

(ATTACHED IS A PROPOSED DRAFT OF A LETTER PROVIDED FOR YOUR REVIEW AND DISCUSSION AT THE COMMUNITY MEETING OF MARCH 1, 2011)

March xxx, 2011

Patricia Steed, Executive Director
Central Florida Regional Planning Council
555 East Church Street
Bartow, FL 33830

RE: Avon Park Air Force Range Joint Land Use Study

Dear Ms. Steed:

We are writing to express Osceola County's concerns regarding the Avon Park Air Force Range (APAFR) Joint Land Use Study (JLUS) dated August, 2010. Osceola County has reviewed the JLUS and is concerned that the study is not supported by clear and appropriate data and that certain recommendations are ambiguous. This is of great concern to the County as recent changes to Section 163.3175, Florida Statutes, allow staff of the APAFR to evaluate the following on the basis of compatibility with the JLUS:

- proposed changes to the Osceola County Comprehensive Plan;
- proposed Future Land Use Map amendments; and
- proposed changes to the County's Land Development Code.

Adverse comments from APAFR staff may be used by the Florida Department of Community Affairs (DCA) as part of their review process and potential findings of non-compliance with State Growth Management regulations. It is of great importance that ambiguity or uncertainty within the JLUS must be clarified.

As required by Section 163.3177 (6) (a), Florida Statutes, Osceola County must amend its Comprehensive Plan to address the compatibility of land uses adjacent to or closely proximate to military installations. State Statute also requires Osceola County to amend its Comprehensive Plan's Future Land Use Element (FLUE) to address this requirement no later than June 30, 2012. In conversations with County staff, DCA staff has indicated they will use the JLUS to review the County's proposed military installation compatibility amendments. Chapter 9J-5.005(2)(a) states that "All goals, objectives, policies, standards, findings and conclusions within the comprehensive plan and its support documents, and within plan amendments and their support documents, shall be based upon relevant and appropriate data and the analyses applicable to each element." Please note that the furnishing of the data within this document will be essential to the adoption of the proposed recommendations into the Osceola County FLUE as goals, objectives and policies. Therefore, it is critical that the JLUS is supported by clear and appropriate data and that any ambiguity or uncertainty within the JLUS should be addressed.

Osceola County has identified issues associated with the following JLUS recommendations:

1. ***JLUS RECOMMENDATION OSCEOLA 16: Establish Military Influence Planning Area (MIPA) Overlay Districts Creating MIPA designations (I, II or III) Based on Identified Compatibility Issues.*** The issues are as follows:
 - a. Issue #1-The proposed three-mile buffer around the APAFR perimeter is not supported by quantifiable data;
 - b. Issue #2-Recommendations proposing to restrict and prohibit uses already existing in proximity of the APAFR are inconsistent with findings in the JLUS text as well as with the land use patterns currently existing on the APAFR.
 - c. Issue #3-It is unclear whether the definition of “compatibility” as used in the JLUS is consistent with the definition per Florida Growth Management Regulations; and
 - d. Issue #4-Proposed height limitations in the MIPA I are ambiguous and contradictory.
2. ***JLUS RECOMMENDATION OSCEOLA 9: Supplement final APAFR JLUS document with noise study.*** The future noise study may result in major changes to the proposed Military Influence Planning Areas (MIPAs).
3. ***JLUS RECOMMENDATION OSCEOLA 14: Actively participate and promote the public’s participation in the APAFR’s Range/Air Installation Compatibility Zone (R/AICUZ) Study.*** The JLUS was completed without a R/AICUZ.
4. ***JLUS RECOMMENDATION OSCEOLA 5: Implement lighting standards to avoid glare and reflection at key points.*** No lighting standards are identified for rural areas with agricultural uses.

What follows is a detailed discussion of Osceola County’s major issues with the JLUS.

1. ***JLUS RECOMMENDATION OSCEOLA 16: Establish Military Influence Planning Area (MIPA) Overlay Districts Creating MIPA designations (I, II or III) Based on Identified Compatibility Issues.***
 - a. **Issue #1:** The three-mile buffer proposed around the APAFR is not supported by quantifiable data. The JLUS proposed inclusion of a three-mile buffer around the perimeter of the APAFR as part of the proposed MIPA I. The three-mile buffer, according to the JLUS, is an area where the potential for security concerns, excessive light during nighttime hours, and other encroachments on the APAFR from development could occur. The three-mile buffer comprises a significant portion of the proposed Osceola County MIPA I. As the JLUS recommends use, height and lighting restrictions within the MIPA I, Osceola County has requested clarification of how the three-mile buffer was developed. CFRPC staff has referenced a 2008 “Avon Park Air Force Range Land Use Compatibility Proof of Concept Study” as a source for the three-mile buffer. The Study references a three-mile buffer area where

expanding military operations by the APAFR could negatively impact adjacent communities, and where development by local governments could interfere with military operations. The Study was developed at a time when the APAFR anticipated expanding its operations to include U.S. Navy training operations. That expansion of APAFR operations has not occurred; therefore, there exists no compelling need for a three-mile buffer to mitigate potential negative impacts from expanding military operations.

The proposed three-mile buffer is not consistent with the recommendations in the Eglin Air Force Base Joint Land Use Study of June 2009 (EAFB JLUS). The EAFB JLUS did not discuss the need for a three-mile buffer; instead, it discussed a one-mile buffer. Within the one-mile buffer, the undeveloped portions would remain undeveloped and the developed portions were already built out.

If one of the intents of the buffer is to protect adjacent communities from the negative impacts of the APAFR's operations, CFRPC staff should consider changing the buffer to either extend from the existing impact areas within the APAFR or from the airfield runway. Staff of the CFRPC should also withhold recommending a distance for the buffer until after either the new noise study and/or a R/AICUZ are completed. Either study could provide the information necessary to support an expanded buffer area between existing APAFR operations and adjacent communities as well as the appropriate distance required for a buffer.

Remedy: Remove the buffer from the JLUS unless a study supporting the buffer and justifying its distance and discussing remediation for affected property owners is included either within, or as an appendix to, the JLUS.

- b. **Issue #2:** Recommendations found in **Table 6-3: MIPA and Land Use Compatibility Chart** proposing to restrict and prohibit uses already existing in proximity of the APAFR are inconsistent with findings in the JLUS text as well as with the land use patterns currently existing on the APAFR. Lands within Osceola County in proximity to the APAFR are used primarily for agriculture. This area also lies outside the County's Urban Growth Boundary (UGB). By utilizing the Osceola County Comprehensive Plan Future Land Use Map, Comprehensive Plan policies restricting densities and prohibiting expansion of public facilities outside of the UGB, and the Agricultural Development and Conservation (AC) zoning district, the County has been able to preserve the existing agricultural development pattern. Osceola County has achieved a land use pattern compatible with the operations of the APAFR. Similar conclusions are stated in the JLUS on page 6-35. Despite the conclusions in the JLUS that the patterns are consistent, other provisions within the Study lead to the opposite conclusion. For example, **Table 6-3**, as found on page 6-37 of the JLUS and as associated with the recommendation establishing the MIPAs (**RECOMMENDATION OSCEOLA 16**), recommends prohibiting the following land uses permitted in the Rural/Agricultural Future Land Use Map category and the AC zoning district in the MIPA I:
- Single family residences;

- Single family mobile homes;
- Farm worker dwellings;
- Distribution electric substations; and
- Community Residential Homes A.

Table 6-3 also recommends prohibiting the following land uses presently allowed in the AC zoning district through the County’s Conditional Use process in both MIPAs I and II:

- Neighborhood parks, playgrounds and libraries;
- Houses of worship;
- Kindergartens and nursing homes;
- Golf courses;
- Commercial riding stables;
- Cemeteries;
- Community Residential Homes B; and
- Bed and breakfast establishments.

Additionally, **Table 6-3** does not specify whether the following land uses would be prohibited even if they are ancillary to the bona fide agricultural uses:

- Factories and processing plants within the MIPA I and MIPA II; and
- Warehouses within the MIPA ME.

This list of prohibited uses in the JLUS are either permitted or allowed in the County’s current AC zoning designation. **Table 6-3**, as proposed, would deprive property owners within the MIPAs I and II of property rights extended to them under the present Future Land Use Map Rural/Agricultural designation and the AC zoning district. While the text in the JLUS states that agriculture is a land use compatible with the APAFR, **Table 6-3** proposes to prohibit a number of uses that are either accessory to or supportive of agriculture. There appears to be a contradiction within the JLUS between the compatibility of agriculture with the APAFR and the intent of **Table 6-3** to prohibit uses accessory to or supportive of agriculture.

Furthermore, the JLUS proposes to prohibit supposedly incompatible land uses that currently exist within the boundaries of the APAFR.

Table 6-3 proposes to prohibit the following uses in both the MIPAs I and II:

- Residential-Multiple Family Homes;
- School Classrooms; and
- Office Buildings.

While the JLUS seeks to prohibit Osceola County from allowing these uses because they are incompatible with the APAFR, these uses already exist within the APAFR. The PowerPoint presentation “Avon Park Air Ground Training Complex Mission Brief”, as accessed on the CFRPC JLUS-Avon/ParkAFR webpage on February 9, 2011, identifies the following facilities currently found within the APAFR:

- Headquarters and Support Building, which includes office uses and an 80-person auditorium;
- Coordination Center, which contains a 63 bed dormitory and recreation, dining and storage facilities;
- An 8,000 square foot Operation Center, which contains 110 beds and classrooms; and
- An 8,000 square foot Maintenance Center.

According to a study from the Highlands County Economic Development Commission/Industrial Development Authority, the APAFR had a staff of 86 full time employees in the Year 2000.

The Avon Park Correctional Institute, which has a maximum inmate capacity of 956 and a staff of 330, and the Avon Park Youth Academy, which has a maximum capacity of 165 students and a staff of 34, are both located inside the APAFR boundaries.

Uses already existing within the APAFR boundaries are more intensive than those uses that are permitted within the County's AC zoning district; however, **Table 6-3** proposes to prohibit less intensive uses within three miles of the APAFR as well as within the rest of the MIPA I and within the MIPA II. Therefore, implementation of **Table 6-3** would result in a development pattern that is more restrictive than what currently exists within the boundaries of the APAFR.

Staff has received verbal assurances from CFRPC staff that **Table 6-3** is advisory in nature, that uses accessory to or supportive of agricultural uses are not intended for prohibition, and that there is flexibility built into the table. Currently, **Table 6-3** does not include language that would indicate any such flexibility.

Remedy: Revise **Table 6-3** to allow for all AC zoning district uses. Also, specifically reference the "existing issues, baseline analysis, and industry standards regarding joint land between military installations and private lands" that **Table 6-3** is based upon as referenced on page 6-35 of the JLUS.

- c. **Issue #3:** It is not clear whether the term "compatibility" as used in the JLUS meets the definition of "compatibility" as it appears in Florida Growth Management Regulations. Chapter 9J-5 of the Florida Administrative Code (F.A.C.). Rule 9J-5.003(23), Florida Administrative Code, defines compatibility as "...a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or conditions." Staff of the DCA has indicated they will use the JLUS to review the County's proposed military installation compatibility amendments. Section 163.3175, F.S. allows the APAFR staff to provide comments on proposed comprehensive plan amendments and land development regulations based upon incompatibility with the JLUS. As the JLUS is being presented as a planning document, findings of land use compatibility or

incompatibility should be justified using the definition found in Rule 9J-5.003(23), F.A.C. No such justification exists within the JLUS.

Remedy: Justify findings of land use compatibility based upon the definition of compatibility as found in Rule 9J-5.003(23), F.A.C. It is equally important that the land uses within the APAFR are compatible with the current adjacent land uses as it is for the existing land uses to be compatible with the APAFR. The Future Land Use Map of the Osceola County Comprehensive Plan, the AC zoning district, and the County's Land Development Code all support and are compatible with the APAFR.

- d. **Issue #4:** Proposed height limitations in the MIPA I are ambiguous and contradictory. The JLUS states on page 6-35 that the object heights in the MIPA I should be limited to the surface or be very low such as 20 feet above the ground or no higher than the tree line. A 20 foot maximum height would not be adequate for structures associated with agricultural uses, such as barns, silos, storage building and single-family residences. The oaks and pines found in the portion of Osceola County within the proposed MIPA I can reach a height of 150 feet when mature. Based upon how this recommendation is written, Osceola County could interpret the maximum structure height in the MIPA I would match the 150-foot tree line, while another party could interpret the maximum height to be 20 feet. In addition, there are no studies of restrictions below 400 feet.

Remedy: Revise the Osceola County portion of the JLUS to state that the maximum MIPA I object height should not exceed 400 feet.

2. ***JLUS RECOMMENDATION OSCEOLA 9: Supplement final APAFR JLUS document with noise study.***

- a. **Issue:** The JLUS was based upon a noise study that was outdated and the proposed operations/maneuvers never went into effect. Aircraft noise and blast noise issues and analyses within the JLUS reference **Wyle Report WR 03-15 Noise Study For the Avon Park Airforce Range Complex, Avon Park Florida August 2005**. This study was used to determine aircraft noise zones and areas of blast noise complaints. The Wyle study was based upon information from the Year 2000.

It was stated by CFRPC staff and by the consultants developing the JLUS that the data used in the Wyle study required updating. However, the geographic areas of the proposed Military Influence Planning Areas (MIPAs) in the JLUS, dated August 2010, are based upon areas of moderate and low risk of blast noise complaints identified in the Wyle study. A new noise study could contain findings that increase the size of the areas of blast noise complaints identified in the JLUS; this in turn could result in an increase of the size of the MIPAs, or, conversely, reduce the areas. If the new noise study indicates the areas of aircraft noise have increased or altered the size of the MIPAs could also change. Staff of the CFRPC anticipates completion of the noise study in 2012. Local governments may have already amended their comprehensive plans and land development codes based upon the findings in the

JLUS dated August 2010. Local governments may already have taken actions on land development requests based upon the August 2010 JLUS. The results of the new noise study and potential updates to the JLUS may require local governments to amend their plans and regulations.

Remedy: Address in the JLUS the specific purpose of the noise study referenced in **RECOMMENDATION OSCEOLA 9** and identify the potential impacts of the new study's findings. Recommend in the JLUS that local governments consider deferral of comprehensive plan and land development code amendments regarding designation of the MIPAs until the new noise study is completed and the JLUS is modified to reflect the findings of the study. Provide Osceola County with a meaningful way to participate in the noise study as well as in amendments to the JLUS.

3. ***JLUS RECOMMENDATION OSCEOLA 14: Actively participate and promote the public's participation in the APAFR's Range/Air Installation Compatibility Zone (R/AICUZ) Study.***

- a. **Issue:** The JLUS was completed without a R/AICUZ. The JLUS analysis and recommendations were performed without a R/AICUZ study. A R/AICUZ study analyzes the effects of aircraft noise, aircraft accident potential, and land use development on adjacent properties, addresses the relationship between noise exposure and accident potential to existing land uses, and identifies clear zones, accident potential zones and noise zones adjacent to an airfield. Information from a R/AICUZ, or from a similar document known as an Air Installation Compatibility Use Zone (AICUZ), has been used in other joint land use studies to justify recommendations regarding structure heights, compatibility of uses, creation of Military Air Zones/Military Influence Planning Areas/Airfield Influence Planning Areas, real estate disclosure, sound attenuation, and lighting restrictions. In fact, page 1-14 of the APAFR JLUS states that a JLUS "...is intended to benefit both the local community and the military installation by combining the work of the AICUZ program and the JLUS program." Unlike a JLUS, which is undertaken by a local or state government entity, both the R/AICUZ and the AICUZ are undertaken by the military installation with the participation of the surrounding communities. The APAFR has not performed a R/AICUZ as their airstrip is not operational; however, the APAFR is in the process of recertifying the airspace. Osceola County is concerned that the JLUS was completed without the benefit of information available to other communities that have also participated in their own joint land use study processes. Performing the JLUS without a R/AICUZ is inconsistent with the JLUS, which states the following on page 6-33:

"To date, neither an AICUZ nor R/AICUZ has been prepared for APAFR. With the community embracing APAFR and the importance of APAFR to national security and training of our armed services, the development of the APAFR R/AICUZ would provide a key ingredient to long range compatible land use in the Central Florida Region".

The lack of a R/AICUZ is also inconsistent with the U.S. Department of Defense Office of Economic Adjustment (OEA) “Joint Land Use Study Program Guidance Manual-November 2006”, which states on page 4 that “...a current AICUZ/ONMP/RAICUZ and Installation Natural Resources Management Plan (INRMP) reports are available or near completion” if a military installation nominates a JLUS request to the OEA.

Osceola County is also concerned that completion of a R/AICUZ in the future could result in findings that could impact any comprehensive plan or land development code amendments adopted by local governments based upon the August 2010 JLUS.

Remedy: The JLUS should be deemed as incomplete until such time as a R/AICUZ is completed. Discuss how the findings of a R/AICUZ could potentially impact the JLUS as well as local comprehensive plans and land development regulations. Currently, *JLUS RECOMMENDATION APAFR 13* on page 9-25 of the JLUS recommends the APAFR seek funding for the preparation of an APAFR R/AICUZ; however, it is not known when the APAFR will be applying for funding to perform a study. Discuss a schedule for updating the JLUS with additional information from a R/AICUZ study should funds become available. Provide Osceola County with a meaningful way to participate in the Noise Study as well as any amendments to the JLUS.

4. *JLUS RECOMMENDATION OSCEOLA 5: Implement lighting standards to avoid glare and reflection at key points.*

- a. **Issue:** Proposed lighting standards in the JLUS are not applicable to the uses and development patterns in the areas of Osceola County proximate to the APAFR. The JLUS proposes local governments implement lighting standards that are compatible with aircraft operations and night vision training. Pages 6-28 and 6-29 of the JLUS suggests local governments consider adoption of lighting standards ranging from prohibition of light patterns common to military aviation and lights creating sky glow to dark skies lighting ordinances. In urban and suburban settings, where one is likely to find residential subdivisions, large lighted parking lots, lighted stadiums and athletic fields, and other uses that could create lighting that could potentially interfere with night vision training, lighting standards such as dark sky ordinances would be appropriate. Due to the rural nature of the area, many of the recommended lighting standards would be inappropriate. The discussion found on pages 6-28 and 6-29 of the JLUS does not address appropriate lighting standards in areas proximate to the APAFR where agriculture is the predominant land use. Without a discussion of appropriate lighting standards in rural areas of agricultural uses, it is difficult for Osceola County to implement this recommendation.

Remedy: Modify the JLUS to provide appropriate lighting standards for rural areas with agricultural uses proximate to the APAFR.

In addition to the recommendations that have been found to be either ambiguous or unsupported by clear and appropriate data, **ATTACHMENT A** includes instances within the JLUS text that also appear to be ambiguous or unsupported by clear and appropriate data.

Osceola County has found this particular JLUS process to be flawed. Osceola County has attended and participated in five Policy Committee meetings, four Working Group meetings, and the Community meetings held in Kenansville on January 19, 2010 and April 20, 2010. We held a meeting with property owners in the proposed Military Influence Planning Areas (MIPAs) I and II regarding potential impacts of the JLUS recommendations. However, a JLUS has been developed that has raised more concerns after it was issued than were raised during its development. Paragraph 1.01 of the JLUS describes the JLUS as a “locally produced product”; during the entire process of developing the JLUS, drafts of the Study were not presented by Central Florida Regional Planning Council (CFRPC) staff to our Planning Commission, and we are not aware that the draft Study was presented to the planning boards of the other cooperating jurisdictions. We have also held meetings with staff of the Central Florida Regional Planning Council in an attempt to resolve the issues addressed in this letter. It is of utmost importance that the JLUS analysis and recommendations be based upon current and accurate information. Osceola County is committed to working with the staff of the CFRPC to reach a mutually agreed upon resolution to our concerns.

Sincerely,

Brandon Arrington, Chairman, Osceola County Board of County Commissioners

John Quinones, Vice-Chairman, Osceola County Board of County Commissioners

Fred Hawkins, Jr., Osceola County Board of County Commissioners

Frank Attkisson, Osceola County Board of County Commissioners

Michael E. Harford, Osceola County Board of County Commissioners

Cc: Don Fisher, County Manager
Beth Knight, Deputy County Manager
Kate O. Stangle, Deputy County Attorney
Dave Tomek, Community Development Director
Kerry Godwin, Planning and Zoning Manager

Mary Beth Salisbury, County Extension Director
James Stansbury, Florida Department of Community Affairs
Lt. Colonel Charles, MacLaughlin, USAF, APAFR

DRAFT

ATTACHMENT A

COMMENTS ON THE JLUS TEXT

1. **Population:** On page 1-14, the opening sentence of paragraph 1.2.1 states “The population surrounding APAFR has experienced significant growth in the last decade”. In other portions of the JLUS, the U.S. Census Bureau and the University of Florida Bureau of Economic and Business Research are identified as populations sources, but those are countywide counts and do not pertain to the areas either adjacent to or in proximity to the APAFR.
2. **Avon Park Air Force Range Operations:** On page 1-2, Paragraph 1.0.4, Program Goals and Objectives, outlines seven specific goals of the APAFR JLUS. The Introductory Section of the Joint Land Use Program Guidance Manual, produced in 2006 by the U.S. Office of Economic Adjustment, states that the JLUS Program has two objectives. The first objective is embodied in the APAFR goals. However, the second objective, which states “To seek ways to reduce the operational impacts on adjacent land”, does not appear to be addressed. Please explain why this objective was not incorporated into the APAFR JLUS goals and subsequently included in the recommendations for the APAFR in Section 9. (Please note that the Manual was cited on page 1-14, Section 1.2.2 of the APAFR JLUS). Also in paragraph 1.0.4, the fourth goal (bullet point) states “Coordinate the local jurisdiction’s comprehensive plans with APAFR’s comprehensive plans”. Please explain what documents constitute APAFR’s comprehensive plans.
3. **Blast Noise:** On page 6-7, blast noise is discussed in paragraph 6.2.3. and noise contours are depicted on Figure 6-5. However, it is unclear if this information comes from a source only identified as “Air Force 2008” or from the Wylie Report WR 03-15 2005 as identified on Figure 6-5;
4. **Low Level Training Areas:** In Paragraph 6.2.4, which is located on page 6-7 and 6-11, it is stated that if population density increases underneath the low level training areas, the required altitude for flight operations is subject to being adjusted upwards to meet federal regulations and to minimize noise and risk to the population underneath. Neither the specific federal regulations nor the adjustment process have been identified in the JLUS. Although the role of the Federal Aviation Administration in granting and regulating air rights in the low level training areas was discussed at the June 16, 2009 meeting of the JLUS Policy Committee, this discussion does not appear in the JLUS; nor does a discussion of possible solutions to this potential problem (i.e., fee simple purchase or purchase of an easement from private property owners) appear in Paragraph 6.2.4.
5. **Noise Zones:** On page 6-11, at the end of Paragraph 6.2.5 is a statement that “There are currently no Noise Zones associated with APAFR affecting [Osceola] County.” If there are no noise zones in Osceola County, what would be the basis for a statement elsewhere in Paragraph 6.2.5 that “...some degree of land use controls are justified to protect the viability of the range and to ensure public safety; such as areas subject to frequent aircraft

over flight and noise exposure.” A statement that land use controls or restrictions are necessary needs to be supported by data and analysis.

6. **Ground Lighting:** On page 6-11, Paragraph 6.2.7 that ground lighting can cause a variety of problems for pilots. What standards are available which are applicable to the lands adjacent to or in close proximity to APAFR? What data and analysis exists? What is the flight data illustrating the percentage of APAFR training flights which take place between dusk and dawn, and which would be utilizing the Night Vision Training Areas illustrated in Figure 6-9?
7. **Impacts:** On page 6-20, paragraph 6.3 states that “People living near a military reservation can expect impacts such as noise, smoke and dust. Quality of life for those living or working near an installation can be negatively affected when those impacts reach levels creating a nuisance.” The text does not clarify if the smoke and dust results from military operations or from controlled burns occurring within the APAFR management areas, or how often smoke and dust are generated by the APAFR.
8. **Airspace Floors:** On page 6-24, Paragraph 6.3.4 states that the two low level flight areas in southwest Osceola County have airspace floors of the ground surface; however, Figure 6-6 identifies the Military Operation Areas of Marian and Avon East, which have airspace floors of 500 feet. Paragraph 6.3.4. and Figure 6-6 appear to be contradictory.
9. **Land Use:** Paragraph 6.3.4 also states is made that “The result of land use in this area may be perceived as a nuisance resulting from low level fixed-wing and rotor aircraft flying overhead and increasing sound and having other effects associated with a low flying aircraft”. It is unclear what this sentence means, and there is no data to support it.
10. **Transportation Interchanges and/or Corridors:** On page 6-24, paragraph 6.3.7, which address Transportation Interchanges and/or Corridors, does not specifically refer to what transportation facilities within Osceola County would interfere with the APAFR. There are references on both page 6-15 and in Figure 6-11 to the proposed Heartland Coast to Coast Transportation Facility; however, this project is currently unfunded and no portion of it is shown in Osceola County.
11. **Mandatory Disclosure Requirement:** On page 6-28, Osceola County is advised to implement a mandatory disclosure requirement that all buyers and lessees are notified that the property in question is subject to impacts from APAFR. While a laudable idea, local governments have no role in many of the processes outlined in the recommendation. Please explain how local governments can administer this requirement relative to real estate transactions and rental agreements. What specific area is recommended for real estate disclosure? Is this to be recommended due to potential health risk of noise or due to risk of complaint? What level of complaint risk justifies this additional burden on a property owner?
12. **Protection of Critical Areas: JLUS Recommendation Osceola 7** requests the development of policies to protect critical areas supporting military readiness and/or environmental opportunities with the United States Air Force, The Nature Conservancy, the Florida Forever program, the Florida Defense Alliance, and others. Does this

paragraph relate to purchase of fee simple rights and easements to buffer the APAFR? Are funds from the APAFR available similar to the \$2.5 million from the Navy for property in the vicinity of Eglin?

13. **Radio Frequencies:** Page 6-34 recommends that policies be adopted which “Restrict Use of Radio Frequency Spectrum Bands on Items Such As Wireless Lan & Microwave Cordless Devices Including Garage Door Openers”. No discussion of this recommendation is found anywhere in the text. There is no discussion of the frequencies used on the APAFR and how they could impact telecommunication towers, machinery remote controls, garage door openers, and other electronic devices.
14. **Business Registration Program:** Page 6-33 recommends a “business registration program” for new businesses located in a Military Influence Planning Area (MIPA). Would this require an additional level of permit/development approval for businesses? What funding source is recommended for such a program? If a business owner has met all land use and zoning obligations, how will the business owner know to anticipate concerns that APAFR could raise as a result of the business license program? What documentation by APAFR would be necessary to support further restrictions on the subject business? Could these concerns be specifically documented relative to flight patterns and other data and included in the criteria for the three MIPA zones as appropriate rather than having the business registration program?