

Memorandum



Date: September 2, 2008

Agenda Item No.
12(B)2

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Agricultural Practices Study Advisory Board: 2007 Annual Report

Recommendation

It is recommended that the Board accept the attached 2007 Annual Report of the Agricultural Practices Study Advisory Board (APSAB).

Scope

The Agricultural Practices Study Advisory Board has a countywide impact.

Fiscal Impact/Funding Source

There is no fiscal impact to the County.

Track Record/Monitor

This section regarding vendors does not apply.

Background

The attached 2007 Annual Report of the Agricultural Practices Study Advisory Board is being submitted in accordance with Section 2-931 of the Code of Miami-Dade County. This report is submitted to the Board of County Commissioners as an informational item and requires no action on their part. Section 2-931 requires the APSAB report to address:

- (a) An overview of all pertinent state, regional, and local regulations, statutes, ordinances and policies concerning or impacting agriculture in Miami-Dade County;
- (b) Recommendations for eliminating or reducing duplication of effort when two or more governmental entities administer similar regulatory programs;
- (c) Recommendations for eliminating or modifying regulatory activities that have mutually exclusive or contradictory criteria or goals;
- (d) Recommendations for eliminating or modifying regulatory activities that create undue burden or hardship on the agricultural industry; and
- (e) An analysis and recommendations for modifying or implementing provisions in the Agricultural Land Use Study.

The Annual Report recounts the activities of the APSAB and how the provisions of Section 2-931 were satisfied during 2007. The 2007 Annual Report was adopted unanimously by the APSAB at its meeting on February 6, 2008.

Attachments (2)

Assistant County Manager

Attachment A

2007 ANNUAL REPORT AGRICULTURAL PRACTICES STUDY ADVISORY BOARD

This report addresses the requirement contained in Section 2-931 of the Code of Miami-Dade County which directs the Agricultural Practices Study Advisory Board (APSAB) to prepare and submit an annual report detailing their accomplishments over the past year.

During the 2007 calendar year, the APSAB continued to fulfill its purposes as outlined in Section 2-931 of the Code, which include the review of the regulation of agricultural practices in Miami-Dade County and the issuance of recommendations to the Board of County Commissioners (BCC). The APSAB met 12 times in 2007, and established a quorum each time. They passed three resolutions making specific recommendations to the BCC. The following describes how the APSAB achieved their duties and purpose in 2007 as specifically required by Section 2-931 (a) through (d) of the Code.

(a) An overview of all pertinent state, regional, and local regulations, statutes, ordinances and policies concerning or impacting agriculture in Miami-Dade County

The APSAB is notified by Department of Planning and Zoning (DP&Z) staff and/or other County agencies of any new law or regulation impacting agriculture in Miami-Dade County. One such new state law reviewed by the APSAB allowed all-terrain vehicles (ATVs) to operate on unpaved roadways under certain conditions. Because the APSAB felt that such a law would exacerbate problems with ATV's in the agricultural area, they passed Resolution AG-02-07, recommending that Miami-Dade County opt out of the law. The resolution also recommended support for the creation of a new ATV recreational park at the site of the Dade-Collier Training and Transition Airport; a recommendation developed after several meetings with the Parks and Recreation Department staff to discuss the OHV Trails Feasibility Study.

The APSAB was asked by DP&Z staff to comment on the new GU Trending ordinance, which was recently approved by the BCC. The APSAB passed Resolution AG-04-07, recommending that the BCC adopt the proposed ordinance relating to the GU (Interim) Zoning District. The ordinance seeks to support agriculture in lands outside the UDB by requiring untrended GU properties that are designated Agriculture on the Land Use Plan (LUP) map of the CDMP to trend to the AU (Agricultural) zoning district instead of the EU-2 (Estate) zoning district. Although its main objective was to support the ordinance, the resolution also expressed APSAB's objection to a portion of the ordinance relating to the East Everglades.

In addition, the APSAB also reviewed operations affecting agriculture within several County departments. The Miami-Dade Police Department's Agricultural Patrol continued to provide a monthly update on its activities and kept the APSAB informed on crime trends and numbers of arrests. The Agricultural Manager provided frequent updates on the progress of the new Purchase of Development Rights (PDR) program and received several APSAB recommendations on how the management of the program could be better tailored for the agricultural community. Additionally, the APSAB provided extensive input to the Parks and Recreation Department staff following their presentations of the OHV Trails Feasibility Study and the Open Space Master Plan.

The APSAB also spent much of the year discussing the revision of the APSAB establishing ordinance. A final draft was adopted in October after collaboration with the County Attorney's Office. It is currently being sponsored by Commissioner Sorenson's office with some modifications.

(b) Recommendations for eliminating or reducing duplication of effort when two or more governmental entities administer similar regulatory programs

Throughout much of the year the APSAB has been making an effort to work with DERM on streamlining the permitting process for farming on wetlands. The APSAB asserts that the County's wetlands regulations are burdensome and unnecessary in light of state and federal policy on this subject. The APSAB passed Resolution AG-01-07, asking the BCC to make County wetlands laws consistent with State law in order to allow mitigation exemptions for farming activity.

(c) Recommendations for eliminating or modifying regulatory activities that have mutually exclusive or contradictory criteria or goals

While the APSAB did not identify any regulatory activities with mutually exclusive or contradictory goals they did comment on two ordinances pertaining to animal kennels put forth by the Animal Services Department and DP&Z. These ordinances sought to make the different sections of the code consistent when it came to the number of guard dogs allowed on a property. The two departments worked together to ensure that the goal of providing a safe residential environment was not contradictory to the goal of allowing landowners to possess more than one guard dog to protect their property. The APSAB heard from the Animal Services Department on this subject and was in support of raising the allowable number of guard dogs to four.

(d) Recommendations for eliminating or modifying regulatory activities that create undue burden or hardship on the agricultural industry

The APSAB felt that the way different crops were assigned different values by the Property Appraiser's Office (PAO) placed an undue burden on growers of the highest-valued crops. This created hardship for these growers when world markets changed so that these crops were no longer the highest producing. The PAO attended several APSAB meetings and discussed tax rates for agriculturally classified land. The APSABB suggested that the PAO implement a flat-rate valuation system and the PAO staff agreed to examine the issue and take their recommendations into consideration.

The APSAB also worked on a draft ordinance to add to the allowable ancillary uses to agriculture in the Zoning Code, Ch. 33 of the Miami-Dade County Code. They felt that the current allowable ancillary uses were not sufficient to allow agricultural businesses to profit from value added activities, such as the makings of jams and jellies from their crops.

(e) An analysis and recommendations for modifying or implementing provisions in the Agricultural Land Use Study.

This requirement is no longer relevant as the Agricultural Land Use Study was completed years ago. The revision that the APSAB is currently working on to their establishing ordinance will address this issue.

PART III CODE OF ORDINANCES

Chapter 2 ADMINISTRATION*

ARTICLE LXVIII. AGRICULTURAL PRACTICES STUDY ADVISORY BOARD*

ARTICLE LXVIII. AGRICULTURAL PRACTICES STUDY ADVISORY BOARD*

***Editor's note**--Ord. No. 95-03, adopted Jan. 17, 1995, amended the Code by the addition of provisions which have been included herein at the discretion of the editor as Art. LXVIII, §§ 2-931--2-933.

Sec. 2-931. Creation; purpose; duties.

There is hereby created and established an advisory board to be known as the Agricultural Practices Study Advisory Board. Its purpose shall be to conduct a study of the regulation of agricultural practices in Miami-Dade County, review the Agricultural Land Use Study and to provide recommendations to the Board of County Commissioners with regard to such regulations and Agricultural Land Use Study.

In order to fulfill its purpose, the Board shall prepare and submit to the Board of County Commissioners an annual report addressing the following:

- (a) An overview of all pertinent state, regional and local regulations, statutes, ordinances and policies concerning or impacting agriculture in Miami-Dade County;
- (b) Recommendations for eliminating or reducing duplication of effort when two (2) or more governmental entities administer similar regulatory programs;
- (c) Recommendations for eliminating or modifying regulatory activities that have mutually exclusive or contradictory criteria or goals;
- (d) Recommendations for eliminating or modifying regulatory activities that create undue burden or hardship on the agricultural industry; and
- (e) An analysis and recommendations for modifying or implementing provisions in the Agricultural Land Use Study.

(Ord. No. 95-03, § 1, 1-17-95; Ord. No. 96-14, § 1, 1-16-96; Ord. No. 96-181, § 1, 12-3-96; Ord. No. 98-16, § 1, 2-3-98)

Sec. 2-932. Membership; qualifications.

There shall be a total of thirteen (13) members appointed by the Board of County Commissioners as follows:

- (a) Two (2) representatives from the Tropical Fruit Crops Industry of Miami-Dade County, one (1) recommended by Florida Lime and Avocado Committee, and one (1) recommended by the Tropical Fruit Growers of South Florida and Florida's Tropical Fruit Advisory Council;
- (b) Two (2) representatives from the nursery industry, recommended by the Miami-Dade County Chapter of the Florida Nurserymen and Growers Association;
- (c) Two (2) representatives from the vegetable industry, recommended by the Miami-Dade County Farm Bureau;
- (d) One (1) representative of the aquaculture industry, recommended by the ornamental Aquaculture Association of South Florida;
- (e) One (1) representative of a citizens' association supportive of agriculture, recommended by the Redland Citizens' Association;

- (f) One (1) representative of allied agribusiness, recommended by the Miami-Dade AgriCouncil;
 - (g) One (1) representative of agri-banking, recommended by the Homestead-Florida City Chamber of Commerce;
 - (h) One (1) representative of Farm Labor, recommended by Coalition of Florida Farmworkers Organizations;
 - (i) One (1) representative of the South Dade Soil & Water Conservation District, recommended by the South Dade Soil & Water Conservation District; and
 - (j) One (1) at large representative recommended by the Miami-Dade Agricultural Practices Study Advisory Board.
- (Ord. No. 95-03, § 1, 1-17-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 99-79, § 1, 7-13-99)

Sec. 2-933. Terms; staff support.

Members shall have a major portion of their income from or work time devoted to production agriculture in Miami-Dade County, and shall be appointed for terms of three (3) years, with none serving more than two (2) consecutive terms in the same position. The County Manager shall designate representatives from the Department of Planning and Zoning to provide appropriate staff support to the Board.

(a) Transition. In the year 2000 (Transition Year 1) there will be two (2) at-large representatives, one (1) appointed for the regular three (3) year term and one (1) appointed for one (1) year only. There will therefore be a total of fourteen (14) members in Transition Year 1 only. Otherwise, the transition from the current board to the new board and three (3) year term rotations shall occur as follows:

Year 1 Transitions and Term Rotations:

1. Florida Lime & Avocado Committee (replacing current Tropical Fruit Growers of South Florida position)
2. At-large representative (replacing current Tropical Fruit Growers of South Florida position)
3. Farm labor (replacing current Tropical Fruit and Vegetable position)
4. Nursery representative #2 (replacing current Tropical Fruit Advisory Council position)
5. Citizens' Association

Year 2 Transitions and Term Rotations:

1. Tropical Fruit representative (replacing current Florida Mango forum position)
2. Vegetable representative #1
3. South Dade Soil & Water Conservation District
4. Allied Agribusiness

Year 3 Transition and Term Rotations:

1. Nursery representative #1
2. Vegetable representative #2
3. Agri-banking
4. Aquaculture.

(Ord. No. 95-03, § 1, 1-17-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-16, § 2, 2-3-98; Ord. No. 98-125, § 38, 9-3-98; Ord. No. 99-79, § 2, 7-13-99)

[Note: (RI, 4-30-2003) Section 2-932 includes another paragraph that has inadvertently been deleted from the published and on-line versions of the County Code, but which the Clerk's office has been notified to correct. Per County Ordinance 95-03, this paragraph reads: If a vacancy occurs, it shall be filled by the Board of County Commissioners from a slate of nominees selected by the County Manager through a selection process implemented by the Planning and Zoning Department. Nominees shall be members of recognized agricultural interest organizations and shall have a demonstrated interest in the agricultural industry in Miami-Dade County.]