

Application No. 4

TEXT AMENDMENT

APPLICATION SUMMARY

Applicant/Representative:	FIR Investments, Corp./Felix M. Lasarte, Esq., The Lasarte Law Firm
Location:	Text Amendment
Requested Text Changes:	Revise the Land Use Element section titled "Open Land Subarea 1", on page I-63, to allow the currently prohibited activity of truck washing at commercial vehicle storage facilities within the subarea.
Amendment Type:	Standard

RECOMMENDATIONS

Staff:	DENY AND DO NOT TRANSMIT (August 25, 2012)
Community Councils:	NOT APPLICABLE
Planning Advisory Board (PAB) acting as Local Planning Agency:	TO BE DETERMINED (October 9, 2012)
Board of County Commissioners:	TO BE DETERMINED (November 7, 2012)
Final Recommendation of PAB acting as Local Planning Agency:	TO BE DETERMINED (February 2013)
Final Action of Board of County Commissioners:	TO BE DETERMINED (March 2013)

The Staff recommends **DENY AND DO NOT TRANSMIT** the proposed Comprehensive Development Master Plan (CDMP) amendment seeking to modify the “Open Land Subarea 1 (Snake-Biscayne Canal Basin)” category text on page I-63 to allow the currently prohibited activity of truck washing at commercial vehicle storage facilities within the subarea.

Principal Reasons for Recommendation:

1. The Miami-Dade Board of County Commissioners (BCC) approved Application 5 of the April 2009 CDMP Application Cycle subject to use restrictions and permitting requirements to minimize potential groundwater contamination from truck parking uses. The County initially approved commercial vehicle parking, including trucks, for a portion of Open Land Subarea 1 contingent upon groundwater monitoring and quarterly groundwater reports, site design standards including storm water management and paving, and the prohibition of activities such as truck washing and mechanical repair. This request to allow truck washing would alter the original conditions which the BCC imposed in order to address concerns related to the compatibility of this industrial use in the environmentally sensitive Open Land Subarea.
2. The application if approved would introduce an internal inconsistency into the CDMP and would allow a use that is inconsistent with the CDMP Open Land Subarea 1 text. Open Land Subarea 1 section (CDMP page I-63) states, “Uses that could compromise groundwater quality shall not occur west of the Turnpike Extension”. The application seeks to add language to the Open Land Subarea 1 text that would allow truck washing within a 170-acre portion of the subarea, a use that would generate significant volumes of liquid waste that could contaminate groundwater, contrary to and inconsistent with the above stated CDMP provision.

Furthermore, the application proposes that truck washing be done utilizing recyclable water systems approved by the Department’s Environmental Resource Management Division. Open Land Subarea 1 that is the subject of the proposed amendment is located just north of the Northwest Wellfield Protection Area and is recognized for its water resource functions and environmental attributes. The Environmental Resource Management Division has stated, “Of particular concern is the impact to groundwater quality of any land use that generates a liquid waste” and recommends the application be denied.

3. The storage of liquid wastewater in the subject area would be in conflict with important Code provisions designed to safeguard the public health, safety, and welfare through the regulation of liquid waste storage, disposal and treatment methods. Open Land Subarea 1 has no public sewer connectivity, and is located outside of the Urban Development Boundary in an area that is not intended to receive sewer service; this industrial land use activity is not appropriate for this remote area, as indicated by provisions of the County’s Code. Truck washing activities produce non-domestic wastewater and for this subject area, would result in the storage of liquid wastewater. The Miami-Dade County Code states that non-domestic wastewater shall be served by public sanitary sewers, not septic tanks, and shall be served by a public water main (Section 24-43.1(2)). Section 33-279(3.1)(l) also restricts handling and storage of liquid wastes in the subject area (within a 7,000 foot arc from the intersection of Okeechobee Road and the Turnpike Extension). Section 24-43.1(6)(b) of the Code also prohibits some industrial type land uses and activities such as truck washing, if they are served by an onsite domestic well and have onsite liquid waste storage.

4. Truck washes generate liquid waste, and any such washes within Open Land Subarea 1 such as proposed by the Applicant, would require containment and appropriate treatment/disposal of said liquid waste. The applicant has not demonstrated the viability and/or feasibility of any proposed disposal method/system. The applicant suggests that wastewater from truck washing carrying hazardous materials such as diesel would be collected and stored in tanks and then transported by truck offsite for disposal. If this application is approved, wastewater could be produced on a daily basis at each truck parking facility that completes the permitting process in the subject area. (The applicant is currently pursuing permits to fill an additional 7.23 acres and a nearby property owner is pursuing a permit to fill 18.27 acres of wetlands.) Thus, the volume of wastewater that could be handled and stored in the subject area is significant and Staff is concerned with the inherent and significant groundwater contamination risk, if a containment and treatment/disposal system fails or is not properly managed or maintained.

In addition, liquid wastewater that would be generated by truck washing is not considered "domestic" (is not generated by a residential land use and carries industrial type pollutants) and is not allowed to be disposed of through onsite septic tank and drainfield systems. All industrial wastewater generated by truck washing must be stored in tanks onsite and transported offsite for appropriate treatment and disposal. There would be an inherent risk of spill and contamination of canals, lakes and groundwater whenever wastewater is pumped from on-site tanks onto a transport truck, and driven off-site, along Okeechobee Road or other area roads.

5. Approval of the application would be a catalyst for additional requests for more intensive urban land uses and activities within the subarea, by the applicant and other property owners, associated with long-haul truck parking facilities, such as restrooms, showers, food sales, restaurants, and truck repair. The Open Land Subareas are not appropriate for urban uses and activities, and are not intended to become areas served by public water or sewer services.
6. The Applicant has not demonstrated a need for truck washing that would warrant allowing such a use with the inherent risk of groundwater contamination in the environmentally sensitive Open Land Subarea 1. The Miami-Dade Metropolitan Planning Organization's (MPO) Comprehensive Parking Study for Freight Transport indicates that the need for local truck parking in northwestern Miami-Dade, which does not necessitate truck washing, is roughly four times as great as the need for long haul parking. The study states, "Local truck parking sites typically will have no amenities besides lighting, restrooms, and security" (pg 42). The Study shows that in September 2010, there was a deficit of 4,583 local truck parking spaces in the North-West region of the County, which is north of Tamiami Trail and west of SW/NW 42 Avenue, of which Open Land Subarea 1 is a portion, and the Applicant's truck parking business is located. "Local truck parking" refers to overnight parking facilities utilized by independent local truck owners who make deliveries within the South Florida area, but live within Miami-Dade County. The MPO study indicated that there was a deficit of 907 long haul parking spaces for the same North-West region. Given the significantly greater need for local truck parking facilities that do not require services such as truck washing and the inherent risk of groundwater contamination associated with such a use in the Open Land Subarea, staff does not recommend approval of this application.

REQUESTED TEXT AMENDMENT

Revise the Land Use Element section titled "Open Land Subarea 1", on page I-63 to read as follows:¹

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, agriculture production¹ and the limited raising of livestock may be considered for approval in this subarea. The following uses may also be considered for approval in this subarea: parking and storage of operable, non-disabled commercial motor vehicles, including construction equipment and agricultural equipment, as defined in section 320.01, Florida Statutes, and incidental temporary parking and storage of operable, non-disabled passenger automobiles to serve such allowable uses on the same parcel (but not to include stand-alone automobile parking and storage uses such as car rental facilities). It is provided that such parking and storage uses shall be allowed only on properties larger than 20 acres, under a single ownership, and located within the area of an arc no more than 7000 lineal feet from the intersection of Okeechobee Road and the Turnpike Extension so long as the property does not abut a body of water, canal, lake, etc. Such parking and storage of vehicles and equipment shall be subject to the following requirements: (a) commercial vehicle storage facilities shall obtain an annual operating permit from ~~DERM~~ Department of Permitting, Environment and Regulatory Affairs and be subject to required quarterly groundwater quality monitoring; (b) all vehicles and equipment shall be stored or parked only on paved impervious surfaces with county-approved drainage systems; (c) mechanical repair or maintenance of any kind, ~~including truck washing,~~ shall be prohibited; ~~and~~ (d) the storage, handling, use, discharge and disposal of liquid wastes or hazardous wastes shall be prohibited; and (e) truck washing shall be permitted at commercial vehicle storage facilities provided that the truck washing shall be done with recyclable water systems as approved by The Department of Permitting, Environment and Regulatory Affairs and be subject to required quarterly groundwater quality monitoring. Uses that could compromise groundwater quality shall not occur west of the Turnpike Extension.

STAFF ANALYSIS

Location of Area Affected by Text Amendment

This text amendment applies to a specifically defined area (the "subject area") within Open Land Subarea 1, which is defined as, "properties larger than 20 acres, under a single ownership, and located within the area of an arc no more than 7000 lineal feet from the intersection of Okeechobee Road and the Turnpike Extension". Please refer to the Map Series in Appendix A for the general location of the area subject to this text amendment. Open Land Subarea 1 is located in northwest Miami-Dade County and borders Broward County to the north, the Florida Turnpike to the east/southeast, and Okeechobee Road (U.S. 27) to the south/southwest. Subarea 1 also borders theoretical NW 147th Avenue to the west. The portion of Open Land

¹ Underlined words are proposed additions. ~~Strikethrough~~ words are proposed deletions. All other words exist in the Plan and will remain unchanged.

Subarea 1 that would be affected by this amendment is located in the pie-shaped southern tip of the larger Subarea 1.

Description of Land Areas in the Immediate Vicinity

The Miami River Canal is to the south of the subject area and forms the boundary between Open Land Subarea 1 and Open Land Subarea 2. The northernmost portion of Open Land Subarea 2, immediately to the south of the Miami River Canal, includes the Northwest Wellfield Protection Area. The Northwest Wellfield is the largest public wellfield in Miami-Dade County supplying County residents with over 66 million gallons of drinking water per day. The Open Land Subarea 1 is adjacent to and immediately north of extensive deep water lakes that are remnants of rock mining, which is a permitted use in both Open Land Subarea 1 and Open Land Subarea 2.

The subject area is adjacent to the Urban Development Boundary on the east, and beyond the Florida Turnpike to the east, are portions of unincorporated Miami-Dade County and the cities of Hialeah, Hialeah Gardens, and Medley.

Properties to the north of the subject area are within the Open Land Subarea 1 and existing land uses in Open Land Subarea 1 are described in the following section.

Land Use and Zoning in Open Land Subarea 1

The CDMP text on page I-61, states that Open Land areas have been set aside for uses other than urban development. These lands are reserved for uses including agriculture, limestone extraction, development of potable water supplies, rural residential development as indicated for the specific Open Land Subarea, and, “conservation, maintenance or enhancement of environmental character.” Areas designated “Open Land” primarily consist of wetlands and, “Because of the water supply-related or other environmental functions of those areas, they may also be considered for acquisition by federal, State, regional, County or private institutions that would manage these areas to optimize environmental functions, and for location of project features such as reservoirs, stormwater treatment areas, canals, and flow-ways constructed pursuant to the Comprehensive Everglades Restoration Plan.” Therefore, approval of all uses in these areas is on a case-by-case basis with no use definitively allowed other than rural residential at specified densities.

Land uses that may be considered for approval in Open Land Subarea 1 specifically, are described on page I-63. These uses include rural residential use at a maximum of 1 dwelling unit per 5 acres, limestone quarrying and ancillary uses, compatible institutional uses, public facilities, utility facilities, communication facilities, commercial vehicle storage (only where applicable within the Subarea), recreational uses and some agricultural uses.

In Open Land Subarea 1, existing zoning districts are primarily AU (Agricultural) and GU (Interim). Properties with Agricultural zoning or Interim zoning with an Agriculture district trend²,

² Uses allowed in Interim zoning districts outside of the UDB, in areas including Open Land Subarea 1, are generally “trended” according to Section 33-196(B)(2) of the Miami-Dade County Code (the Code). The Director of the Miami-Dade County [Department of Regulatory and Economic Resources] determines allowable uses for the Interim zoning district outside of the UDB through assessing uses allowed on adjoining properties in addition to considering other factors, such as environmental impacts.

are governed by Section 33-279.1 of the Miami-Dade County Code. Permissible uses include nurseries, hydroponics, farms, limited livestock uses, and structures or facilities to support agricultural uses such as sheds and barns for cattle, stock, or equipment storage. The Code also specifies the following, "...the lands within these Subareas have special hydrologic conditions and are prone to flooding, and these lands are subject to wetlands regulation (where applicable) and stormwater management regulation pursuant to Chapter 24 and floodplain regulations pursuant to Chapter 11C of this Code."

Most properties in Open Land Subarea 1 are located within the Rockmining Overlay Zoning Area (ROZA) (Article XLI, Sections 33-420 through -425). Rockmining uses in all zoning districts within this overlay area are permitted without a public hearing, if approval of pertinent criteria is granted by the County's Planning Division. Permitted rockmining uses include lake excavations, quarrying, and crushing of raw materials. Uses ancillary to rockmining are also allowed provided that the ancillary uses occur with rockmining uses on property under common ownership. These ancillary uses include, "the outdoor storage of vehicles and lake excavation equipment required for the rockmining uses permitted by this Article" subject to certain conditions including vehicle maintenance performed only according to best management practices as approved by Miami-Dade County RER.

Existing land uses in Open Land Subarea 1 include agricultural activities, rockmining operations including deep water lakes, and lands in conservation.

Land Use and Zoning of the Subject Area

The applicant initially applied for a CDMP text amendment to allow truck parking in a portion of Open Land Subarea 1 through Application 5 of the April 2009 CDMP Application Cycle. The BCC approved this application subject to use restrictions and permitting requirements to minimize potential groundwater contamination from truck parking uses, as described below. The CDMP was amended on April 28, 2010, through Ordinance No. 10-26, to allow consideration of the following uses on properties larger than 20 acres and under a single ownership in the subject area: "parking and storage of operable, non-disabled commercial motor vehicles, including construction equipment and agricultural equipment, as defined in section 320.01, Florida Statutes, and incidental temporary parking and storage of operable, non-disabled passenger automobiles to serve such allowable uses on the same parcel (but not to include stand-alone automobile parking and storage uses such as car rental facilities)". As noted above, the CDMP also requires the following for truck parking uses in the subject area:

- a) An annual operating permit from the Division of Environmental Resources Management (ERM, formerly the Department of Environmental Resources Management);
- b) All vehicles and equipment shall be stored or parked only on paved impervious surfaces with county-approved drainage systems;
- c) Mechanical repair or maintenance of any kind, including truck washing, shall be prohibited; and,
- d) The storage, handling, use, discharge and disposal of liquid wastes or hazardous wastes shall be prohibited.

The CDMP also states, "Uses that could compromise groundwater quality shall not occur west of the Turnpike Extension."

On November 4, 2010, the Miami-Dade County Code was modified through Ordinance No. 10-73. This ordinance defines commercial vehicle storage (Section 30.01), reiterates the CDMP requirements listed above, specifies several site development standards including setbacks, allows for a guard house and office not exceeding 350 square feet, and also requires:

Section 33-279(3.1)

- 1) An annual operating permit from ERM
- 2) Groundwater quality monitoring on a quarterly basis
- 3) Site plan review including an approved stormwater management plan
- 4) Restriction on "Discharge and handling of waste and hazardous material: The storage, handling, use, discharge and disposal of liquid or hazardous wastes or hazardous materials shall be prohibited."
- 5) Prohibition of mechanical repair or maintenance of any kind, including truck washing.

If this text amendment is approved, the applicant must seek to modify Code Section 33-279(3.1)(e) which currently restricts all mechanical repair and maintenance including truck washing, and Section 33-279(3.1)(l) which restricts handling and storage of liquid wastes. The applicant would also have to seek relief from Code Section 24-43.1(6)(b), which restricts nonresidential land uses served by an onsite domestic well with liquid waste storage if the land use is permitted in IU-1, IU-2, IU-3, or various BU zoning districts. Truck washing may be approved in the aforementioned zoning districts and would therefore conflict with Section 24-43.1(6)(b).

Properties within the subject area are zoned AU, Agricultural, except for a single portion of the property with folio number 3020180010011, owned by Vecellio & Grogan Inc, which has IU-3 zoning, Industrial, Unlimited Zoning District. This property is approximately 20 acres in size. The subject area altogether includes approximately 860 acres, with approximately 780 acres owned privately. Of those 780 privately owned acres, approximately 650 acres may be eligible to apply for truck parking facilities.

Environmental Issues and CDMP Inconsistency

As noted above, for this subject area, the Miami-Dade County Code was amended in November 2010 to include ground water monitoring, site grading and stormwater retention areas to protect against contamination that could result from truck parking in the subject area. The natural resource concerns that prompted the inclusion of these requirements are relevant. The environmental resources associated with Open Land Subarea 1 and the subject area are reflected by federal, state and local plans intended to preserve and expand the hydrologic systems of these areas. These environmental characteristics are summarized below:

- The subject area is a wetland area that provides habitat to native species and provides water filtration functions even though these wetlands have been degraded due to agricultural and other land uses.
- For a wetland area such as the C-9 basin (Open Land Subarea 1), with recognized hydrologic importance, land uses and associated activities that contaminate groundwater are incompatible. Policy CON-5F discusses the hydrologic value of the C-9 basin and the importance of protecting the hydrology of this basin to "ensure continued proper recharge of groundwater supplies" (Page IV-10).

- Policy CON-4A states, “The aquifer-recharge values of wetland areas shall be maintained and, where feasible, enhanced or restored.
- The Comprehensive Everglades Restoration Plan is a multi-billion dollar state and federal initiative intended to assist in the restoration and protection of water resources in central and southern Florida (http://www.evergladesplan.org/about/about_cerp_brief.aspx). Two CERP project components, a “Lakebelt Inground Reservoir Technology Pilot” and a “North Lakebelt Storage Area” involve the acquisition of over 5,600 acres, most of which are located in Open Land Subarea 1. Extensive surface water storage projects are planned to convert rock mining areas in and around Subarea 1 into in-ground water impoundments to facilitate managed water releases for restoration of natural hydrologic cycles. (Task Force 2008, 23) In 2010, South Florida Water Management District (SFWMD) staff expressed concern regarding water and soil contamination possibilities associated with truck parking uses in general in the subject area.

Without successful containment structures, and regular pump-out and proper off-site disposal, industrial land uses such as vehicle and equipment storage and truck washing generate wastewater streams that can contaminate ground and surface waters. At commercial truck washing facilities, wash water is reused multiple times but eventually carries too much dirt and other contaminants and becomes a waste stream. “Rinse water” is captured after each truck wash and must be stored in on-site tanks.

If truck washing is allowed, wastewater could be produced on a daily basis at each truck parking facility that completes the permitting process in the subject area. (The applicant is currently pursuing permits to fill an additional 7.23 acres and a nearby property owner is pursuing a permit to fill 18.27 acres of wetlands.) Thus, the volume of wastewater that will be handled and stored in the subject area is significant and poses a water contamination risk. County environmental resource managers have stated, “Of particular concern is the impact to groundwater quality of any land use that generates a liquid waste.” Since this liquid wastewater is not considered “domestic” (is not generated by a residential land use and carries industrial type pollutants) it is not allowed to be disposed onsite using a septic tank and drainfield. All industrial wastewater generated by truck washing must be stored in tanks onsite and transported offsite for appropriate disposal. Each time this volume of wastewater is pumped from on-site tanks onto a transport truck, and is driven off-site, along Okeechobee Road or other area roads, the risk of spill and contamination of canal water, lake water, and groundwater increases.

This increased surface and groundwater contamination risk is not consistent with the statement in the CDMP Open Land Subarea 1 section on page I-63, “Uses that could compromise groundwater quality shall not occur west of the Turnpike Extension. In addition, since this truck washing and liquid waste storage could impact surface and groundwater in the subject area, approval of this application would create an internal inconsistency in the CDMP.

Restricted Urban Expansion, Water, and Sewer Service

It is arguable that since Open Land Subarea 1 has no public sewer connectivity, and is located outside of the Urban Development Boundary, in an area that is not intended to receive sewer service, this industrial land use activity is not feasible and is not appropriate for this remote area. Truck washing activities produce non-domestic wastewater. The Miami-Dade County Code states that non-domestic wastewater shall be served by public sanitary sewers, not septic tanks,

and shall be served by a public water main. (Section 24.43.1.(2) and (6)) The Code specifically states, "Notwithstanding any provision of this Code, no County or municipal officer, agent, employee, or Board shall approve, grant or issue any building permit ...or zoning action...for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main without obtaining the prior written approval of the Director or the Director's designee." Text in Section 24.43.1.(6) goes on to explain that furthermore, approval for septic tank wastewater disposal is specifically prohibited for industrial land uses.

Open Land Subarea 1 is not served by public water or sewer mains. The LUP map indicates that Open Land Subarea 1 is located outside of the Urban Development Boundary (UDB). Adopted CDMP text and policies do not support urban expansion or extension and connections to municipal water and sewage lines outside of the UDB. Text under the "Urban Development Boundary" section (page I-57) of the CDMP Land Use Element states, "public expenditures for urban service and infrastructure improvements shall be focused on the area within the UDB, and urban infrastructure is discouraged outside the UDB." CDMP policy LU-2B establishes that the County must prioritize the financing and provision of services such as water and sewer by focusing first on areas within the UDB (where existing septic tank use needs to be addressed) and avoiding the provision of urban services in Open Land areas (page I-5). CDMP policy WS-1A provides similar direction, "Investments in public water and sewer service shall be avoided in those areas designated for Agriculture, Open Land or Environmental Protection on the Land Use Plan map, except where essential to eliminate or prevent a threat to public health, safety, or welfare." (page V-2) Truck washing activities do not eliminate or prevent a threat to public health, safety, or welfare, and therefore the extension of water or sewer infrastructure outside of the UDB is not warranted.

The applicant has suggested, through a letter submitted on his behalf to the County by Custom Applied Technology Corp. dated July 12, 2012, that the proposed truck washing facility will be fully self-contained in that wash water will be recycled and then stored on-site. The applicant has not proposed on-site disposal of industrial wastewater. Regardless of the fact that the applicant has not applied to extend and connect to public water or wastewater systems, the applicant has incrementally applied for more and additional uses for his properties in the subject area. The CDMP states that urban development should not occur outside of the UDB (page I-57, Urban Development Boundary text). Truck washing and other amenities associated with full service truck parking facilities are industrial uses, which are considered urban uses, and are not appropriate for areas outside of the UDB.

Since the applicant has a history of requests for permits and zoning that have allowed truck parking in Open Land Subarea 1, approval of the application could provide a catalyst for additional requests for urban land uses, by the applicant and other property owners, associated with long-haul truck parking facilities, such as restrooms, showers, food sales, restaurants, and truck repair. The Open Land Subareas are not appropriate for these types of urban uses, and are not intended to become areas served by public water or sewer services.

History of Noncompliance

The applicant has a history of non-compliance and violations associated with his properties' existing truck parking operations in the subject area. The applicant is currently in violation of the most recent land use and zoning authorizations he has received to operate a truck parking facility. Code Section 33-279(3.1)(d) requires a Quarterly (Groundwater) Sampling Report for properties with folios 30-2913-001-0531 and 30-2913-001-0560, which comprise approximately

30 acres. The applicant's report is past due as of April 30, 2012, and the applicant has been issued a letter by the Department of Regulatory and Economic Resources, Environmental Resources Management Division (dated June 28, 2012), describing this noncompliance. (See Appendix C for pictures of the Applicant's existing truck parking facility.)

Since 2007, the applicant has had various noncompliance issues due to on-site activities. The applicant obtained a Class IV Wetland Permit (FW06-097) in May 2007 to dredge and fill, and create a dry retention area on his properties within the subject area to practice Agriculture (livestock and a container nursery). However, these parcels have been subject to various citations including unauthorized fill and unauthorized use of land. In December 2007 a citation was issued for illegal truck parking and in January 2008 a citation was issued for an illegal resource recovery operation, which was later removed. Since then the site has received additional citations for violations including truck parking, vehicle repair operations, improper septic tank maintenance, and improper storage of chemicals for industrial use. These violations have resulted in lien proceedings for non-compliance and non-payment, and a subsequent Class IV wetland Permit revocation in March 2009, which was upheld by the County's Environmental Quality Control Board in August 19, 2009, through Board Order No. 09-38. In 2010, two additional notices were issued for non-compliance with conditions of settlement stipulations. In 2011, the applicant paid a settlement fee to the County. However, as noted above, the applicant is currently non-compliant with the terms of his Class IV Wetland Permit and the zoning code, and is inconsistent with CDMP text on page I-63, which require quarterly groundwater quality monitoring and reports.

Local Truck Parking Demand in Northwest Miami-Dade

Research from the Miami-Dade Metropolitan Planning Organization suggests that not all truck parking facilities need to provide amenities such as truck washing. In fact, this research indicates that in the subject area, there is a greater need for basic truck parking facilities, for locally based independent truck operators, than there is a need for full-service truck stops designed more to accommodate long-haul truck operators.

The MPO published a study on the demand and supply of truck parking facilities in Miami-Dade County on September 30, 2010. The analysis indicated that the County (unincorporated and incorporated areas included) needs an additional 12,060 additional overnight parking spaces for trucks (page 34). The study differentiated between the needs of "long haul truck parking demand", which was defined as individuals making deliveries between South Florida and far away places, and "local truck parking demand", which represented the needs of independent truck owners/operators who live in South Florida and make only shorter range trips. Independent local truck owners picking up containers at Port Miami and delivering to Miami International Airport, or making similar local trips, are considered to need a place to park and retrieve their vehicles close to their residences within the County, and need parking every single night.

The MPO report explained that local truck parking facilities do not generally provide amenities other than lighting and security (page 43). These drivers are based locally and can access other needed services within the County as time allows. Long haul drivers need truck stops which ideally provide amenities including showers and restrooms, truck washing services, food services and restaurants, and mechanical repair.

The MPO report divided the County into six subregions to further explore the geographical supply and deficit of truck parking spaces within the county; the subregions were as follows:

North-West, Central-West, South-West, South-East, Central-East, and North-East. The subject area is within the North-West subregion which is north of Tamiami Trail and west of SW/NW 42 Avenue. For the North-West subregion, the deficit of long-haul parking spaces was estimated at 907, and the deficit of local truck parking spaces was 4,583. Since the County does not support water and sewer service for Open Land Subarea 1, and there is clearly a demand for basic truck parking facilities that are designed for independent locally-based truck owners, truck parking facilities in the subject area should be limited to serve local operators without providing amenities that are urban uses and should not exist beyond the UDB.

Other Concerns

Staff recommends that the applicant modify his proposed text change to replace the term "Department of Permitting, Environment and Regulatory Affairs" with the current name of applicable Miami-Dade County department of land planning, "Department of Economic and Regulatory Resources" or "RER".

The applicant has proposed to limit the properties that may be allowed to have truck parking and washing by including the following language in the CDMP, "so long as the property does not abut a body of water, canal, lake, etc.." The applicant has not provided any information to clarify the purpose of this requested modification of the CDMP. Without any justification, the inclusion of this text is not recommended.

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

The following CDMP goals, objectives, policies, concepts, and guidelines would be impeded if the proposed text amendment is approved:

- Land Use Element, Urban Development Boundary text on page I-57, "The Urban Development Boundary (UDB) is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur... public expenditures for urban service and infrastructure improvements shall be focused on the area within the UDB, and urban infrastructure is discouraged outside the UDB."
- Land Use Element, Open Land Subarea 1 (Snake-Biscayne Canal Basin) text of page I-63, "Uses that could compromise groundwater quality shall not occur west of the Turnpike Extension."
- Policy LU-2B. Priority in the provision of services and facilities and the allocation of financial resources for services and facilities in Miami-Dade County shall be given first to serve the area within the Urban Development Boundary (UDB) of the Land Use Plan (LUP) map. Second priority shall support the staged development of the Urban Expansion Area (UEA). Urban services and facilities which support or encourage urban development in Agriculture and Open Land areas shall be avoided, except for those improvements necessary to protect public health and safety and which service the localized needs of these non-urban areas.
- Policy LU-3A. Development orders in Miami-Dade County shall be consistent with the goals, objectives and policies contained in the Conservation, Aquifer Recharge and

Drainage and Coastal Management Elements of this Plan, and with all applicable environmental regulations, as well as all other elements of the CDMP.

- Policy LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
- Policy WS-1A. The area within the Urban Development Boundary of the adopted Land Use Plan Map shall have the first priority in providing potable water supply, and sanitary sewage disposal, and for committing financial resources to these services. Future development in the designated Urban Expansion Area shall have second priority in planning or investments for these services. Investments in public water and sewer service shall be avoided in those areas designated for Agriculture, Open Land, or Environmental Protection on the Land Use Plan map, except where essential to eliminate or prevent a threat to public health, safety, or welfare.
- Policy LU-3A. Development orders in Miami-Dade County shall be consistent with the goals, objectives and policies contained in the Conservation, Aquifer Recharge and Drainage and Coastal Management Elements of this Plan, and with all applicable environmental regulations, as well as all other elements of the CDMP.
- 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.
- Objective CON-2. Protect ground and surface water resources from degradation, provide for effective surveillance for pollution and clean up polluted areas to meet all applicable federal, state and County ground and surface water quality standards.
- Policy CON-2G. Best Management Practices for potential sources of water pollution shall include reduction in the use of hazardous materials and, wherever possible, the reuse and recycling of materials on site. Best Management Practices shall also be established to address those wastes that must be removed from site, including reusing and recycling of the waste in other operations. All practical recycling and reuse alternatives shall be investigated before seeking permanent disposal of hazardous wastes.
- Policy CON-7J. In evaluating applications that will result in alterations to wetlands, Miami-Dade County shall consider the applications' consistency with Comprehensive Everglades Restoration Program (CERP) objectives. Applications that are found to be inconsistent with CERP objectives may be denied.