



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

December 2, 2008

The Honorable Carlos Alvarez
Mayor, Miami-Dade County
Stephen P. Clark Center
111 N.W. 1st Street, 29th Floor
Miami, Florida 33128

Dear Mayor Alvarez:

The Department of Community Affairs completed its review of the Miami-Dade County comprehensive plan amendments adopted on April 24, 2008 by Ordinance Number 08-43 (DCA Number 08-1) and determined that they do not meet the requirements of Chapter 163, Part II, Florida Statutes (F.S.), for compliance, as defined in Subsection 163.3184(1)(b), F.S. Therefore, the Department is issuing a Statement of Intent and a Notice of Intent to find the comprehensive plan amendments adopted by Ordinance Number 08-43 Not In Compliance. The Notice of Intent has been sent to the *Miami Herald* for publication on December 3, 2008.

Applications #1, #3, and #6 would each permit a net increase in residential units. Miami-Dade County has not adopted its revised public school facilities element or executed the updated public schools interlocal agreement with the Miami-Dade County School Board. Therefore, pursuant to Section 163.3177(12)(j), F.S., the County is prohibited from adopting Applications #1, #3, and #6 as amendments to its comprehensive plan until the revised public school facilities element has been adopted and the updated public schools interlocal agreement with the Miami-Dade County School Board has been executed by both parties and transmitted to the Department. Based on this information, the Department is issuing a Notice of Intent and a Statement of Intent to find the amendments associated with Ordinance Number 08-43 "not in compliance".

Please note that a copy of the adopted Miami-Dade County comprehensive plan amendments, the Statement of Intent, and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Stephen P. Clark Center, 111 N.W. 1st Street, Miami, Florida 33128. In addition, Section 163.3184(8)(c)2, Florida Statutes, requires a local government that has an Internet site to post a copy of the Department's Notice of Intent on the site within 5 days after receipt of the mailed copy of the agency's Notice of Intent.

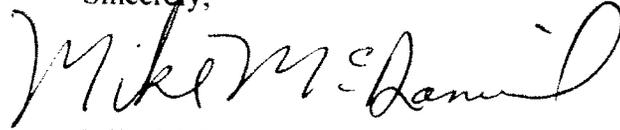
2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

♦ COMMUNITY PLANNING 850-488-2356 (p) 350-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

The Honorable Carlos Alvarez
December 2, 2008
Page 2

If you have any questions, please contact Bill Pable, AICP, or me at (850) 922-1781 for assistance.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive, flowing style.

Mike McDaniel, Chief
Office of Comprehensive Planning

MDM/bp

Enclosures: Notice of Intent
Statement of Intent

cc: Mr. Marc C. LaFerrier, Director, Miami-Dade County Planning and Zoning Department
Ms. Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council
Ms. Tracy Suber, Florida Department of Education

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

IN RE: MIAMI-DADE COUNTY COMPREHENSIVE PLAN AMENDMENT 08-1; ORDINANCE NUMBER 08-43 AMENDING THE FUTURE LAND USE ELEMENT	Docket No. 08-1-NOI-1301-(A)-(N)
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STATEMENT OF INTENT TO FIND
COMPREHENSIVE PLAN AMENDMENTS
NOT IN COMPLIANCE

The Florida Department of Community Affairs, pursuant to Rule 9J-11.012(6), *Florida Administrative Code*, hereby issues this Statement of Intent regarding the Comprehensive Plan amendments (*i.e.* Applications #1, #3, and #6) adopted by Miami-Dade County in Ordinance Number 08-43 on April 24, 2008. The Department finds these Comprehensive Plan amendments not "in compliance," as defined in Section 163.3184(1)(b), *Florida Statutes*. The Department finds that these Comprehensive Plan amendments are not in compliance because they are not consistent with Chapter 163, Part II, *Florida Statutes*, the State Comprehensive Plan, Rule 9J-5, *Florida Administrative Code*, and the *Strategic Regional Policy Plan for South Florida* for the following reason:

I. PUBLIC EDUCATION FACILITIES ELEMENT

A. Inconsistent provisions. The inconsistent provisions of the Comprehensive Plan amendment under this subject heading follow:

1. Ordinance #08-43 pertains to Applications #1, #3, and #6 in the Miami-Dade County 08-1 adopted amendment. Each application would permit a net increase in residential units. Miami-Dade County has not adopted its revised public school facilities element or executed the updated public schools interlocal agreement with the Miami-Dade County School Board. Therefore,

pursuant to Section 163.3177(12)(j), F.S., the County is prohibited from adopting Applications #1, #3, and #6 as amendments to its comprehensive plan until the necessary school amendments have been adopted and transmitted to the Department.

2. The Department specifically finds these Comprehensive Plan amendments are inconsistent with the following rule and statutory provisions: Rules 9J-5.015(1), (2), (3)(b)1, 3, 6, (3)(c)1, 12, 14; 9J-5.025(2), (3)(b)1 through 6, and (3)(c)1 through 11, and (4), Florida Administrative Code, and Sections 163.3177(6)(a); (6)(h)1, 2, 4; (12)(c), (i), and (j); 163.3177(1) and (2); and 163.3180(13) Florida Statutes.

B. Recommended remedial actions. The above inconsistencies may be remedied by taking the following action: The Department recommends that the County adopt its revised public school facilities element and execute the updated public schools interlocal agreement with the Miami-Dade County School Board.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

A. Inconsistent provisions. The inconsistent provisions of the plan amendment under this subject heading are indicated below. The Comprehensive Plan amendment is inconsistent with the State Comprehensive Plan goals and policies set forth in Section 187.201, *Florida Statutes*, including the following provisions:

1. **Urban and Downtown Revitalization.** The amendment is inconsistent with the Goal set forth in Paragraph 187.201(16)(a), *Florida Statutes*, and the Policy set forth in Subparagraphs 187.201(16)(b)8, *Florida Statutes*; and
2. **Plan Implementation.** The amendment is inconsistent with the Goal set forth in Paragraph 187.201(25)(a), *Florida Statutes*, and the Policy set forth in Subparagraphs 187.201(25)(b)7, *Florida Statutes*.

B. Recommended remedial action. These inconsistencies may be remedied by revising the Comprehensive Plan amendment as described above in Section I.B.

III. CONSISTENCY WITH THE SOUTH FLORIDA STRATEGIC REGIONAL POLICY PLAN

- A. Inconsistent provisions. The South Florida Regional Planning Council concluded that Application #3 is incompatible with Goal 5, Policy 5.1, and Policy 5.3 of the Strategic Regional Policy Plan, which relate to overcoming school overcrowding, implementing mechanisms to ensure the ability to meet school needs, and discouraging development proposals that would exacerbate school overcrowding.
- B. Recommended remedial action. These inconsistencies may be remedied by revising the Comprehensive Plan amendment as described above in Section I.B.

CONCLUSIONS

1. The Comprehensive Plan amendments are not consistent with the State Comprehensive Plan.
2. The Comprehensive Plan amendments are not consistent with Chapter 9J-5, *Florida Administrative Code*.

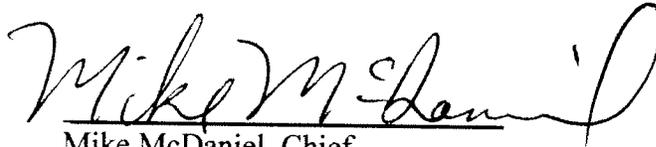
3. The Comprehensive Plan amendments are not consistent with the requirements of Chapter 163, Part II, *Florida Statutes*.

4. The Comprehensive Plan amendment Application #3 is not consistent with the South Florida *Strategic Regional Policy Plan*.

5. The Comprehensive Plan amendments are not "in compliance," as defined in Section 163.3184(1)(b) *Florida Statutes*.

6. In order to bring the Comprehensive Plan amendments into compliance, the County may complete the recommended remedial actions described above or adopt other remedial actions that eliminate the inconsistencies.

Executed this 2nd day of December 2008, at Tallahassee, Florida.



Mike McDaniel, Chief
Office of Comprehensive Planning
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
AMENDED NOTICE OF INTENT TO FIND THE
MIAMI-DADE COUNTY COMPREHENSIVE PLAN AMENDMENT
NOT IN COMPLIANCE
DOCKET NO. 08-1-NOI-1301-(A)-(N)

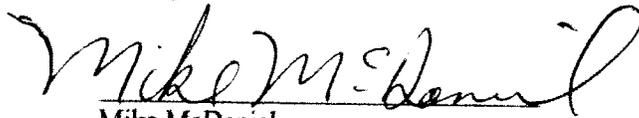
The Department gives amended notice of its intent to find the Amendment to the Comprehensive Plan for Miami-Dade County adopted by Ordinance No. 08-43 on April 24, 2008, NOT IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Miami-Dade County Comprehensive Plan Amendment, the Department's Objections, Recommendations, and Comments Report, (if any), and the Department's Statement of Intent to Find the Comprehensive Plan Amendment Not In Compliance will be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Miami-Dade County Department of Planning and Zoning, 111 N.W. 1st Street, Suite 1210, Miami, Florida 33128-1902.

This Notice of Intent and the Statement of Intent will be forwarded by petition to the Division of Administrative Hearings (DOAH) of the Department of Management Services for the scheduling of an administrative hearing pursuant to Sections 120.569 and 120.57, F.S. The purpose of the administrative hearing will be to present evidence and testimony on the noncompliance issues alleged by the Department in its Objections, Recommendations, and Comments Report and Statement of Intent in order to secure a recommended order for forwarding to the Administration Commission.

Affected persons may petition to intervene in this proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. Pursuant to Section 163.3184(10), F.S., no new issues may be alleged as a reason to find a plan or plan amendment not in compliance in a petition to intervene filed more than twenty one (21) days after publication of this notice unless the petitioner establishes good cause for not alleging such new issues within the twenty one (21) day time period. The petition for intervention shall be filed at DOAH, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, and a copy mailed or delivered to the local government and the Department. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing pursuant to Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.



Mike McDaniel,
Chief of Comprehensive Planning
Division of Community Planning
Department of Community Affairs
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