



COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

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COMMITTEE ASSIGNMENTS:
GENERAL LAWS
COUNTIES, CITIES AND TOWNS
COMMERCE AND LABOR

BRAC Commission

August 8, 2005

Commissioner Samuel Knox Skinner
Base Closure And Realignment Commission
2521 S. Clark St., Suite 600
Arlington, VA 22202-3920

AUG 11 2005

Received

RE: Oceana Naval Air Station.

Dear Commissioner Skinner,

I write to you as the Member of the Virginia House of Delegates representing the 81st District, which hosts Naval Air Station Oceana in the City of Virginia Beach, and areas south of Naval Air Landing Field Fentress in the City of Chesapeake. On August 1st, at the invitation of Capt. Tom Keeley, I attended the Base Closure and Realignment Commission's site visit to NAS Oceana. During this visit I listened carefully to the concerns identified by members of the commission pertaining to the military value of NAS Oceana and concerns about civilian encroachment around Oceana. On August 4th I attended the public hearing in Washington DC and again heard the concerns about encroachment expressed by Commission members present. Following that hearing I met with commission staff member Bill Fetzer to clarify these concerns.

I am confident that I, along with my colleagues in the Virginia Legislature, have the means to address the Commission's concerns regarding encroachment around Oceana NAS and Fentress Air Field with **permanent statutory solutions**. I am writing this letter to articulate these legislative remedies, and offer my personal commitment to follow through with this legislation.

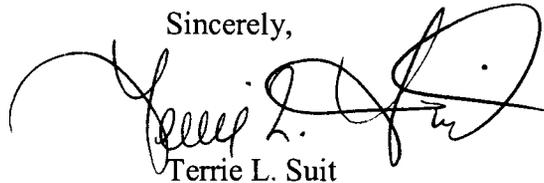
As a practice the State legislature has been reluctant to interfere with local land use planning, however, we do have the ability to legislate such land use restrictions and mandates upon local governing bodies. I, and many of my colleagues, believe that in order to address the Commission's concerns regarding encroachment around NAS Oceana we are warranted in taking the unprecedented action of putting into law a number of land use remedies. I have discussed these remedies with other legislators representing the Hampton Roads region as well as with the leadership of the Virginia House of Delegates. Delegate Cosgrove, Senator Stolle, and I are positioned to move these initiatives forward, with the support of our colleagues, and are confident of their successful adoption by the Virginia General Assembly. These initiatives are as follows:

1. **State-Mandated Zoning Controls**
Requires the cities of Chesapeake and Virginia Beach to adopt zoning ordinances that require the governing body to consider AICUZ guidelines in deciding discretionary development applications (rezoning, conditional use permits) for property in Noise Zones 70 dB DNL or greater.
2. **Purchase of Development Rights (PDRs) Housed Under the Aviation Board.**
Legislation would establish a State program for the purchase of property rights on developed and undeveloped land in Accident Potential Zones in Chesapeake and Virginia Beach. Property rights to be purchased may include development rights or fee simple title. Purchases to be funded by state and federal governments; in addition, each locality may provide funding for purchases within its own jurisdiction. The Program would be administered by a State commission members of which would be appointed by the Governor or General Assembly. Property to be acquired would have by-right development potential (i.e., no approvals needed by the governing body) for uses deemed incompatible with AICUZ guidelines.
3. **Codification of Joint Land Use Study (JLUS)**
Legislative Services (General Assembly staff) to examine JLUS recommendations to determine suitability for statutory enactments of other recommendations.
4. **Evaluation of Undeveloped Properties**
Legislation would require cities of Virginia Beach and Chesapeake to evaluate undeveloped property in Noise Zones 70 dB DNL and greater to determine the suitability of rezoning to different zoning district classifications that would not allow uses incompatible with AICUZ guidelines.
5. **Inter-facility Traffic Area**
Cities of Virginia Beach and Chesapeake to develop programs for the purchase of development rights in NAS Oceana – NALF Fentress flight path (Inter-facility Traffic Area). Purchases could include fee simple title or lesser interests, so long as effect would be the elimination of uses deemed incompatible with AICUZ guidelines.
6. **Oceana/Fentress Military Advisory Council**
Enact legislation creating the Oceana/Fentress Military Advisory Council as a sub-unit of the Virginia Military Advisory Council with staffing provided by the Virginia Office of Commonwealth Preparedness. Membership on the council would consist of two members of the Chesapeake City council, two members of the Virginia Beach City Council, Virginia legislators whose districts encompass NAS Oceana and NALF Fentress. Advisors would include Commander Navy Region Mid-Atlantic or his representative, and Commanding Officer of NAS Oceana or his representative.

I hope that these legislative remedies will offer the Commission sufficient confidence in the staying power of the actions currently being taken by the Cities of Virginia Beach and Chesapeake. I am available at your convenience to discuss the details of these initiatives. I will be out of the State for the remainder of August on post-deployment leave with my active-duty husband. I can, however, be reached on my mobile phone at 757-651-1852 or by e-mail at tlsuit@cox.net. Please feel free to contact me should you have any questions regarding this legislative package.

Thank you for your consideration.

Sincerely,



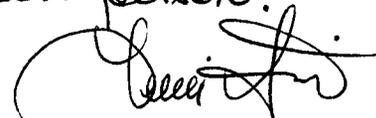
Terrie L. Suit

Cc. Members and Staff, Base Closure and Realignment Commission
Governor Warner, Virginia
Virginia's US Senate Delegation
2nd and 4th US Congressional Representatives
Virginia General Assembly Members
Virginia Beach City Council Members
Chesapeake City Council Members
Commander Navy Mid-Atlantic Region
Commander Oceana Naval Air Station

Enc.

TLS/slf

Com. Stenner,
we will be visiting family in Northern Wisconsin. I could easily meet with you in Chicago should you want to review any of this package in person.



**Enclosure #1 pertaining to Initiative #2 Purchase of Development Rights (PDRs)
Housed Under the Aviation Board.**

**Additional information regarding existing powers and duties of the
Virginia Aviation Board**

Code of Virginia: § 5.1-2.2. Powers and duties of Board.

The Board shall exercise the following powers and duties:

1. Provide a means of citizen access to the Department;
2. Provide a means of publicizing the policies and programs of the Department in order to educate the public and elicit public support for Department activities;
3. Monitor the policies and activities of the Department and have the right of access to departmental information;
4. Advise the Governor and the Director on matters relating to the Commonwealth's aviation policies and programs;
5. Promulgate such rules and regulations relating to airports, landing fields and other aviation facilities, aircraft, air traffic, construction and inspection of aircraft, qualifications and licensing of airmen, stunt flying, and such other kindred matters and things as may be proper and necessary to promote and develop safe aviation practices and operations; and
6. Develop on behalf of the Department recommendations for distribution of funds to localities by the State Corporation Commission for aviation development through the end of the 1978-80 biennium, after which time the Board shall be responsible for the allocation on behalf of the Department of all such funds as provided in this act, which funds shall be distributed by the Department in accordance with such allocation.

(1979, c. 272; 1980, c. 306; 1984, c. 720.)

§ 5.1-2.2:1. Further powers and duties of the Board.

The Board shall have all the powers necessary or convenient to carry out the purposes of this chapter including, but not limited to, the power:

1. To sue in its own name, to have a seal, and to have perpetual succession;
2. To execute such contracts and other instruments and take such other action as may be necessary or convenient to carry out the purposes of this chapter;

3. To plan, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, and protect airports and air navigation facilities, within this Commonwealth and within any adjoining state, including the acquisition, construction, installation, equipment, maintenance, and operation at such airports of buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers, and the purchase and sale of supplies, goods, and commodities as an incident to the operation of its airport properties. For such purposes the Board may, by purchase, gift, devise, lease, condemnation, or otherwise, acquire property, real or personal, or any interest therein, including easements in airport hazards or land outside the boundaries of an airport or airport site, as are necessary to permit the removal, elimination, obstruction marking or obstruction lighting of airport hazards or to prevent the establishment of airport hazards, or for the enlargement of an airport constructed or acquired under this subdivision 3; provided, however, such power of eminent domain shall not extend to the taking of any radio or television towers or installation in existence on June 27, 1958;

4. To acquire, by purchase, gift, devise, or lease, existing airports and air navigation facilities;

5. To establish or acquire and maintain airports in, over, and upon any public waters of this Commonwealth or any submerged lands under such public waters; and to construct and maintain terminal buildings, landing floats, causeways, roadways, and bridges for approaches to or connecting with any such airport, and landing floats and breakwaters for the protection thereof;

6. To construct, or permit the construction of, for sale or lease, on such terms and conditions as the Board may deem proper, industrial, commercial or recreational facilities and approaches thereto and appurtenances thereof, on any lands of the Board not acquired by eminent domain and not needed for operational use of an airport owned or operated by it; provided, that any such factory or manufacturing facility shall be so constructed as not to constitute an airport hazard. In the exercise of the powers conferred by this subdivision, the Board shall comply with any applicable zoning restrictions of the political subdivision in which any airport or facility is, or is proposed to be located.

(1980, c. 750.)

Enclosure #2 pertaining to Initiative #6 Oceana/Fentress Military Advisory Council

Additional information regarding the existing Virginia Military Advisory Council within which the Oceana/Fentress Military Advisory Council would be housed.

Code of Virginia: § 2.2-2666.1. Council created; composition; compensation and expenses; meetings; chairman's executive summary.

A. The Virginia Military Advisory Council (the Council) is hereby created as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government, to maintain a cooperative and constructive relationship between the Commonwealth and the leadership of the several Armed Forces of the United States and the military commanders of such Armed Forces stationed in the Commonwealth, and to encourage regular communication on continued military facility viability, the exploration of privatization opportunities and issues affecting preparedness, public safety and security.

B. The Council shall be composed of 25 members as follows: the Lieutenant Governor, the Attorney General, the Adjutant General, the Chairman of the House Committee on Militia, Police and Public Safety and the Chairman of the Senate Committee on General Laws, or their designees; four members, one of whom shall be a representative of the Virginia State Defense Force, to be appointed by and serve at the pleasure of the Governor; and 16 members, including representatives of major military commands and installations located in the Commonwealth or in jurisdictions adjacent thereto, who shall be appointed by the Governor after consideration of the persons nominated by the Secretaries of the Armed Forces of the United States and who shall serve at the pleasure of the Governor. However, any legislative member who is appointed by the Governor shall serve a term coincident with his term of office. The provisions of § 49-1 shall not apply to federal civilian officials and military personnel appointed to the Council.

C. Legislative members of the Council shall receive such compensation as provided in § 30-19.12, and nonlegislative members shall receive such compensation as provided in § 2.2-2813 for the performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department of Military Affairs.

D. The Council shall elect a chairman and vice-chairman from among its membership. The meetings of the Council shall be held at the call of the chairman or whenever the majority of members so request. A majority of the members shall constitute a quorum.

E. The chairman of the Council shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Council no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

(2002, c. 676; 2003, c. 885; 2004, c. 1000; 2005, c. 248.)