Memorandum

MIAMI-DADE COUNTY

Date:	April 6, 2010
To:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners
From:	George M. Burgess County Manager
Subject:	Substitute Item: Homestead Air Reserve Base – Joint Land Use Study and Air Installation Compatible Use Zone Study

Agenda Item No. 8(N)(1)(B)

This Substitute item differs from the original item (legistar no. 100332) to reflect a change in the title and recommendation language.

Recommendation
It is recommended that the Board of County Commissioners accept the Homestead Air Reserve Base (HARB) Joint Land Use Study (JLUS) and Air Installation Compatible Use Zone (AICUZ) Study as policy guidelines, and authorizing the County Mayor or Mayor's Designee to further analyze the strategies and policies continued within the report.

Scope
Economic benefit from preservation of the Air Reserve Base is countywide. The Air Reserve Base lies within Commission District 9 (Chairman Moss), and adjacent to Commission District 8 (Commissioner Sorenson).

Fiscal Impact/Funding Source
The Boards acceptance of these plans has no cost associated with it. However, costs for implementing the recommendations are anticipated and will be determined as the implementing strategies are developed and implemented. Grants and/or matching funds from the Department of Defense (DoD) or the Miami-Dade Defense Alliance are available for implementation of several recommendations.

Track Record/Monitor
No contracts are required through acceptance of this resolution.

Background
Two reports, the Joint Land Use Study (JLUS), prepared by EDAW, Inc, and the Air Installation Compatible Use Zone (AICUZ) report, prepared by the Headquarters Air Reserve Command, have been prepared to address the compatibility of the Homestead Air Reserve Base (HARB) with the surrounding community. These reports contain a variety of strategies and implementation actions that, if accepted by the Board, will show the Department of Defense and the Federal Base Relocation and Closure Committee (BRACC) that the communities surrounding the HARB are pursuing avenues to ensure the continued operations of the base. This is the initial step in assuring the federal government that a base's current and/or future operations will not be undermined by encroachment from the surrounding community.

Between late 2005 and mid-2007, the County participated in the development of the Joint Land Use Study (JLUS) program with the City of Homestead, Homestead Air Reserve Base (HARB), City of Florida City and a variety of private sector organizations. The program had two objectives: 1) to encourage cooperative land use planning between HARB and the surrounding community; and 2) to seek ways to ensure that adjacent land uses do not develop in such a manner that the operations of the base are restricted. The resulting JLUS report contained 11

recommended strategies which could be used to increase the long-term compatibility between the base and the surrounding community.

The Air Installation Compatible Use Zone (AICUZ) report was completed by the Air Force in October 2007. This effort seeks to protect the health, safety and welfare of people near military airfields, while preserving the safety and effectiveness of aviation training activities. The program identifies noise and air safety impacts that extend beyond the installation boundary and recommends land uses that are compatible within these zones.

The recommendations between the AICUZ and JLUS reports are very similar; since both reports address land use compatibility, and health and safety issues; however, the JLUS report recommendations provide more comprehensive strategies and actions than the AICUZ report. The 11 JLUS strategies and their accompanying implementing action steps encompass all AICUZ recommendations with the exception of Policy 7. The attached *Report on Strategies and Recommendations of the Joint Land Use Study (JLUS) and Air Installations Compatibility Use Zone (AICUZ)* provides an initial County analysis of the JLUS strategies and Policy 7 of the AICUZ report. Following the initial analysis, the Department of Planning and Zoning (DP&Z) has provided a recommendation regarding the implementation of the following strategies.

- Strategy 1 – Establish a Property search function on the Property Appraiser's website for properties within the HARB military zone.
- Strategy 4 – Modify the County's Comprehensive Development Master Plan (CDMP) to meet the requirements of Chapter 163 regarding land use compatibility for military bases.
- Strategy 7 – Develop standards for exterior lighting around the HARB military zone.
- Strategy 8 – Develop indoor sound reduction practices for all noise sensitive uses within the 65 + decibel contours of the military zone.
- Strategy 10 – Inform the HARB staff of any County CDMP or zoning application for structures over 200 feet in height within a 10-mile radius of the base.
- Strategy 11 – Inform the HARB staff of all County CDMP or zoning applications for lakes and landfills within a 10-mile radius of the base.

The remaining JLUS strategies (Strategies 2, 3, 5, 6, and 9) need further evaluation prior to recommending implementation. Additionally, the DP&Z has determined that Policy 7 of the AICUZ report is already implemented through current County processes and therefore no further action is required.

The attached summary report prepared by the Department of Planning and Zoning describes each strategy and briefly analyzes the need for implementation. Where possible, an estimate of County resources (time or money) needed to implement the strategy, is provided, and available government funding programs are identified.

Alex Muñoz
Assistant County Manager

MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: April 6, 2010

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 8(N)(1)(B)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(N)(1)(B)
4-6-10

RESOLUTION NO. _____

RESOLUTION ACCEPTING THE JOINT LAND USES STUDY (JLUS) AND THE AIR INSTALLATION COMPATIBLE USE ZONE STUDY COMMISSIONED BY THE US AIR FORCE AND HOMESTEAD AIR RESERVE BASE; AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO FURTHER ANALYZE THE RECOMMENDATIONS CONTAINED THEREIN; AND AUTHORIZING THE IMPLEMENTATION OF CERTAIN STRATEGIES IN THE JLUS

WHEREAS, pursuant to Chapter 163, Part 2, Florida Statutes (F.S.) and Chapters 9J-5, 9J-11, and 9J-12, Florida Administrative Code (F.A.C.), the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade County Board of County Commissioners (Board) in November 1988; and

WHEREAS, Homestead Air Reserve Base (HARB) is a major contributor to the economy of south Miami-Dade County, and remains a key contributor to the defense of our nation; and

WHEREAS, HARB has conducted military base impact studies, one unilaterally (Air Installation Compatible Use Zone-AICUZ) and one in conjunction with Miami-Dade County, the City of Homestead, and a variety of public groups (Joint Land Use Study-JLUS); and

WHEREAS, each of these studies contains recommendations aimed at ensuring compatibility between the ongoing military operations at HARB and the existing and future development on privately and publicly owned land in close proximity to the base; and

WHEREAS, the Department of Planning and Zoning has analyzed the studies' strategies and policies in conjunction with other County departments and with HARB staff, and completed an initial report containing recommended courses of action; and

WHEREAS, Miami-Dade County's CDMP Policies LU-4F and AV-7A require Miami-Dade County to implement the guidelines within the AICUZ, to provide for and preserve land use compatibility in the vicinity of the HARB,

NOW, THEREFORE, BE IT RESOLVED BY THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS, that this Board hereby accepts the Joint Land Uses Study (JLUS) and the Air Installation Compatible Use Zone Study commissioned by the U.S. Air Force and Homestead Air Reserve Base and authorizes >>the County Mayor or Mayor's designee<<[1] to further analyze the strategies and policies contained within the JLUS and AICUZ documents and implement JLUS strategies 1, 4, 7, 8, 10 and 11.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of April, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney
as to form and legal sufficiency

Joni Armstrong Coffey

[1] The differences between the substitute and the original item are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

Summary Report of the Strategies and Recommendations
Joint Land Use Study (JLUS) and Air Installation Compatibility Use Zone (AICUZ)
December 11, 2009

Background

Homestead Air Reserve Base (HARB) consists of approximately 1,900 acres in unincorporated Miami-Dade County, northeast of the Cities of Homestead and Florida City. The military has been a presence in south Florida since 1942 when the Homestead Army Airfield functioned as a WW II training site and staging area. In 1992, Hurricane Andrew inflicted significant damage to the installation, prompting the federal Base Realignment and Closure (BRAC) committee to order a downsizing of military operations the following year. The loss of active units caused the base to shrink from its original 3,000 acres to 852 acres and house only Air Force Reserve and National Guard units. Plans called for Miami-Dade County to operate the surplus portion of the base for commercial aviation. However, public opposition to a commercial airport triggered a reversal of the BRAC committee's decision and the Air Force resumed operational control of the airfield at its current size. The renewal of high intensity flight operations has raised HARB's awareness of surrounding and potentially conflicting land uses.

Over the last decade, the Department of Defense (DoD) has been tasked with the closure of military installations around the country. To help in the evaluation of these closures, the DoD developed two programs, the Air Installation Compatible Use Zone program and the Joint Land Use Study program, to identify and assess the potential for conflicts between military and civilian land uses, and its impact on the overall military mission. The local implementation of recommendations developed through these programs has helped military installations retain their full range of operations while protecting the safety and welfare of the surrounding communities.

The Air Installation Compatible Use Zone (AICUZ) study seeks to protect the health, safety and welfare of people near military airfields, while preserving the safety and effectiveness of aviation training activities. The program identifies noise and air safety impacts that extend beyond the installation's boundaries and recommends land uses and densities that are compatible within these zones. This program defines the concept of a Military Zone (MZ) as the area within the boundaries of the 65 decibel noise contour line, the Clear Zone (CZ), and Accident Potential Zones (APZ) I and II. The CZ and APZs extend a total of 15,000 feet from the end of each runway in a straight line, and are 3,000 feet wide. Local governments that have any portion of an MZ within their boundaries are encouraged to adopt land development regulations as recommended by the program for the various zones. The Military Zone for the Homestead Air Reserve Base, referred to as the HARBMZ, is delineated in Figure 1. This study was initiated by HARB to identify and update the HARBMZ based on current operations.

The Joint Land Use Study (JLUS) program has two objectives: first, to encourage cooperative land use planning between military installations and the surrounding community; and secondly, to seek ways to reduce the operational impacts of military installations on adjacent land. The JLUS process encourages residents, local decision-makers, and installation representatives to study issues of compatibility in an open forum, balancing both military and community interests.

The HARB JLUS is the result of the public (Miami-Dade County, City of Homestead, South Florida Regional Planning Council, Biscayne National Park), private (Vision Council, Builder's Association of South Florida, Dade County Farm Bureau, among others) and military sectors

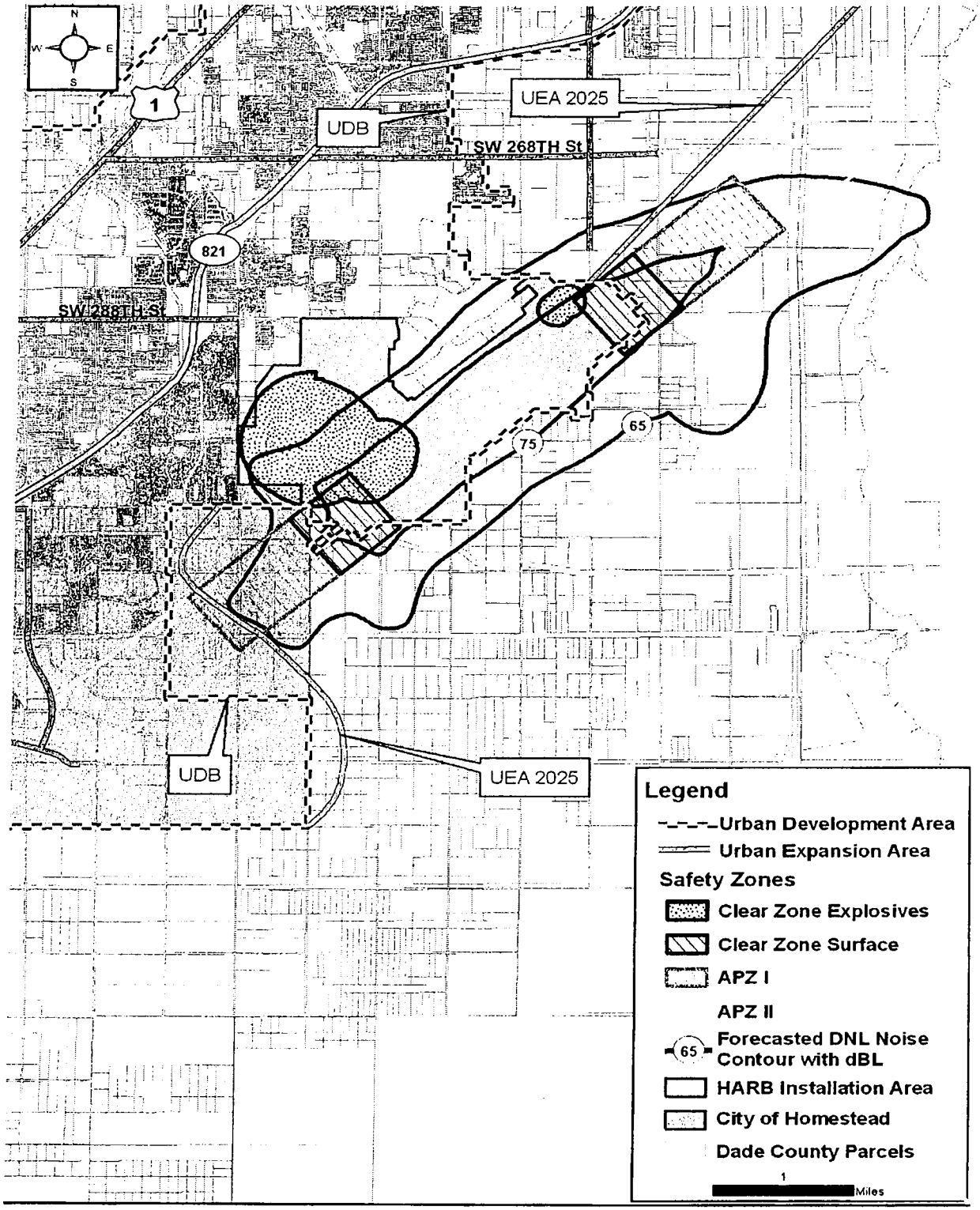
working in concert to define the Study's goals. These included 1) to increase communication between the military and the communities; 2, to evaluate the potential impacts of current and future military operations on the surrounding community and private property; and 3) to evaluate the potential impacts of community growth on the long-term viability of the HARB mission.

In 2007, the two HARB program studies were completed with several recommendations presented. The Department of Planning and Zoning has worked with HARB to determine the feasibility of the County implementing these recommendations. The JLUS report recommends eleven Strategies with 20 Action Steps. The AICUZ program also produced a report, titled the AICUZ Study, which has seven recommendations, referred to as policies in the report. Six of the AICUZ recommendations coincide with JLUS strategies, and are not discussed separately, but instead are folded into the respective JLUS Strategies. The seventh AICUZ recommendation is addressed separately after the 11 JLUS Strategies. A comparison showing the overlap of JLUS and AICUZ recommendations is contained in Appendix 1.

Appendix 2 contains a table that lists the JLUS Strategies and Action Steps, and identifies which Miami-Dade County department or agency would be impacted. It is recommended that the Department of Planning and Zoning and HARB work with these departments and agencies to implement the various strategies. The shaded areas indicate action that would be implemented by the City of Homestead.

Each of the eleven JLUS strategies and Policy 7 of the AICUZ report are described below and analyzed with regard to the need and feasibility of implementation. Additionally, the Department of Planning and Zoning (DP&Z) provides its recommendations for further action.

Figure 1: Homestead Air Reserve Base, Zone Boundaries and Surrounding Area



The HARBMZ consists of all land enclosed within the 65+ noise contour, as well as the Clear Zone, and APZ I and II.

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JLUS STRATEGY #1: *To the extent possible, link the HARBMZ to the property search function of the Miami-Dade County (County) web site.*

Background: Aircraft associated with HARB create impacts to surrounding land uses, such as noise and aircraft safety issues. To ensure that current or potential property owners are afforded opportunities to learn about and understand the Base's impacts on nearby properties, HARB recommends adding information about the noise contour lines and Accident Potential Zones in both graphic and text formats on the appropriate County websites.

Action Step #1.a.: *expand the property information feature on MDC Property Appraisers search site to include HARBMZ-related designations.*

Analysis: Based on discussions between HARB, the County Property Appraiser Office (PAO), Enterprise Technology Services Department (ETSD) and DP&Z, the implementation strategy that would best accomplish the intent of this action step is a new GIS layer accessed by the public through the Property Appraiser's Office (PAO) website. The layer would be accessed through the PAO website; would delineate the boundaries of the various zones that make up the HARBMZ; and, would provide links to text giving more information about the impacts and restrictions within each zone. The layer would also contain several noise contour lines inside the MZ that indicate additional land use or building restrictions as the noise impacts increase. Additionally, this layer should include links to text that would give additional information on the various military zones and their impacts on surrounding areas.

The layer could be created by ETSD, at a cost of approximately $6,000, and would have no annual maintenance cost. Updates to the layer may be necessary if there are changes made to flight patterns, missions or aircraft types at the base and could be performed at a minimal cost. In meetings with the Miami-Dade Defense Alliance, it has been stated that the cost of this strategy may be reimbursed in part or in full as part of this organization's commitment to assisting with implementation of the JLUS and AICUZ studies.

Implementation: A GIS layer should be added to the County system and the County should seek cost reimbursement for creating this layer from the Miami-Dade Defense Alliance.

Action Step #1.b.: *establish a link from the City of Homestead's web site to the County web site to promote increased access.*

Analysis: The DP&Z has contacted the City of Homestead to discuss their desire to create this link. The City has indicated that although internal discussions on JLUS/AICUZ issues were ongoing, no specific responses for this action step had been developed. This action step would not result in any costs to the County, and involves minimal staff time.

Implementation: The City is the implementing agency; however the County canl assist with the development of a link.

JLUS STRATEGY #2: *Seek out conservation partnerships to purchase development rights from willing landowners on environmentally sensitive property inside the HARBMZ.*

Background: Removing development rights from environmentally sensitive properties advances the complimentary goals of shifting incompatible future development away from the base, protecting the rural character of the area, and conserving agriculture, open space, and wetlands. Seeking to partner with private conservation groups and Federal agencies will allow more land to be conserved while lowering the cost to the County or other public agencies involved with the purchase.

Action Step #2.a.: *establish possible partners and funding sources.*

Analysis: In September 2008, Homestead Air Base held a meeting to bring DoD and County representatives together with various conservation groups in order to disseminate information on possible funding and partnership opportunities to better conserve land around the base. Potential partnerships opportunities for County include teaming with established conservation groups such as the Trust for Public Land (TPL) and the Nature Conservancy. A preliminary assessment of environmentally sensitive lands inside the HARBMZ conducted by the County indicated that six environmentally sensitive parcels exist that could potentially be considered for protection. However, further research and analysis is necessary to determine the County's benefit of acquiring these parcels or their development rights.

DoD funds are available on a matching fund basis to assist in purchasing development rights on environmentally sensitive parcels near bases. Should the County desire to pursue this option, several conservation groups have experience with the programs and may be willing to partner with the County. However, at this time, sufficient information is not available to determine if any of the identified environmentally sensitive parcels are of a quality that warrants purchase by the County. A thorough analysis on those parcels of land inside the HARBMZ must be completed and presented to the BCC for approval prior to finalizing partnerships and funding sources. Implementation of this action step will consist of staff time to complete the parcel analysis, preparation of a package for BCC consideration, and finalization of discussions with potential funding partners.

Implementation: This action step should be further evaluated and pursued only if environmentally sensitive parcels within the HARBMZ are of a quality that warrants their protection by the County. Upon completion of the evaluation of the parcels and prioritization of land acquisition opportunities as discussed in Action Step 2.b., the County could proceed with exploring partnership options with conservation groups and DoD agencies to utilize Federal matching funds.

Action Step #2.b.: *begin the process of prioritizing land acquisition opportunities with an emphasis on privately held lands inside the HARBMZ.*

Analysis: DP&Z met with DERM to discuss which parcels, within the HARBMZ and in unincorporated Miami-Dade County, are environmentally sensitive and which parcels DERM or other agencies, such as SFWMD and the Army Corps of Engineers (ACE) may want to acquire. There are approximately 3 dozen parcels in this portion of the HARBMZ that are not currently government owned. Most of these parcels are currently in agricultural production, and not considered environmentally sensitive. Six parcels were initially identified by DERM for further

consideration as environmentally sensitive parcels. Land acquisition prioritization will not be difficult given the small number of parcels; however, site inspections to determine the quality of the parcels will be necessary. Evaluation and ranking of the parcels should utilize procedures similar to those used in prioritizing lands being considered for acceptance into the County's Environmental Endangered Lands (EEL) and Natural Forest Communities (NFC) programs. Costs to implement this action step will involve staff time only.

Implementation: The six initially identified environmentally sensitive parcel should be evaluated with input from SFWMD, Army Corps of Engineers and DERM and ranked utilizing established methodologies. Should County purchase be proposed, potential partnerships, as recommended in action step 2.a., should be identified and evaluated prior to forwarding a recommendation for purchase to the BCC for approval.

Action Step #2.c.: *begin the process of educating private landowners in proximity of the base about the benefits of conservation easements and identifying willing sellers.*

Analysis: Several programs to promote land conservation and establish easements have been and currently are active in this area of south Miami-Dade County. Current programs include the County's Environmentally Endangered Lands (EEL) and Purchase of Development Rights (PDR) programs, while in the past the HARB conducted an avigation easement program to protect the MZ fly zones. All of these programs have some type of educational component to increase program involvement of the area land owners. Also, each of these programs is voluntary. A conservation easement program in the HARBMZ could utilize the data bases of these other conservation programs and build upon their efforts since it involves a much smaller number of parcels, six in total. This would save money and effort. Additionally, the implementation of Action Step 1a, should include web-based links to inform land owners in the area of this and any other on-going conservation programs. Since the number of identified parcels is small, an extensive educational component is not envisioned and costs should be minimal.

Implementation: An educational component should be included in any conservation easement program that may be developed for the HARBMZ

JLUS STRATEGY #3: *Expand or establish a by-right transfer of development rights program to shift incompatible growth away from the HARBMZ.*

Background: Removing development rights from properties within the HARBMZ advances the complementary goals of shifting incompatible future development away from the base, while also protecting the rural character of the area, and conserving agriculture and open space.

Action Step #3.a.: *Modify the existing SUR program to recognize lands in the HARBMZ as eligible sending areas and designated development and re-development areas throughout the county as receiving areas.*

Action Step #3.b.: *Revise existing regulations to allow for by-right transfer of density.*

Analysis: The Severable Use Rights (SUR) program was instituted in 1981 to assist in conserving environmentally sensitive lands in the East Everglades. An analysis of the SUR program indicates that the program structure may not be suitable for expansion or inclusion of lands within the HARBMZ. DP&Z is currently investigating a Transfer of Development Rights (TDR) program for use in the County, and the HARBMZ could be considered as a sending area. However, since much of the land in the HARBMZ is currently in public ownership, and since development potential of this area is lower than the agricultural areas west of the Urban Development Boundary (UDB), this area may not be appropriate for such a program. The County should further investigate this land and evaluate all available options prior to including this area into any future TDR program. Implementation of JLUS strategy #3 will include a significant amount of staff time, to determine the appropriateness of this area as a sending area for any potential TDR program.

Implementation: Further evaluate the future development potential in the HARBMZ area and consider other protective strategies before pursuing this recommended strategy (i.e. prohibit the UDB from encroaching into the HARBMZ through Policy LU-8G of the CDMP).

Action Step #3.c.: *develop a new TDR program in Homestead.*

Analysis: Any TDR program developed for the County will include prime agricultural areas outside the UDB. It is doubtful that this program will include any of the City of Homestead property and only after the previous steps are taken can this action step be evaluated.

Implementation: The action step is under the jurisdiction of the City of Homestead and is not applicable to Miami-Dade County. Miami-Dade County should coordinate as necessary.

JLUS STRATEGY #4: *Ensure that county and city comprehensive plan language complies with the land use compatibility and coordination requirements of Chapter 163, Part II, Sections 163.3175, 163.3177, 163.3187 and 163.3191 of the Florida Growth Management Act.*

Background: The State of Florida has strengthened its statutes to enhance the coordination between local government and military bases. Compliance with the above referenced sections of the Florida statutes is required for all local governments with a military base in or proximate to its jurisdiction. HARB is requesting that the County and City of Homestead comply with these requirements.

Action Step: *modify existing comprehensive plan language, if necessary, to include additional goals, objectives and policies that satisfy the required elements of Sections 163.3175, 163.3177, 163.3187 and 163.3191 of the Florida Growth Management Act.*

Analysis: DP&Z evaluated the County's Comprehensive Development Master Plan (CDMP) and Miami-Dade County Code against the above referenced State of Florida statutes to determine the level of compliance. Table 1 on the following page indicates the status of the County's compliance with each of the reference section of Chapter 163. As noted on that table, the County enacted an Ordinance 07-146 in October 2007 to place a non-voting member from the HARB on both Community Council 15 and the PAB, to attain compliance with Section 163.3175. In 1988, the County adopted Policy LU-4F into the Land Use Element of the CDMP. This policy, which addresses compatibility between the base and the surrounding areas, is required by sections 163.3177(6) and serves as the basis for inclusion of the JLUS/AICUZ recommendations currently under review. The remaining cited requirements are more procedural than directive. For instance, the Evaluation and Appraisal Report (EAR) process requires the County to evaluate compliance with State statutes. The County's EAR is required every seven years with the next Miami-Dade County EAR due in November 2010. At that time the County will assess the CDMP objectives and policies for compliance with state statutes, and in this case for their effectiveness in achieving compatibility with military installations.

Implementation: Implement appropriate recommendations from the JLUS and AICUZ reports to maintain compliance with State statutes and perform an evaluation of the effectiveness of the CDMP policies in achieving compatibility with military installations during the 2010 EAR process.

Table 1: County Implementation Of State Statutes Pertaining To Military Base Coordination

JLUS Strategy #4 Ensure that county and city comprehensive plan language complies with the land use compatibility and coordination requirements of Chapter 163, Part II, Sections 163.3175, 163.3177, 163.3187 and 163.3191 of the Florida Growth Management Act.	
State Statute	**County Implementation**
163.3175(5): To facilitate the exchange of information provided for in this section, a representative of a military installation acting on behalf of all military installations within that jurisdiction shall be included as an ex officio, nonvoting member of the county's or affected local government's land planning or zoning board.	Ordinance 07-146 adopted in October 2007, creates a non-voting member seat for a representative of HARB on Community Council #15 and the Planning Advisory Board.
163.3177(6): (a) The future land use plan shall be based upon surveys, studies, and data regarding the area, including...; the compatibility of uses on lands adjacent to or closely proximate to military installations; * * * * * Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of adjacent or closely proximate lands with existing military installations in their future land use plan element shall transmit the update or amendment to the department by June 30, 2012.	Policy LU-4F of the Land Use Element addresses this requirement. This policy was adopted into the CDMP in 1988. Policy LU-4F - Miami-Dade County shall implement the Homestead Air Force Base Air Installation Compatible Use Zone (AICUZ) Report guidelines through the Land Use Element of the Miami-Dade County Comprehensive Development Master Plan, the Miami-Dade County Zoning Ordinance and the Florida Building Code to provide for land use compatibility in the vicinity of the Homestead Air Reserve Base.
163.3187: (1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except: (m) A comprehensive plan amendment that addresses criteria or compatibility of land uses adjacent to or in close proximity to military installations in a local government's future land use element does not count toward the limitation on the frequency of the plan amendments.	This statute allows local government to file text amendments more than twice a year, outside of normal cycles, if it is to implement the criteria for or compatibility of land uses adjacent to or in close proximity to military installations. The County may utilize this statute, if necessary, to implement the JLUS/AICUZ recommendations approved by the BCC.
163.3191: (1) The planning program shall be a continuous and ongoing process. Each local government shall adopt an evaluation and appraisal report once every 7 years assessing the progress in implementing the local government's comprehensive plan. Furthermore, it is the intent of this section that: (n) An assessment of whether the criteria, adopted pursuant to s. 163.3177(6)(a), were successful in achieving compatibility with military installations.	Miami-Dade County is scheduled to complete the next Evaluation and Appraisal Report (EAR) by November 2010. During that EAR process, the effectiveness of the CDMP to achieve compatibility with HARB will be evaluated.

JLUS STRATEGY #5: *Develop a real estate disclosure process that requires notification that a property for sale or rent is within the HARBMZ.*

Background: Prospective developers, buyers, and renters, particularly those new to an area, may be unaware of the special conditions associated with active military airfields. A strong real estate disclosure requirement helps to educate individuals about the potential hazards and nuisances of nearby aircraft operations and allows for a more well-informed decision to be made regarding property investment near a military installation.

Action Step #5.a.: *modify the sample disclosure form.*

Action Step #5.b.: *establish a process for enforcing requirements (e.g. preserving disclosure through the chain of title) by recording the disclosure of potential military nuisances/impacts in City/County tax records and land sales records.*

Analysis: Modifying the sample form included with the JLUS report is a simple matter, requiring minimal staff time and costs. The County currently has a similar notification requirement to inform purchasers of property in an Agricultural area, since these lands may be subject to noises, smells and other impacts found in an agricultural region. DP&Z assessed the effectiveness of the Agricultural notification process and found that it is not being administered or enforced. The ineffective nature of the agricultural notification process has occurred largely because the current process places the administrative responsibilities with the seller and real estate industry, and not with a governmental entity. Also, no penalties are associated with failure to comply with the process.

Attached to this report is a map of the HARBMZ. It should be noted that most of the MZ lies outside the UDB on land that contains little or no development. Much of the land within the unincorporated portion of the MZ is in pubic ownership, with private ownership on large parcels. The CDMP land use designations of Agriculture, Open Space, Environmental Protection, and Environmentally Protected Parks allow a maximum of one residential unit per 5 acres. The County must further assess if this density requirement warrants the expense of implementing a notification procedure. An alternative option may include information via the County's GIS link as recommended in Strategy 1, or by placing information about the base into the property records themselves. Additional information is necessary to properly evaluate this strategy's benefit compared to the potential cost of implementing.

Implementation: The County should further evaluate if the development, implementation, and enforcement of a verifiable notification procedure is feasible. A recommendation should be made to the BCC within one year of report acceptance.

JLUS STRATEGY #6: *Develop a process that requires the dedication of an avigation easement for new residential uses within the HARBMZ.*

Background: An avigation easement is a property right acquired from a land owner that grants the right of flight over the affected parcel, including the right to: cause noise and vibration; restrict or prohibit certain lights, electromagnetic signals and/or bird-attracting land uses that could interfere with safe aircraft operation; and ensure unobstructed airspace over the property above a specified height. The easement runs in perpetuity with the deed to the property and protects against lawsuits for aircraft related impacts. Local governments increasingly rely on such easements to protect military air operations against encroachment from nearby developing areas. It is the intent of HARB to require avigation easements throughout the MZ area.

Action Step #6.a.: *modify the sample easement form.*

Action Step #6.b.: *establish a process for enforcing requirements (e.g. preserving disclosure through the chain of title) by recording the easement on subdivision plats and City/County tax records and land sales records.*

Analysis: DP&Z has obtained files from HARB as to which parcels of land have deed restrictions or avigation and safety easements. The majority of parcels with restrictions are located within the Clear Zone; however, a few parcels are located within the Accident Potential Zone of the MZ. In preliminary discussions with the County Attorney's Office, it is unclear how avigation easements would be obtained, processed and enforced and by which entity, the HARB or the County. Information supplied with the JLUS report indicates that Clay County successfully adopted a policy into their comprehensive plan to require avigation easements, with any application in the MZ involving a "Future Land Use Map amendment, planned unit development, rezoning, recording of plat, subdivision of land and all development orders and permits...". A full accounting of the number of private and/or public parcels within the HARBMZ that need avigation easements needs to be assessed. Additional research is necessary regarding the process for obtaining these easements and the County must continue researching the legal implications of requiring avigation easements whether through zoning or CDMP actions. It remains unclear who should be responsible for obtaining avigation easements and in what way, if any, the County can assist. This strategy needs more research and guidance from the County Attorney's Office prior to recommendations.

Implementation: The research of this strategy should continue to ensure all legal issues are properly evaluated. The HARB process utilized in obtaining the previous avigation easements from private property owners should be examined to determine what role, if any, the County should play in obtaining these easements. Implementation of this strategy should be assessed during the 2010 Evaluation and Appraisal Report of the CDMP.

JLUS STRATEGY #7: *Develop standards for exterior lighting that minimize unnecessary uplight in the HARBMZ.*

Background: Glare and contrast caused by poorly shielded exterior lights or excessive lighting can compromise a pilot's ability to see clearly in low visibility conditions. Light pollution caused by unnecessary uplight (the upward flow of light beyond a fixture into the dark sky) is a particular danger as military operations rely increasingly on night vision capabilities. Increased development, particularly if it contains streetlights or outdoor security lighting, can pose a hazard to safe aircraft navigation. Lighting regulations in these areas should not prohibit outdoor illumination, but instead require the shielding of fixtures to reduce unnecessary uplight.

Action Step: *Establish lighting standards that require the full shielding of outdoor lighting fixtures for certain large scale developments within HARBMZ.*

Analysis: The majority of the HARBMZ encompasses unincorporated land lying outside the UDB; however, some portions southwest of the base lie within the City of Homestead, both inside and outside of the UDB, and a portion of the MZ north of the base encompasses County-owned land formerly part of the base. Properties outside the UDB are designated Agriculture or Open Land on the LUP Map, and have a maximum development potential of 1 unit per 5 acres. Properties inside the City of Homestead and inside the UDB, are primarily zoned Industrial. The County-owned land north of the base, inside the MZ and the UDB, is designated for Institutional uses. Discussions are underway to revert a portion of the County-owned land to airbase control, either via lease or deed transfer. There is currently no language in the CDMP or the Florida Building Code that controls lighting around HARB or other County airports. Sections 33-292 to 33-301 of the County Code, Homestead Air Force Base Zoning, generally pertains to height restrictions, but also contains language limiting uses that result in glare affecting pilots vision (Section 33-295), as do other sections of the Code pertaining to County airports. However, the language in Section 33-295 only applies to long, narrow rectilinear areas extending from the end of the HARB runways, not to the entirety of the HARBMZ. Development of lighting standards, while not critical given the current level of development, would be beneficial in eliminating future light sources from negatively impacting flight operations on HARB. Costs associated with shading exterior lighting so it does not reflect skyward or towards the runways would be minimal. Implementation of the strategy can be achieved by revising the language in Section 33-295 of the County Code. Costs for this implementation will consist of staff time, which may be mitigated through potential Department of Defense (DoD) funding.

The DoD program, administered through their Office of Economic Adjustment (OEA), will pay for a consultant to work with all appropriate local governments towards the implementation of the JLUS recommendations. This OEA funding program can be utilized by a local government only if the JLUS recommendations have been formally accepted by the governing bodies. The City of Homestead has adopted the JLUS recommendations and accepted the AICUZ Study recommendations for further review.

Implementation: Implementation of this action step would be accomplished by revising and enhancing lighting standards for the HARBMZ in Section 33-295 of the County Code. The County should seek to partner with the City of Homestead to apply for funding from OEA programs to fund the preparation of modifications to Chapter 33 of the Code.

JLUS STRATEGY #8: *Establish required indoor sound reduction practices for all noise sensitive uses within the 65+ DNL contours of the HARBMZ. (This strategy also addresses AICUZ Policies 4 and 6)*

Background: Sound attenuation refers to special design and construction practices intended to lower the amount of noise and vibration that penetrates the windows, doors, and walls of a building. An ideal situation would be for local governments near HARB to require attenuation as part of building code enforcement for new residential and other noise sensitive uses, such as schools, offices, places of assembly or medical facilities in noise affected areas.

Action Step #8.a.: *Require the appropriate level of sound reduction for any new residential or noise sensitive construction within noise contours of 65 decibels or higher in the HARBMZ.*

Analysis: Currently there is no language in the CDMP or Miami-Dade County Code that addresses noise attenuation around the HARB. Sections 33-336 and 33-397 of the Miami-Dade County Code establish a required 25-decibel noise reduction for any residential units within identified zones around the Miami International Airport and Kendall-Tamiami Executive and surrounding areas, respectively. These noise attenuation requirements are reviewed and administered by the Department of Planning and Zoning with enforcement tasked to the Office of Neighborhood Compliance. However, although plans and designs are reviewed during the site plan review processes, the enforcement of sound reduction construction practices has been lacking in previous years. This is in part due to lack of regulation through the Florida Building Code. The only current citation of noise reduction in the Florida Building Code occurs as a reference to a non-mandatory section of FAA regulations. Amendments to the Florida Building Code, which would require noise attenuation practices around military bases, are being currently being proposed. Little development occurs in the HARBMZ due to its location outside the UDB. Areas most likely to be developed are located to the southwest of the base and inside the City of Homestead, although the County has land inside the HARBMZ to the northwest of the base which is being reviewed for potential development. Implementation of sound reduction practices for development within noise contours of 65 decibels or higher will result in additional construction costs. Implementation of this strategy would necessitate additional language to Sections 33-292 to 33-301 (Homestead Air Force Base Zoning) of the County Code. As with Strategy 7, DoD, above, funds through the Office of Economic Adjustment (OEA) may be available to reduce the cost of developing these standards.

Implementation: This strategy should be implemented by developing noise attenuation standards and processes for the HARBMZ and modifying the appropriate sections of the Miami-Dade County Code. The County should apply for funding from OEA programs to fund the preparation of modifications to Chapter 33 of the Code.

Action Step #8.b.: *The City of Homestead would update its Comprehensive Airport Zoning Ordinance to reflect the most current language on noise contours, procedures, affected land uses, and recommended levels of noise reduction.*

Analysis: The HARB is a facility of Countywide Significance as identified in Policy ICE-3G of the CDMP, and maintains a large economic importance to the County. To ensure the continued operations of the base, and consistent standards for areas around the base, the County should work with the City to develop consistent noise attenuation standards for the HARBMZ.

Implementation: The City of Homestead's noise reduction strategies should be reviewed for consistency with proposed County noise attenuation language.

JLUS STRATEGY #9: *Establish a zoning district overlay for new development in the HARBMZ.*

Background: This strategy seeks to balance the protection of mission critical areas with opportunities to develop and realize reasonable economic return on private property. The development of a zoning district overlay is intended to accommodate future growth, while minimizing density, scale and type of development, and activities that may trigger conflicts with noise, accident risk, and other operational impacts.

Action Step #9.a.: *Adopt a special zoning district overlay for the HARBMZ that imposes a series of additional requirements, such as disclosure, avigation dedication, height and lighting restrictions, atop the existing density controls of the underlying zoning.*

Analysis: This action step builds upon the previous recommendations of JLUS strategies 5, 6, 7, and 8. The creation of a zoning overlay district is a technique by which densities, intensities and restrictions on land uses can be implemented for specific areas. This technique is currently utilized in the sections of the Miami-Dade County Code which establish land use zoning maps, criteria and restrictions for zones around the public airport facilities within Miami-Dade County (Miami International Airport, Kendall-Tamiami Executive Airport etc.). While the use of a district zone overlay may facilitate the implementation of previous strategies, it is unclear if density restrictions should be included. As previously stated, the majority of land within the HARBMZ lies outside the UDB and is designated as either Agriculture or Open Land. Other than the southern portion of the HARBMZ, which are located within the City of Homestead, and adjacent institutional lands located northwest of the HARB, the maximum development potential is one unit per five acres. The current density is lower than densities suggested in the AICUZ report. Therefore inclusion of density in this overlay zone may not be necessary. Implementation of this action step could be considered in conjunction with previously mentioned strategies and would not incur additional staff resources or costs. OEM programs and funding may be available to assist with development of code provisions.

Implementation: The need for a HARB zoning district overlay should be evaluated when amending Sections 33-292 to 33-301 of the Code. Funding through OEM should be sought if the overlay is warranted.

Action Step #9.b.: *As rezoning activity or expansion of the existing UDB occurs, develop land use controls for density and scale that promote compatible development within the Clear Zones (CZs) and Accident Potential Zones (APZs). (This action step also addresses AICUZ Policies 1, 2 and 5)*

Analysis: As noted above, unincorporated land within the MZ, with the exception of institutional lands to the northwest, have future land use designations that allow only one unit per 5 acres. This density ensures that encroachment will not curtail the operations of the HARB. Long-term assurances that incompatible growth will be properly controlled around the base, through various land use and zoning solutions, should be developed and, where appropriate, implemented to restrict unwanted development in the MZ. Controls to be evaluated should include the use of a zoning district overlay with density restrictions and strengthening of CDMP policies regarding the movement of the UDB (CDMP policy LU-8G) into the HARBMZ.

Implementation: Strategies to help protect compatibility around HARB should be discussed in the 2010 EAR. Funds through OEA programs should be obtained to help analyze and possibly implement this strategy.

JLUS STRATEGY #10: Develop a procedure that notifies the Air Force of the proposed placement of vertical structures in excess of 200 feet in the HARBMZ and in excess of 500 feet within a 10 mile radius of HARB.

Background: Tall structures, such as cell towers, can pose a physical hazard to aircraft approaching or departing the airfield. In general, the Federal Aviation Administration considers obstructions to air navigation to be any object that is 200 feet or higher from the ground level of the airport and within a two mile radius. The Air Force also defines obstructions to airspace based on specific flight routes around HARB, which is why the base is asking to be notified of planned buildings taller than 500' within a 10-mile radius.

Action Step: *Establish a procedure that identifies the proposed placement of structures of 200 feet or higher within the HARBMZ and 500 feet of higher within a 10 mile radius of the base.*

Analysis: In accordance with Florida Statute 163.3174(1), HARB has an ex-officio member on Community Council 15 on the Miami-Dade County Planning Advisory Board, and on the appropriate City of Homestead boards, enabling the base to monitor development proposals and to give their input on such proposals. Miami-Dade County zoning regulations applicable to the HARBMZ allow heights up to 35 feet, a height far less than the 200 feet proposed in this action step. There are six municipalities (Cutler Bay, Homestead, Florida City, Palmetto Bay Pinecrest, and Coral Gables) that lie wholly or in part within a 10-mile radius of the base. An evaluation of existing unincorporated land uses located within this radius shows that there are no existing buildings that approach the 500' height limit. Additionally, a review of the applicable county and municipal comprehensive plans and zoning codes within the 10-mile radius indicates that building heights of 500 feet are not be permissible. Communications towers, as regulated by Section 33-63.2, Miami-Dade County Code, require a zoning hearing for towers proposed to be taller than 100 feet in height. Additionally, the existing County zoning districts do not allow any tower to exceed 200' in height without a hearing. The base's participation on Community Councils (CC) 15, and the associated City of Homestead Boards, allows them to track height requests in areas surrounding the base. It is also the County's procedure to send development proposals involving new structures in areas around airports to the FAA. Only applications to be heard by CC 15 would be sent to the base for review. A larger review area for structures of over 200 feet could be implemented by the Department of Planning and Zoning for all applications within the 10-mile radius. This type of procedural change would not require any action of BCC and could be implemented internally.

Implementation: The Department of Planning and Zoning should implement an internal procedure to have the HARB staff review land use and zoning applications for all structures over 200 feet in height that are within the unincorporated area and within 10-miles of the HARB.

JLUS STRATEGY #11: *Develop coordination mechanisms among local, state and federal entities, including the NPS and Air Force on the placement and design of land uses and facilities that attract a significant bird population. (This strategy also addresses AICUZ Policy 3)*

Background: To eliminate conditions that may interfere with safe navigation around airfields, governments may adopt a series of performance related standards. Land uses that attract birds to areas near airfield facilities, such as waste disposal or storm water facilities or shallow artificial water bodies that could result in significant bird feeding, should be discouraged or prohibited in areas proximate to airport runways. Commercial agriculture should be specifically excluded from the list of such regulated uses, since most agricultural uses do not consistently attract large numbers of birds.

Action Step: *Establish procedures to notify local, state and federal entities of proposed land use actions that could result in significant concentration of birds near HARB and its approach and departure patterns.*

Analysis: A preliminary list of land uses that may attract significant bird populations include shallow lakes, solid waste landfills, and row crops during planting season. Since agricultural crops only occur during a short portion of the year, only shallow lakes and landfills are of concern in/near the MZ. Both of these uses are considered unusual uses and would be allowed only through a hearing. As stated in Strategy 10, there are currently notification procedures in place to apprise the HARB of surrounding land use and zoning changes. With the recommended internal changes noted in Strategy 10, and an expansion of this notification procedure to include landfills and lakes within a 10-mile radius, the base would be apprised of any such uses in the unincorporated portion of the County. Lakes and landfills within the municipal areas are not subject to the County's zoning notification processes and should therefore be reviewed with the applicable municipalities. Notification procedures currently used by the Department of Planning and Zoning, if modified to include a 10-mile radius for lakes and landfills, would be sufficient to implement this strategy.

Implementation: The Department of Planning and Zoning should implement an internal procedure to have the HARB staff review land use and zoning applications for all lakes and landfills that are within the unincorporated area and within 10-miles of the HARB.

AICUZ POLICY 7: *Land use planning and zoning in the airfield environs cannot be based solely on aircraft generated effects. Allocation of land used within the AICUZ should be further refined by consideration of the following: Physiographic factors; Climate and hydrology; Vegetation; Surface geology; Soil characteristics; Intrinsic land use capabilities and constraints; Existing land use; Land ownership patterns and values; Economic and social demands; Cost and availability of public utilities, transportation, and community facilities; Other noise sources.*

Background: Federal legislation, national sentiment, and other external forces, which directly affect the U.S. Air Force (USAF), have served to greatly increase the USAF's role in environmental and land planning issues. Problems of airfield encroachment from incompatible land uses, as well as air and water pollution and socioeconomic impact, require continued and intensified USAF involvement. The nature of these problems dictates direct USAF participation in comprehensive community and land use planning. Effective, coordinated planning, that bridges the gap between the Federal government and the local communities, requires the establishment of good working relationships with local citizens, local planning officials, and state and Federal officials. This planning depends upon creating an atmosphere of mutual trust and helpfulness. The intent is to ensure the following:

- Protect local citizens from the noise exposure and accident potential associated with flying activities; and

- Prevent degradation of the USAF capability to achieve its mission by promoting compatible land use planning.

Analysis: This policy suggests that a wide range of data be used to evaluate changes to land uses within the AICUZ noise contour boundaries. All of the factors stated in this policy are currently considered when applications to land use or zoning are made to parcels near the HARB. Proposed development in the vicinity of the base is evaluated for compatibility with the existing AICUZ regulations, including noise, height and glare, and physical attributes such as location, existing land use, and impacts to the environment. Since most of the land area in the MZ is located outside the Urban Development Boundary (UDB), the availability of public infrastructure is restricted. Policies in the CDMP restrict the extension of public utilities, and the expansion of transportation facilities. Additionally, commercial and industrial development is prohibited and residential development is limited to a maximum of one unit per five acres. Properties adjacent to the base that are located inside the UDB and within the unincorporated areas are mainly designated "Institutional". All plans to develop these areas are coordinated with the base to ensure compatibility. Land ownership and assessed values are not used by DP&Z to evaluate the future land use or zoning of a property. Given the above stated evaluation criteria, no consideration of new implementation strategies would be necessary to achieve compatibility by the County.

Implementation: No action regarding this policy is necessary for implementation by the County. Implementation of this strategy is tied to JLUS strategy #9.