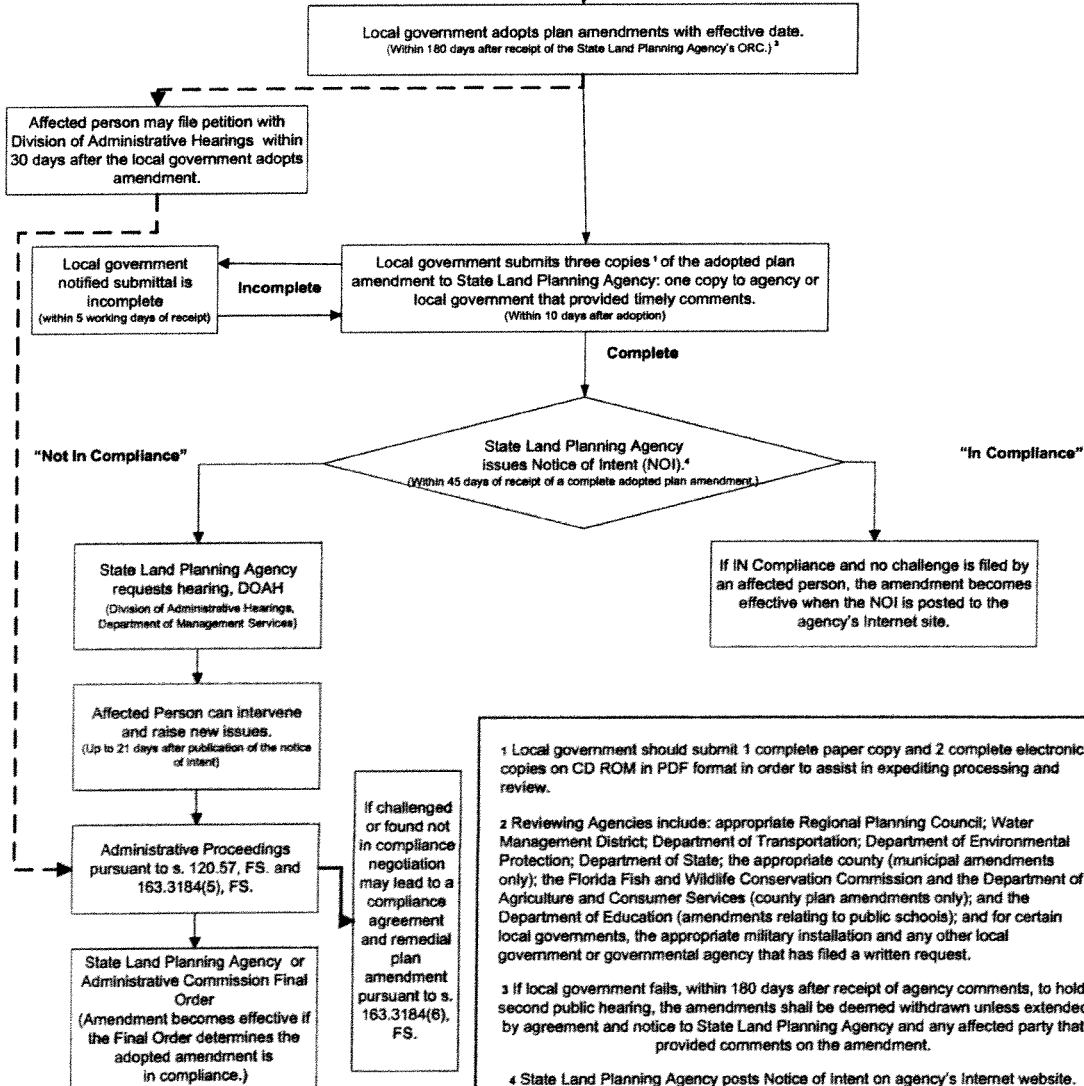
Attachment 2

State Coordinated Review Amendment Process Section 163.3184(4) and (5), Florida Statutes

Proposed Phase



Adopted Phase



1 Local government should submit 1 complete paper copy and 2 complete electronic copies on CD ROM in PDF format in order to assist in expediting processing and review.

2 Reviewing Agencies include: appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

3 If local government fails, within 180 days after receipt of agency comments, to hold second public hearing, the amendments shall be deemed withdrawn unless extended by agreement and notice to State Land Planning Agency and any affected party that provided comments on the amendment.

4 State Land Planning Agency posts Notice of intent on agency's Internet website.