

Application No. 9

TEXT AMENDMENT

APPLICATION SUMMARY

Applicant/Representative:	Vecellio &Grogan, Inc. d/b/a White Rock Quarries/ Kerri Barsh, Esq.
Element(s) to be Amended:	LAND USE ELEMENT
Requested Text Changes:	Modify the text of Open Land Subarea 1 (Snake-Biscayne Canal Basin) in the Land Use Element of the Comprehensive Development Master Plan (CDMP), to allow nurseries and tree farms.
Amendment Type:	Standard Text Amendment

RECOMMENDATIONS

Staff:	ADOPT and TRANSMIT
Community Council:	NOT APPLICABLE
Planning Advisory Board (PAB) acting as Local Planning Agency:	TO BE DETERMINED (April 5, 2010)
Board of County Commissioners:	TO BE DETERMINED (May 5, 2010)
Final Recommendation of PAB acting as Local Planning Agency:	TO BE DETERMINED (September 20, 2010)
Final Action of Board of County Commissioners:	TO BE DETERMINED (October 6, 2010)

Staff recommends **ADOPT AND TRANSMIT** the proposed text amendment for the following reasons:

1. Open Land Subarea 1 currently allows 'seasonal agriculture' as a use that may be considered for approval. The land south of NW 186 Street in this subarea is zoned for agriculture with the remaining land zoned as GU (Interim), which allows for agricultural use. Additionally, the CDMP restricts the type of allowable agriculture to row crops, container nurseries or other agricultural uses that are seasonal or "above ground" uses. Over the years, several year-round agricultural activities, such as tree farms, were established in this area, in large part due to permits only being reviewed for consistency with the zoning category. However, consistency with the CDMP was not conducted prior to the allowance of year round agricultural activities in this area.

Currently many wetland violations are under enforcement in Open Land Subarea 1 due to illegal filling of lands, many of which are currently in agricultural use. Issuance of Class IV permits or “after the fact” permits require that the intended use be consistent with the CDMP; tree farms are currently not a consistent use. Although mitigation and penalties are paid, the owners cannot continue their tree farms with the current CDMP language. Part of the remedy for those violations involving wetlands with tree farming establishments is that the growers must remove their trees. This can cause severe economic loss to the farm owner.

Amending the text in Open Land Subarea 1, to allow nurseries and tree farms uses for consideration, may provide many of the currently illegal tree farm uses an avenue to become consistent with the CDMP and potentially retain their use.

2. The proposed North Lake Belt Storage Area, a Comprehensive Everglades Restoration Plan (CERP) project that will be used for water storage, will comprise approximately 4,500 acres (59%) of Subarea 1 when completed. Most of this land is currently being utilized for limestone rockmining, or is owned or being acquired by various government agencies in order to accommodate the CERP project. The CERP project is not scheduled to begin until 2025 at the earliest with a majority of this Subarea to be excavated and the agricultural activity within the CERP footprint being removed. In the interim, however, additional agricultural uses in this basin should be explored.
3. A major concern to the South Florida Water Management District (SFWMD) and the Miami-Dade Department of Environmental Resource Management (DERM) is that increased agricultural uses not impact this basin’s groundwater quality. As reported by the Miami-Dade County Cooperative Extension Service, the use of fertilizers and pesticides for nurseries and tree farms is equal to or less than that used by row crops. This is mainly due to the length of the growing season and the efficiency of the fertilizers to ensure the economics of the crop. For example, more fertilizer will be used to ensure the quick growth of a row crop with a short growing season, while products such as slow release fertilizers can be used in longer growing cycle of a tree farm.

A second component to water quality is stormwater runoff. As per objective CON-4A, “the aquifer recharge values of wetland areas shall be maintained and, where feasible, enhanced or restored. There shall be no further positive drainage of wetlands to accommodate urban development or agricultural uses.” In accordance with DERM regulations, tree farm and nursery operations shall be required to contain storm water runoff on site. There must be no positive drainage of the facility to off-site ditches or canals.

Application of Chapter 24 by DERM through wetland permits should ensure that agricultural crops, regardless of the crop, will not compromise groundwater quality as indicated in the text of the CDMP for Open Land Subarea 1.

4. Open Land Subarea 1 is a low lying, poorly drained area with high water tables. Thus, much of the area contains jurisdictional wetlands as defined in Chapter 24-5 of the Code of Miami-Dade County, and any properties found to have jurisdictional wetlands will require a Class IV permit prior to any work being undertaken on said property. The SFWMD and DERM have expressed concerns regarding excessive filling of the wetlands and the raising and lowering of water levels in the area to accommodate year round agriculture, as well as the potential loss of wetlands due to agricultural practices. As noted in CON-4A, “the aquifer recharge values of wetland areas shall be maintained and, where feasible, enhanced or restored. There shall be no further positive drainage of wetlands to accommodate urban development or agricultural uses.”

Therefore, it should be clearly noted that additional flood protection will not be afforded to this basin and there must be no lowering of groundwater levels to support year-round agriculture, instead the grading of the site must be sufficient to lift the root zone of plant materials above the seasonal water table, if needed. It is recommended that any year round farming be tied to an affidavit from the land owner acknowledge that 1) no additional flood protection will be provided; 2) all agricultural use would be conducted at the farmers risk; 3) future CERP plans for the area may preclude long term operation of farming activities; and 4) filling of the wetlands will be minimized for agricultural uses.

Requested Text Amendment:

The applicant proposes to change the text of Open Land Subarea 1 (Snake-Biscayne Canal Basin) in the Land Use Element of the CDMP to allow nurseries and tree farms. The proposed text amendment (See Attachment A) would read as follows:

Open Land Subarea 1 (Snake-Biscayne Canal Basin). This subarea is located north of the Miami Canal (Canal-6) in northwestern Miami-Dade County. Rural residential use at 1 dwelling unit per 5 acres, limestone quarrying and ancillary uses, compatible institutional uses, public facilities, utility facilities, and communications facilities, recreational uses, nurseries and tree farms, and seasonal agriculture¹ may be considered for approval in this subarea. Uses that could compromise groundwater quality shall not occur west of the Turnpike Extension.

The applicant submitted a technical document entitled *“The Compatibility of Nurseries and tree farms with current and future land use in the Open Land Subarea 1 (Northern Lake Belt,)”* dated December 15, 2009, by MacVicar, Federico and Lamb, Inc. in support of the requested amendment (See Attachment B). The report summarizes the land use and rock mining activities, environmental features, hydrology, agricultural practices and future conditions within Open Land Subarea 1. The report concludes that current and future conditions regarding the Comprehensive Everglades Restoration Plan (CERP) components for the subarea should not limit agricultural activity to seasonal agriculture and that inclusion of nurseries and tree farms would be compatible with current environmental and water management conditions.

Staff Analysis:

Background

Prior to 1983, the Agriculture and Open Land categories were combined on the County's Land Use Plan (LUP) map. In 1983 the Adopted 1990-2005 Land Use Plan (LUP) map first made a distinction between the “Agriculture” and “Open Land” categories. The “Agriculture” land designation was based on the “prime” agricultural land of the County as further noted in the Agricultural Land Use Plan for Metropolitan Dade County, Florida dated March 1983. This study conducted by the Planning Department and the Cooperative Extension Service, was to identify the County's prime agricultural land and develop strategies to protect and retain these lands for agricultural uses. The distinction at that time was to separate those lands believed to be “prime” agricultural lands from those where agricultural production was limited by site considerations such as flooding, soils, or wetlands.

¹ For purposes of this chapter, seasonal agriculture means those agricultural activities which occur during the months November through April on land at natural elevation, or which occur during the months May through October on land that is, or has been bedded or filled to an elevation at or above Miami-Dade County flood criteria, and given that no additional off-site drainage will occur.

In the 1988 CDMP, the Open Land plan map category was further categorized into five Open Land Subareas along with their allowed uses. Each of these subareas is low-lying and contains valuable wetlands; however, their allowed uses vary due to the characteristics within each subarea. Some areas are reserved as resource areas for limestone quarrying, (lake belt area) while some have major wellfield areas. This application refers only to Open Land Subarea 1, (Snake-Biscayne Canal Basin), which is located in northwest Miami-Dade County and is generally bounded by NW 202 Street/C-9 Canal on the north, the Florida Turnpike on the southeast, West Okeechobee Road/C-6 Canal on the southwest and NW 147 Avenue on the west.

As stated in the CDMP, the Open Land categories contain lands that are “intended to serve one or more of the following functions: production such as agriculture, limestone extraction or other resource based activity such as development of potable water supplies; rural residential development at a maximum density . . . of one unit per five acres, recreation; compatible utility and public facilities . . . and conservation, maintenance or enhancement of environmental character. Although the subareas further define the allowed uses, the CDMP specifically states that “Because the Open Land areas primarily consist of wetlands, all proposed uses will be reviewed on a case-by case basis.”. Subarea 1 states the uses which may be considered as follows:

“Rural residential use at 1 dwelling unit per 5 acres, limestone quarrying and ancillary uses, compatible institutional uses, public facilities, utility facilities, and communications facilities, recreational uses and seasonal agriculture may be considered for approval in this subarea.”

As shown in Figure 9-1, Open Land Subarea 1 is approximately 7,577 acres in size. The majority of developed land within Subarea 1 is or has been used for limestone rock-mining, with approximately 2,770 acres (36%) in current mineral extraction (industrial) use or as lakes which resulted from previous mining activities. Agricultural land uses comprise approximately 1,578 acres (21%) of land and undeveloped land comprises 2,412 acres or 32%. Other uses in this subarea include utilities and conservation areas. Due to its low lying nature, residential land uses comprise less than 1 percent of the overall land use in the subarea.

This subarea has natural elevations between 4 and 5 feet above mean sea level (msl) and contains prairie wetlands. The area is prone to flooding especially during the wet season. As noted above, the major use of the subarea is rockmining. This subarea lies partially within a mining district referred to as the “Lake Belt”, the primary limerock mining area in the State of Florida. Additionally, the Comprehensive Everglades Restoration Plan (CERP) has identified this area for the North Lake Belt Storage Area (North Lake Belt) project; a series of water storage lakes, intended to store water in the wet season (summer) and replenish the canal system and groundwater during the dry season (winter).

Seasonal Agriculture

The CDMP provides for ‘seasonal agriculture’ as a permitted land use within Open Land designated areas. A footnote on CDMP Page I-63 defines seasonal agriculture as:

“...agricultural activities which occur during the months November through April on land at natural elevation, or which occur during the months May through October on land that is, or has been bedded or filled to an elevation at or above Miami-Dade County flood criteria, and given that no additional off-site drainage will occur.”

The language for seasonal agriculture was added to the CDMP in 1988 because: 1) Open Land designated areas are low-lying and wet for significant periods throughout the year causing a significant risk to year round crops; 2) farming practices in various flood-prone areas put pressure on management agencies to draw down water levels near prime conservation areas; and, 3) requests for additional fill on properties could alter the wetlands and drainage patterns of the area.

The Department has, since 1988, interpreted the term seasonal agriculture to apply only to row crops, since that is what has typically been grown between May through October and November through April. These limited growing seasons allow the grower to grade his land into a system of rows and furrows in the wet season and/or farm at grade during the dry season. Recently, the agricultural uses allowed under "Seasonal Agriculture" have been expanded by the Department of Planning and Zoning to include:

- 1) in-ground agricultural activities at natural grade without additional fill for crops that have no more than an annual growing season, and
- 2) above-ground agricultural activities, such as container nurseries, which can be removed or raised during wet periods.

This interpretation has allowed some limited additional agricultural uses to growers in the Open Land areas.

Enforcement Activities in Open Land Subarea 1

Inclusion of the term "seasonal agriculture" in the CDMP limited agricultural uses in all Open Land subareas. The majority of the Open Land subareas are zoned AU for agricultural activities or GU – Interim, which allows agricultural activity. The zoning in Subarea 1 is GU- Interim on lands north of NW 186 Street with AU- Agriculture zoning on all lands south of NW 186 Street. Over the years many people have purchased land in this subarea with the intent of conducting agricultural activities. Most of these people had lands appropriately zoned for agricultural activities, but were unaware of the restrictions on agricultural uses in this area.

A requirement of all development orders is that they be consistent with the CDMP. For several years, permits have been issued by DERM for filling of wetlands for agricultural use in this subarea. Verification of consistency with zoning was obtained prior to permit issuance; however, no verification of consistency with the CDMP land use was obtained. All new or after-the-fact permit requests after 2007 have required consistency with the CDMP as well as zoning.

DERM enforcement records for Subarea 1 between 1985 and 2007, based upon wetland violations, indicate that a total of 95 code enforcement violations have been issued, of which 73 violations remain open. Of these 73 open violations, it is estimated that at least 9 involve agricultural uses. These violations primarily consist of illegal fill and mulch, and the clearing of wetlands beyond the limits of the issued Class IV permits. Enforcement cases involving properties with tree farms have been difficult to resolve since an after-the-fact permit is required to continue the existing use. However, in many cases, the existing land uses are tree farms, which are currently inconsistent with the CDMP. To be consistent with the CDMP, property owners, must remove their trees and establish a seasonal use. In some instances the trees have been removed and containerized, which is consistent with the definition of a seasonal agriculture. However, other tree farms cannot bear the expense of converting to a containerized nursery or other seasonal agriculture use.

Future CERP Projects

During the development of the Comprehensive Everglades Restoration Plan (CERP), a project using the lake belt district was envisioned. This project, known as the North and Central Lake Belt project, involved the creation of a series of reservoirs from converted former quarry operations. The North Lake Belt project, managed by the South Florida Water Management District (SFWMD) will create approximately 4,500 acres of lakes and impoundment areas in Open Land Subarea 1. This system will retain stormwater runoff from water basins in northwestern Miami-Dade and southwestern Broward counties to maintain appropriate water stages during the dry season in the Snake Creek (C-9), Little River (C-7), Miami (C-6), Tamiami (C-4), and Snapper Creek (C-2) canals. This project will also provide water deliveries to Biscayne Bay which will aid in meeting salinity targets. The North Lake Belt project is a long-term project not currently authorized by the Congress. The timeframes are unclear since a pilot project has been proposed to see if the technology is feasible.

In reviewing the projected footprint of the North Lake Belt project, it is important to note that not all of Open Land Subarea 1 is impacted by this project. The North Lake Belt project area involves approximately 4,500 acres with the remaining acreage, approximately 2600 acres, in areas cut-out from the overall CERP footprint. As depicted in Figure 9-2, the areas not located in the CERP footprint lie north of Okeechobee in two rectangular shaped areas. These enclaves are also the areas where most of the agricultural activities within this subarea currently exist. Leased areas from the rockmining industry allow some agricultural activity; however, since most of the North Lake Belt project will result in excavated reservoirs, the leases allow for the removal of the agricultural activities. Therefore additional agricultural uses should not negatively impact the CERP project.

Stormwater and Groundwater Quality

A major concern for regulatory agencies, such as the South Florida Water Management District (SFWMD), is that increased agricultural uses may impact surface or groundwater quality in this basin. More specifically, the stormwater runoff from agricultural uses could contain pollutants that will find their way into the area's groundwaters or integrated canal system. This concern is triggered by the potential North Lake Belt Storage Area (North Lake Belt) CERP project as noted above.

The level of stormwater treatment associated with this CERP project will depend on the quality of stormwater runoff from the area. The SFWMD has indicated in conversations with County staff that nursery runoff into the C-11 basin in south Broward County has caused significant problems for the District and that similar problems could be experienced in Miami-Dade County. This has created concerns that additional nursery and tree farm uses will decrease the quality of stormwater runoff to adjacent canals and groundwater, thereby potentially increasing future CERP costs.

To determine the difference in water quality between tree farms and nurseries and other seasonal agricultural uses (row crops and container nurseries), the Dade County Agricultural Extension Service was consulted. The use of fertilizers and pesticides for nurseries and tree farms is equal to or less than that used by row crops. This is mainly due to the length of the growing season and the efficiency of the fertilizers to ensure the economics of the crop. For example, more fertilizer will be used to ensure the quick growth of a row crop with a short growing season, while products such as slow release fertilizers can be used for the longer growing cycle of a tree farm. Since the price of plants or tree is significantly reduced by the amount of fertilizer used in their growing, tree farmer do not over fertilize and look for short cuts to maximize their profits. Additionally, it was explained that many of the agro-chemicals used adhere to the soil so that they can be taken up by the root system of the plant. For these reasons it is unlikely that the allowance of tree farms or in-ground nurseries in this area would result in lower

groundwater quality. It is reasoned that the same water quality would result whether tree farms or seasonal agriculture uses occurred.

A second component to the water quality issue is the likelihood of properties draining to surface waters. Such practices will allow chemical pesticides and fertilizers to flow overland into adjacent canals, as was realized in Broward County. As per objective CON-4A, "the aquifer recharge values of wetland areas shall be maintained and, where feasible, enhanced or restored. There shall be no further positive drainage of wetlands to accommodate urban development or agricultural uses." In accordance this objective DERM regulates all agriculture including tree farm and nursery operations, and requires the stormwater to be retained on site. For properties outside the Urban Development Boundary (UDB), approximately 30% of the site must be used for stormwater purposes. Additionally, DERM requires that there be no positive drainage of the facility to off-site ditches or canals.

These regulations are applied by DERM uniformly throughout the County, including agricultural areas. DERM enforcement of these regulations through wetland permits and site plans will ensure that agricultural crops, regardless of the crop, will not compromise groundwater or surface water quality. Therefore the concerns of various regulatory agencies should not dictate the type of crop allowed in this subarea.

Impacts to Wetlands

Open Land Subarea 1 is a low lying, poorly drained area with high water tables. Thus, much of the area contains jurisdictional wetlands as defined in Chapter 24-5 of the Code of Miami-Dade County. Any properties found to have jurisdictional wetlands requires a Class IV permit prior to any work being undertaken. The SFWMD and DERM have expressed concerns regarding excessive filling of the wetlands and the raising and lowering of water levels in the area to accommodate year round agriculture.

As noted in CON-4A, "the aquifer recharge values of wetland areas shall be maintained and, where feasible, enhanced or restored. There shall be no further positive drainage of wetlands to accommodate urban development or agricultural uses." Therefore, it should be clearly noted that additional flood protection will not be afforded to this basin and there must be no lowering of groundwater levels to support year-round agriculture.

To help protect the quality and quantity of the wetland areas, the amount of fill to the area should be limited. This will help ensure that runoff will be retained on site and that infiltration values of the area will be protected. As currently allowed, farming should be conducted at the natural grade when possible. During the wet season, when standing water is present, additional fill or a regarding of the natural soil sufficient to lift the root zone of plant materials above the seasonal water table should be allowed. Allowance of fill and criteria accompanying year round farming in this open land subarea should be developed by DERM with input from DP&Z, and the Cooperative Extension System.

Based upon the above analysis, the Staff recommends to **ADOPT and TRANSMIT** the proposed text application. It is further recommended that development regulations created to implement the agricultural uses in these area should include a signed affidavit from the property owner acknowledging that 1) no flood protection or drainage will be provided to this area; 2) farming activities will occur at the owner's risk; 3) future CERP plans for the area may preclude long term operation of farming activities; and 4) filling of the wetlands must be minimized for agricultural uses. The signed affidavit should be attached to DERM's wetland permits and/or certificates of use as required by the Department of Planning and Zoning.

Consistency Review with CDMP Goals, Objectives, Policies, Concepts and Guidelines

The following CDMP goals, objectives, policies, concepts and guidelines will be enhanced or maintained if the proposed text change is approved:

- Policy LU-8C: Through its planning, capital improvements, cooperative extension, economic development, regulatory and intergovernmental coordination activities, Miami-Dade County shall continue to protect and promote agriculture as a viable economic use of land in Miami-Dade County.
- Policy CON-4A: The aquifer-recharge values of wetland areas shall be maintained and, where feasible, enhanced or restored. There shall be no further positive drainage of wetlands to accommodate urban development or agricultural uses.
- Objective CON-6 Soils and mineral resources in Miami-Dade County shall be conserved and appropriately utilized in keeping with their intrinsic values.
- Policy CON-6C. Areas in Miami-Dade County having soils with good potential for agricultural use without additional drainage of wetlands shall be protected from premature urban encroachment.
- Policy LU-3B. All significant natural resources and systems shall be protected from incompatible land use including Biscayne Bay, future coastal and inland wetlands, future potable water-supply wellfield areas identified in the Land Use Element or in adopted wellfield protection plans, and forested portions of Environmentally Sensitive Natural Forest Communities as identified in the Natural Forest Inventory, as may be amended from time to time.

APPENDIX A
APPLICATION

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**APPLICATION TO AMEND THE
LAND USE PLAN MAP
OF THE MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

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PLANNING & ZONING
METROPOLITAN PLANNING SECT.

1. APPLICANT

Vecellio & Grogan, Inc. d/b/a White Rock Quarries

2. APPLICANT'S REPRESENTATIVE

Kerri Barsh, Esq.
Greenberg Traurig
1221 Brickell Avenue
Miami, FL 33131

By: _____

Kerri L. Barsh, Esq.

Nov. 2, 2009

Date

3. DESCRIPTION OF REQUESTED CHANGE

- A. A change to the Text of the Adopted Components of the Comprehensive Development Master Plan for Miami-Dade County (Fee Schedule § A.2)

The text change is proposed for Page I-63 of the Future Land Use Element as follows:

Page I-63

Open Land Subarea 1 (Snake-Biscayne Canal Basin). This subarea is located north of the Miami Canal (Canal-6) in northwestern Miami-Dade County. Rural residential use at 1 dwelling unit per 5 acres, limestone quarrying and ancillary uses, compatible institutional uses, public facilities, utility facilities, and communications facilities, recreational uses, nurseries and tree farms, and seasonal agriculture¹ may be considered for approval in this subarea. Uses that could compromise groundwater quality shall not occur west of the Turnpike Extension.

¹ For purposes of this chapter, seasonal agriculture means those agricultural activities which occur during the months November through April on land at natural elevation, or which occur during the months May through October on land that is, or has been bedded or filled to an elevation at or above Miami-Dade County flood criteria, and given that no additional off-site drainage will occur.

4. REASONS FOR AMENDMENT

The Future Land Use Element currently allows agricultural uses within lands designated Open Land and seasonal agriculture within Open Land Subarea 1. The proposed text change seeks to bring into conformity nursery and tree farm uses currently existing within Open Land Subarea 1, many of which have been in operation for many years, as well as to permit such nurseries and tree farms in the future.

The Open Lands Subarea 1 is an ideal location for nurseries and tree farms to operate for various reasons, including their proximity to similar agricultural uses that are permissible uses in this Subarea. This is a relatively isolated area, which would minimize any potential adverse impacts and some of the nurseries and tree farms in this particular area have been in existence and operating for more than fifteen years, without incident.

Accordingly, approval of the requested Amendment would not be inconsistent with the implementation of the CDMP goals, objectives and policies, which will be set forth in further detail under separate cover.

5. ADDITIONAL MATERIAL SUBMITTED

Additional information will be supplied at a later date under separate cover.

6. COMPLETE DISCLOSURE FORMS

Attached as **Exhibit A.**

Exhibit "A"

Disclosure of Interest

If a **CORPORATION** owns or leases the subject property, list principal, stockholders and percent of stock owned by each.

CORPORATION NAME: Vecellio & Grogan, Inc.

Name and Address	Percentage of Stock
<u>40 Box 15065</u> <u>West Palm Beach, FL 33416</u> <u>Leo A. Vecellio, Jr</u>	<u>50%</u>
<u>Christopher B. Vecellio</u>	<u>24%</u>
<u>Michael A. Vecellio</u>	<u>24%</u>
<u>Kathryn C. Vecellio</u>	<u>2%</u>

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosures of interest shall be filed.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

Applicant's Signatures and Printed Names

Tim Hurley, President
Tim HURLEY

Sworn to and subscribed before me

This 30th day of October, 2009

Francine E. Hines

Notary Public, State of Florida at Large(SEAL)

My Commission Expires:

April 2, 2011



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APPENDIX B

ADDITIONAL INFORMATION

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DATE: December 15, 2009

SUBJECT: The compatibility of nurseries and tree farms with current and future land use in the Open Land Sub Area 1 (Northern Lake Belt)

Summary

The Northern Lake Belt Area is bounded generally by the Florida Turnpike on the east, U.S. 27 on the south and west and the Snake Creek Canal (C-9) on the north. The entire area is classified as Open Land Sub Area 1 in the current Comprehensive Development Master Plan (CDMP) for Miami-Dade.

The CDMP limits agriculture in Sub Area 1 to “seasonal agriculture”, defined as “those agricultural activities which occur during the months November through April on land at natural elevation, or which occur during the months May through October on land that is, or has been bedded or filled to an elevation at or above Miami-Dade County flood criteria, and given that no additional off-site drainage will occur.”

The “seasonal agriculture” definition evolved in response to historical agricultural practices, primarily in South Miami-Dade. In that area a significant decline in the water table during the dry season allowed land owners to plan, cultivate and harvest row crops prior to the onset of the wet season on properties that may have been too wet to farm in the wet season. Tree crops on these same properties may not be viable. The County’s objective in limiting certain areas to “seasonal agriculture” is to prevent the planting of crops that would require more drainage than the current facilities provide, and the potential for landowners to expect, or demand, more drainage than the County believes would be acceptable.

Current Conditions in Sub Area 1

Land use. The dominant land uses in Sub Area 1 are limestone mining and facilities associated with that industry. (Figure 1) There is also a mixed use area that includes rural residential uses, some small businesses and several small nurseries and tree farms. Row crops are not a significant use in the area.

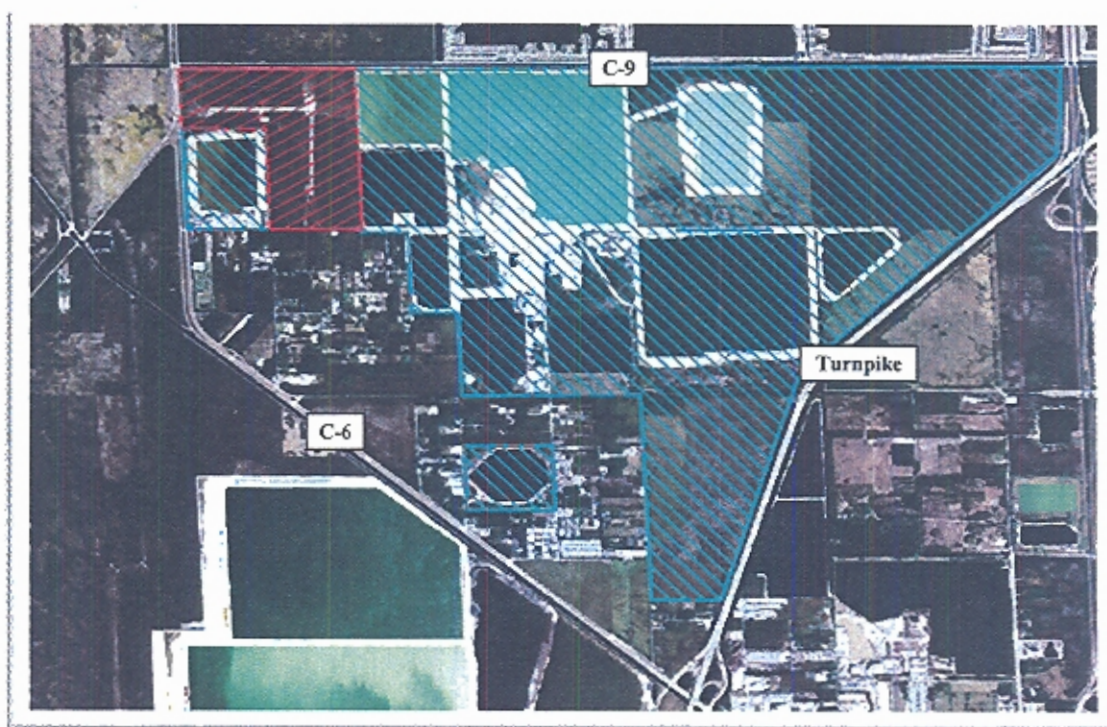
Environmental Features. While Sub Area 1 was originally part of the Everglades, it has been drained by the federal flood control project for more than 50 years. Areas that have not been mined or filled for other uses may meet the County’s wetland criteria but the habitat value is minimal.

Hydrology. The water table in Sub Area 1 is controlled within a narrow range by the Snake Creek Canal (C-9), the Miami Canal (C-6) and various existing drainage facilities owned by the County. Both C-9 and C-6 are managed to maintain an elevation of approximately 3.0 feet above sea level (NGVD). A County canal near the Turnpike connects C-6 and C-9 and also helps to keep the water table in the Sub Area within a narrow range.

Agricultural Practice. The limited agriculture in the area does not receive, or require, any special drainage or water control benefits above what is generally provided to the area as a whole. There is also no real opportunity to change the existing water management system to make more intense agricultural possible. The nurseries and tree farms that exist were

established under present conditions and so do not present the possible conflict for which the County's "seasonal agriculture" language was developed.

Figure 1. Open Land Sub Area 1 is the area between the C-6 and C-9 Canals and the Turnpike. The crosshatched areas have rock mining permits from the state permitted for rock mining (blue) or have applications under review for new mining (red).



Future Conditions in Sub Area 1.

One of the key components of the Comprehensive Everglades Restoration Plan (CERP), the Northern Lake Belt Storage Area (NLBSA), is located in Sub Area 1. (Figure 2) The primary goal of the Comprehensive Everglades Restoration Plan is the restoration, preservation, and protection of the South Florida ecosystem, while providing for other water-related needs of the region such as flood protection and water supply. The purpose of the North Lake Belt Storage Area is to capture stormwater from the primary SFWMD canals during wet periods and release it to meet coastal canals recharge demands, as well as provide flow to Biscayne Bay. Potential stormwater treatment areas (STAs) were included as part of the original conceptual design in case it would be necessary to provide water quality treatment prior to releasing the water from the Storage Area to meet environmental and urban demands. The latest schedule for the CERP components shows that the date to begin the design for the NLBSA has yet to be determined but will be sometime after 2020.

While the detailed planning for the NLBSA will not begin for years there is nothing in the description of this component that implies that it will improve flood protection for the property in Sub Area 1. By the same token the Congressional approval of the CERP included a constraint that flood conditions on private property outside of CERP components could not

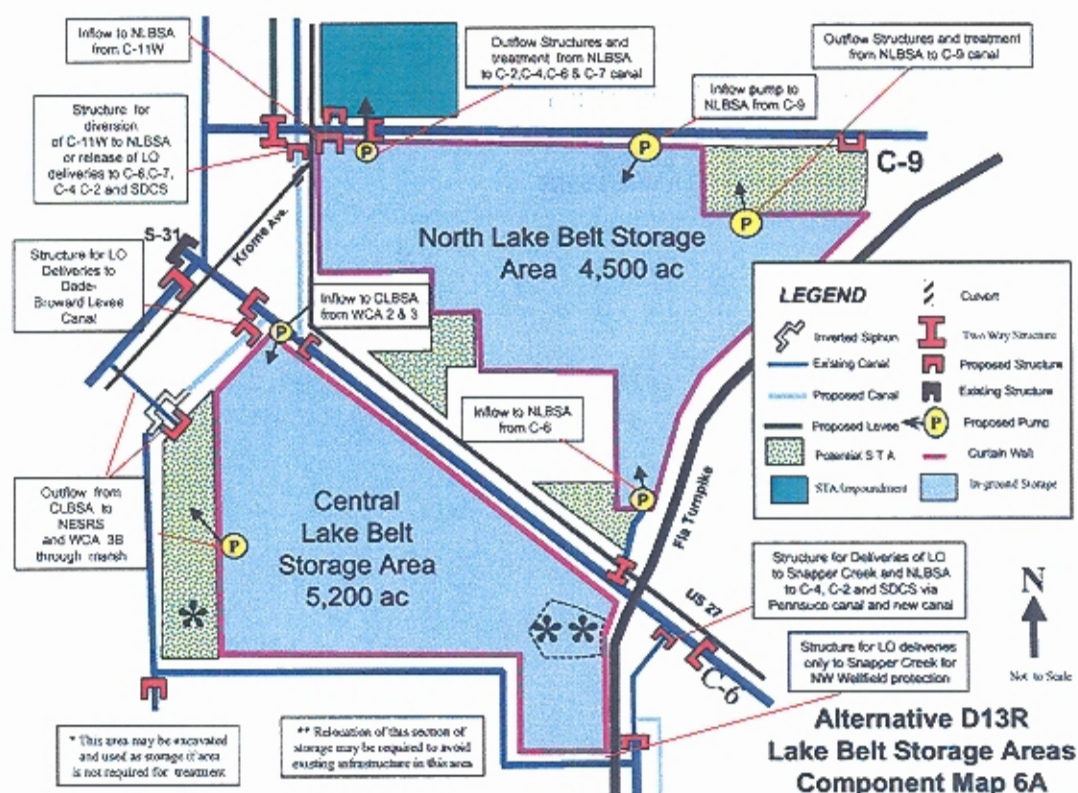


Figure 2. Northern and Central Lake Belt Storage Areas shown in the CERP Report approved by Congress.

be diminished. Therefore a safe assumption for the remaining private property in Sub Area 1 is that the water conditions that exist now will not change significantly in the future.

Conclusion

Based on the current conditions, and those projected to continue into the future whether or not the CERP components for Sub Area 1 are constructed, there is no reason to limit agricultural activity in Sub Area 1 to seasonal agriculture only. The inclusion of nurseries and tree farms is compatible with the current environmental and water management conditions and no future conflicts with those uses are anticipated.

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