



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

August 9, 2010

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 proposed Comprehensive Plan Amendment (DCA No. 10-2), which was received on June 9, 2010. Copies of the proposed amendment have been distributed to appropriate state, regional, and local agencies for their review, and their comments are enclosed. The Department reviewed the comprehensive plan amendment for consistency with Rule 9J-5, Florida Administrative Code, and Chapter 163, Part II, Florida Statutes, and prepared the attached Objections, Recommendations, and Comments Report which outlines our findings concerning the comprehensive plan amendment. The Department identified one objection and two comments related to the amendment.

My staff and I are available to assist the County in addressing the issues identified in our report. If you have any questions, please contact Bill Pable, AICP, at (850) 922-1781.

Sincerely,

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/bp

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Mr. George Burgess, County Manager, Miami-Dade County
Mr. Marc C. LaFerrier, Director, Miami-Dade County Planning and Zoning Department
Ms. Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council

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DEPARTMENT OF COMMUNITY AFFAIRS

OBJECTIONS, RECOMMENDATIONS, AND COMMENTS

FOR

Miami-Dade County

Amendment 10-2

August 9, 2010

Division of Community Planning

This report is prepared pursuant to Rule 9J-11.010

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of the Miami-Dade County proposed Comprehensive Plan pursuant to Section 163.3184, F.S.

Objections relate to specific requirements of relevant portions of Chapter 9J-5, F.A.C., and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have been raised initially by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

The County should address each of these objections when the amendment is resubmitted for our compliance review. Objections which are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis, items which the County considers not to be applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination as to the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments which follow the objections and recommendations are advisory in nature. Comments will not form a basis for determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies, other agencies, organizations and individuals. These comments are advisory to the Department and may not form a basis for Departmental objections unless they appear under the "Objections" heading in this report.

TRANSMITTAL PROCEDURES

Upon receipt of this letter, the County has 60 days in which to adopt, adopt with changes, or determine that the County will not adopt the proposed amendment. The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3184, F.S., and Rule 9J-11.011, F.A.C. The County must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of Chapter 163.3189(2)(a), F.S.

Within ten working days of the date of adoption, the County must submit the following to the Department:

- Three copies of the adopted comprehensive plan amendments;
- A listing of additional changes not previously reviewed;
- A listing of findings by the local governing body, if any, which were not included in the ordinance; and
- A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to the Executive Director of the South Florida Regional Planning Council.

Please be advised that Section 163.3184(8)(c), F.S., requires the Department to provide a courtesy information statement regarding the Department Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. **Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review.** In the event there are no citizens requesting this information, please inform us of this as well. For efficiency, we encourage that the information sheet be provided in electronic format.

**OBJECTIONS, RECOMMENDATIONS, AND COMMENTS
COMPREHENSIVE PLAN AMENDMENT 10-2
Miami-Dade County**

I. Consistency with Rule 9J-5, F.A.C., and Chapter 163, F.S.

This Objections, Recommendations, and Comments (ORC) Report pertains to Application #9 of Miami-Dade County's 10-2 amendment. Application #9 proposes to amend the description of Open Land Sub-Area 1 in the Future Land Use Element. The text amendment changes the allowable uses in Open Land Subarea 1, as follows: a.) Adds "nurseries and tree farms"; b.) Replaces "seasonal agriculture" with "agriculture production"; c.) Adds "limited raising of livestock"; and d.) Adds a footnote that requires the adoption of a zoning overlay or land development regulations to address the specific types of permitted new uses in these categories and to address flood protection.

A. The Department identifies the following objection and recommendation related to Application #9.

1. Application #9 has the potential to result in adverse impacts to natural resources. The amendment could adversely impact groundwater quality due to the addition of nurseries, tree farms, and the raising of livestock as permitted uses within Open Land Sub-Area 1. Activities of concern related to nurseries include stock piling material (mulch, raw manure, soil, etc.), extensive use of impervious plastic covering, soil disturbance, increased vehicle traffic, and increased irrigation. Activities of concern related to raising livestock include manure management, pasture management, concentrated feed areas, and erosion control.

Authority: Sections 163.3177(6)(a), (c), and (d), F.S.; and Rules 9J-5.006(3)(b)4, (3)(c)4 and 6; 9J-5.011(2)(b)5, and (2)(c)4; 9J-5.013(2)(b)2 and 4, (2)(c)1 and 6, and (3), F.A.C.

Recommendation: The County should do the following: a.) Revise the amendment to require total on-site retention of stormwater runoff; b.) Require implementation of best management practices, pursuant to the criteria of the Florida Department of Agricultural and Consumer Services; c.) Address and ensure the compatibility and consistency of the proposed development's surface water management plan and resulting water quality with Total Maximum Daily Load (TMDL) criteria for the C-9 Canal and Biscayne Bay; d.) Prohibit any use and/or occupancy of District rights-of-way, especially along the C-9 Canal, unless the District has issued a right-of-way occupancy permit authorizing the proposed activities.

B. The Department identifies the following comments related to the proposed amendment.

1. Application #4 – If it is determined that federally listed and endangered species are present on the 14-acre pine rockland which is part of Area B in Application #4, it should be designated "Environmentally Protected Parks".
2. Application #5 – The Future Land Use Element (FLUE) text should be clarified to note the three step process of designating a Community Urban Center (CUC), as follows: 1.) The CUC is designated on the FLUM as an expression of the County Commission's policy direction; 2.) A small area study is completed to determine the specific parcels that are candidates for higher densities and intensities; and 3.) Comprehensive plan amendments are transmitted to the

Department for the FLUM amendments related to the proposed increased densities and intensities.

II. Consistency with Chapter 187, F.S., State Comprehensive Plan

The proposed amendment is inconsistent with the following provisions of Chapter 187, F.S.:

- A. Section 187.201(7), Water Resources, Policies (b)1, 5, 9, 10: Protect water supplies, sources, and aquifers.
- B. Section 187.201(9), Natural Systems, Policies (b)1 and 7: Conserve wetlands to maintain their environmental value. Protect and restore the ecological functions of wetlands.
- C. Section 187.201(15), Land Use, Policies (b)2 and 6: Encourage a separation of urban and rural land uses. Consider the impact of land use on water quality and quantity.
- D. Section 187.201(25), Plan Implementation, Policy (b)7: Ensure the development of strategic regional policy plans and local plans that implement and accurately reflect state goals and policies and that address problems, issues, and conditions that are of particular concern in a region.

By addressing the concerns noted in Section I, this inconsistency with Chapter 187, Florida Statutes, can be addressed.

NOTICE OF REVISIONS TO PROCESSING PROCEDURES

Effective Date of Revisions to Rule 9J-11 Florida Administrative Code

The Department has revised the procedures for submitting comprehensive plan amendments. These new procedures became effective May 12, 2010.

Reason for Revisions

The revisions implement statutory changes to Chapter 163, Part II, Florida Statutes, related to allowable exemptions from the twice per calendar year limitations and prohibitions that may affect adoption of comprehensive plan amendments. In addition, changes were made to clarify plan amendment submittal requirements based on the Department's recent experience.

Highlight of Revisions

The revised procedures relate to the submittal of proposed and adopted comprehensive plan amendments, including small scale amendments, and a revised RPM-BSP-EXEMPT REVIEW Form used when submitting exempt and small scale amendments. The major revisions to Rule 9J-11, include 1) the deletion of the requirements to submit replacement pages and a revised table of contents to the comprehensive plan; 2) an update to the allowable exemptions to the twice per calendar year limitation; 3) an update to the statutory prohibitions that may affect adoption of comprehensive plan amendments; 4) clarification on the submittal of the de minimis impact report associated with the capital improvement annual update amendment; 5) a requirement that all future land use map amendments be submitted in color format; and 6) the revised RPM-BSP-EXEMPT REVIEW Form to address affordable housing and Areas of Critical State Concern.

Effect of Revisions

The revisions improve the overall comprehensive plan amendment process by helping local governments prepare and submit complete plan amendment packages. The rule provides the local government with a complete list of statutory exemptions and a complete list of possible prohibitions to the amendment process. In addition, the revised rule clarifies submittal requirements and this increases the likelihood that a submittal package will be initially determined complete.

Location of Revisions

The revisions are located on the Division of Community Planning's website to assist local governments with the submittal of their comprehensive plan amendment packages and may be viewed at "**Submitting Comprehensive Plan Amendments and Developments of Regional Impact**" <http://www.dca.state.fl.us/fdcp/dcp/Procedures/index.cfm> .

Additional Information

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