



STATE OF FLORIDA

# DEPARTMENT OF COMMUNITY AFFAIRS

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

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

September 11, 2009

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. 09-2), which was received on July 13, 2009. 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 three objections and three 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

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

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**OBJECTIONS, RECOMMENDATIONS, AND COMMENTS**

**FOR**

**Miami-Dade County**

**Amendment 09-2**

**September 11, 2009**  
**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 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 09-2  
Miami-Dade County**

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

A. The Department identifies the following objections and recommendations to the proposed amendment.

1. Objection 1 (Application 1) – Impacts to Natural Resources: Based on the attached comments from the Department of Environmental Protection and the South Florida Water Management District, the amendment has the potential to result in impacts to natural resources as summarized below.
  - a. The potable water supply would be adversely impacted by decreases in freshwater flow and increases in saltwater intrusion.
  - b. Natural systems such as Everglades and Biscayne Bay National Parks would be adversely impacted by decreases in freshwater flow and increases in saltwater intrusion.
  - c. Surrounding wetlands from road construction for moving materials from the site would be adversely impacted.
  - d. The scope of the impact is unknown due to an unclear eastern boundary, an unmeasured supply of and demand for fill, and ambiguous text which is open to interpretation.
  - e. There are insufficient controls in the proposed text amendment to ensure protection of natural resources because the amendment only requires that the County consult with the Army Corp of Engineers and the South Florida Water Management District.

In addition, one of the primary purposes to allow new excavation on agriculture lands is that it result in a water management project which "...demonstrably supports a County, state or federal ecosystem restoration project and is determined... to be strategically designed and located to achieve the enhancement of the environmental project." Data and analysis has not been provided to support that purpose because the Comprehensive Everglades Restoration Plan (CERP) does not include a water management project in the location of the designated property.

The amendment is not supported by data and analysis to demonstrate that adverse impacts to natural resources will not occur. Therefore, the amendment does not demonstrate that the site in question is suitable for the proposed quarrying activities.

Authority:

Sections 163.3177(6)(a), (c), (d), (g)l.e, (h), (8), (9)(h) and (10)(e), F.S.; and Rules 9J-5.003(127) and (128); 9J-5.005(1)(c), (2), and (5)(a); 9J-5.006(2), (3)(b)1 and 4, (3)(c)4 and 6; 9J-5.011(1), (2)(b)5, and (2)(c)4; 9J-5.013(1), (2)(b)2, 3, and 4, (2)(c)1, 3, 5, 6, 8, and 9, (3); and 9J-5.015(3)(b)2 and (c)1, F.A.C.

Recommendation: The applicant should coordinate with the Florida Department of Environmental Protection and the South Florida Water Management District to address the issues summarized above and stated in their attached letters of August 18, 2009, and August 13, 2009, respectively. The amendment should be revised to provide additional data and

analysis to demonstrate that the site can be excavated without causing the adverse environmental impacts discussed in the objection, and that the intended environmental benefit can be achieved for the site in question.

2. **Objection 2 (Application 1) – Loss of Agriculture Lands:** The amendment results in the loss of 881 acres of viable agriculture land, which the *Agricultural Land Retention Study* identifies as being utilized as vegetable crops and field nurseries and which the *Agriculture and Rural Area Study* rates primarily as either 4 or 5, indicating that the land is highly suited for agriculture.

Authority: Sections 163.3162(2), 163.3177(6)(a) and (15)(a), F.S.; and Rules 9J-5.003(2) and 9J-5.006(5)(a), (g)5, (j)19, F.A.C.

**Recommendation:** The amendment should be revised to either demonstrate why 881 acres of viable agriculture land is not needed to sustain the agricultural economy, or alternately, the amendment should document why the fill must be excavated (in whole or in part) from this specific site rather than from other potential sources elsewhere in the region.

3. **Objection 3 (Application 1) – Internal Inconsistencies:** The amendment results in the loss of 881 acres of viable agriculture land, has the potential to impact natural resources, and would result in a wildlife attractive water body, potentially increasing the risk of bird air strike hazards (BASH). It is therefore internally inconsistent with several goals, objectives, and policies of the Miami-Dade County Comprehensive Development Master Plan related to the protection of natural resources, the preservation of agricultural lands, and compatibility with military bases. The amendment is internally inconsistent with the goals, objectives, and policies identified in Table 1 below.

LU-1P	Agriculture as a viable economic activity must be protected. Other uses must be compatible with agriculture and promote ecotourism.
LU-1R	The amount of land necessary to maintain an economically viable agriculture industry must be reserved.
LU-1S	The County comprehensive plan must be consistent with the County Strategic Plan, which protects viable agriculture.
Objective LU-3	Development and redevelopment must ensure the protection of natural resources and systems.
LU-3B	Significant natural resources (including Biscayne Bay) must be protected from incompatible land use.
LU-8C	Agriculture as a viable economic use of land will be protected and promoted.
LU-4F	The County shall implement [applicable studies] to provide for land use compatibility in the vicinity of the Homestead Air Reserve Base.

<b>Table 1 – Inconsistent Goals, Objectives, and Policies</b> <b>(LU – Land Use; CON – Comprehensive Everglades Restoration Program; WS – Water Supply; CM – Coastal Management)</b>	
LU-9B	The County will maintain regulations which address protection of environmentally sensitive lands.
LU Text, p. 64	Open Land Subarea 5 lies immediately east of the site in question. The text notes that uses that could compromise groundwater quality shall not occur within three miles of Biscayne Bay.
LU Text, p. 69	Concepts 2, 3, and 14 note that the County will conserve land with valuable environmental characteristics, restrict development in particularly sensitive and unique natural areas, and encourage agriculture as a viable economic use of suitable lands.
Objective CON-2	Ground and surface water resources are protected from degradation.
Objective CON-7	The County will preserve the biological and hydrological functions of the Future Wetlands identified in the comprehensive plan.
CON-7C	The County shall promote the restoration and maintenance of the natural, surface water flow regimes through wetland systems.
CON-7J	If applications alter wetlands, they must be reviewed for consistency with the Comprehensive Everglades Restoration Program.
Objective CON-9	Fish and wildlife shall be conserved and used in an environmentally sound manner, and critical habitat shall be preserved.
CON-9A	Activities that adversely affect habitat that is critical to protected species shall be prohibited unless activity is a public necessity.
WS-6D	The County shall use methods which preserve the integrity of the Biscayne Aquifer when developing future potable water supply.
Objective CM-1	Coastal wetlands and living marine resources will be protected, conserved, and enhanced.
CM-1B	Natural surface water flow regimes through coastal wetland systems will be restored and maintained to the maximum extent possible.

**Authority:**

Sections 163.3175, 163.3177(2), (6)(a), (d), (h), (j)7, (8), (9), and (10), F.S.; and Rule 9J-5.002(5); 9J-5.003(2), (4), (5), and (23); 9J-5.005(2) and (5); 9J-5.006(3)(b)4, (3)(c)2, 6; 9J-5.013(2)(b)2, 3, and 4, and (2)(c)5; 9J-5.019(4)(b)6, 8, (4)(c)17, 18, and 21, F.A.C.

**Recommendation:** The amendment should resolve the internal inconsistencies as follows:

- a. Address the recommendations for objections 1 and 2 above; and
- b. Revise the amendment to demonstrate how the amendment is consistent with the County's Comprehensive Plan regarding the protection of agricultural lands, protection of natural systems, and military base compatibility. The amendment should also document why the fill must be excavated (in whole or in part) from this specific site rather than obtaining fill from other existing sources elsewhere in the region; and

- c. If it can be demonstrated that the proposed site is suitable, then the amendment should be revised to incorporate the following:
  - (1) Federal Aviation Administration circular 150/5200-33B, and to provide that a BASH program will be immediately implemented if it is determined to be necessary to maintain safety; and
  - (2) The Recommended Plan in the Project Implementation Report for the CERP Biscayne Bay Coastal Wetlands Project does not include a "water management project" (reservoir) in the location of the designated property. Any change to the Recommended Plan would cause extensive delays in the federal approval process. Therefore, the text should be modified to remove references linking the project to CERP and to ensure that the amendment does not conclude or imply that adding a water storage feature will enhance a CERP project; and
  - (3) The amendment should be modified to delete the specific reference regarding consultation with the South Florida Water Management District and the U.S. Army Corps of Engineers. Several other agencies also have regulatory and consultation roles with water resource projects. The amendment should be revised to reference consultation with all appropriate local, state, and federal agencies.

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

1. The Division of Historical Resources recommended that cultural resource assessment surveys should occur prior to the initiation of Application #1, and that significant resources should be protected and preserved.
2. Application #2 redesignates an 8.2-acre parcel from aviation-related to non-aviation at the Kendall-Tamiami Executive Airport. The non-aviation category allows for a range of commercial uses that are not specifically related to the airport. The County staff confirmed that this 8.2-acre parcel is intended to be used only for parking and drainage. However, despite that intention, there is no requirement that ensures that the site will actually develop in that manner. The County should add a declaration of restrictions to the comprehensive plan amendment that ensures that the only permitted uses for the site are parking and drainage.
3. The County's resolution for Application #1 approves the staff recommended changes to the amendment text, which is provided twice in the Initial Recommendations Report. There is a discrepancy in condition #3 between the first and second version of the amendment. The following sentence is included in the second but not the first version: "The conveyance of property may be used towards mitigation credits as deemed appropriate by the applicable agencies." The adopted amendment should clarify the text to indicate the correct version.

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

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

- A. Section 187.201(7), Water Resources, and Policies (b)1, 2, 4, 5, 9, 10, and 12: Protect water recharge areas, natural water systems, and surface and groundwater quality and quantity.

- B. Section 187.201(8), Coastal and Marine Resources, and Policies (b)6, 7, and 8: Encourage land uses that are compatible with the protection of coastal resources, protect marine fisheries and other aquatic resources, and avoid the development of mineral resources which threaten marine, aquatic, and estuarine resources.
- C. Section 187.201(9), Natural Systems and Recreational Lands, and Policies (b)1, 3, 4, 5, 7, and 8: Conserve wetlands, protect the habitat of endangered species, promote agriculture practices compatible with the protection of natural systems, and promote Everglades restoration.
- D. Section 187.201(13), Mining, and Policies (b)5 and 6: Prohibit resource extraction which results in an adverse effect on environmentally sensitive areas which cannot be restored, and minimize the effect of resource extraction on ground and surface waters.
- E. Section 187.201(15), Land Use, and Policy (b)6: Consider the impact of land use on water quality and quantity.
- F. Section 187.201(21), The Economy, and Policy (b)3: Maintain, as an economic asset, the environment, including clean water, beaches, and natural resources.
- G. Section 187.201(22), Agriculture, and Policies (b)2 and 9: Encourage diversification within the agriculture industry.
- H. Section 187.201(25), Plan Implementation, and Policies (b)5 and 7: Ensure the development of local plans that implement and accurately reflect state goals and policies.

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



11 BD  
8/14/09

# MEMORANDUM

AGENDA ITEM #4c

DATE: AUGUST 3, 2009  
TO: EXECUTIVE COMMITTEE  
FROM: STAFF  
SUBJECT: MIAMI-DADE COUNTY PROPOSED COMPREHENSIVE PLAN AMENDMENT

## Introduction

On July 13, 2009, Council staff received proposed amendment package #09-2 to the Miami-Dade County Comprehensive Development Master Plan (CDMP) for review of consistency with the *Strategic Regional Policy Plan for South Florida (SRPP)*. Staff review is undertaken pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (F.S.), and Rules 9J-5 and 9J-11, Florida Administrative Code (F.A.C.).

## Community Profile

With a 2008 population estimated at 2,477,289, Miami-Dade County is the most populous county in Florida. The county's population has grown by 9.9% since 2000, and is expected to increase an additional half a million by the year 2020. The percentage of the population that is of working age or younger is greater in Miami-Dade County than the state average. The county also has higher unemployment rates as well as a higher percent of families with incomes below the poverty level than the state average.

The structure of the county's economy is heavily service and trade-oriented, with approximately 57% of total employment in these sectors. The County has established itself as a wholesaling and financial center and major tourist destination. Miami-Dade County ranks ninth in export sales among all metropolitan areas in the country. Almost a quarter of the state's total employment in transportation is located in the county. The Port of Miami is the largest cruise ship port in the world and one of the largest container ports in the southeast. The urbanized portion of the county lies between two national parks: Everglades and Biscayne National Parks. The close relationship of tourism to the preservation of Miami-Dade County's unique native plants and wildlife has been recognized as an economic as well as an environmental issue. In order to manage growth, the County's Comprehensive Development Master Plan (CDMP) establishes an Urban Development Boundary (UDB), which distinguishes the area where urban development may occur from areas where it should not occur. The general location of the County is shown in Attachment 1.

## Summary of Staff Analysis

Proposed amendment package #09-2 to the Miami-Dade County Comprehensive Development Master Plan (CDMP) contains two (2) text amendments. Application One seeks to revise text in the Land Use Element related to the Agriculture land use category. The proposed change would allow water management projects in areas designated as Agriculture. Application Two seeks to revise text in the

Land Use Element and Aviation Sub-Element of the Transportation Element for greater internal consistency of the CDMP.

#### *Planning Rationale*

The Miami-Dade CDMP is a metropolitan guide for growth management. The Plan is countywide in scale and comprehensive in scope. It establishes the County's policy framework within which specific development decisions are made daily. Among its key growth management objectives, the CDMP seeks to ensure that physical expansion of the urban area is managed to occur 1) at a rate commensurate with projected population and economic growth; 2) in a contiguous pattern centered around a network of high-intensity activity centers, well-connected by multimodal, intra-urban, transportation facilities; and 3) in locations that optimize efficiency in public service delivery and conservation of valuable natural resources. The foregoing objectives are encouraged by the State's comprehensive planning laws and the *Strategic Regional Policy Plan for South Florida (SRPP)*.

For the purposes of this review, the amendments in this package retain their County Application numbers. A detailed analysis of the amendments can be found below.

### **Application 1**

#### *Background*

In December of 2007, FPL received an unusual use zoning variance with conditions to site a nuclear power plant on land designated as Environmental Protection. At that time, the Miami-Dade Board of County Commissioners granted the variance to ensure there was sufficient energy generation to meet future needs. The expansion of the Turkey Point nuclear power facilities was deemed a public necessity by the Miami-Dade County Board of County Commissioners. FPL also requested permission to extract limestone fill for the proposed expansion. The excavation request was withdrawn once the proposed extraction site was found to contain coastal wetlands. Disturbance of coastal wetlands is prohibited by CDMP Policy and County code. FPL continues to evaluate options for extracting fill and proposed Application 1 represents one such option.

#### *Contents*

Application 1 contains text amendments to the Land Use Element that would:

- Allow existing quarrying and ancillary uses to expand after a public hearing on the proposed expansion site;
- Create a new, allowable use with Agriculture area, entitled a water management project, in an area of approximately 880 acres, east of Homestead Air Reserve Base and SW 122 Avenue, between Military Canal to the north and the C-103 Canal to the south;
- Allow excavation within areas designated as a water management project;
- Define water management projects as (1) activities that enhance or support County, State, or Federal environmental projects, such as the Comprehensive Everglades Restoration Plan (CERP), and (2) can be deemed a public necessity and, therefore, allowable in the County's Agricultural designation. A water management project and associated easements or dedications would provide for the in-ground and above-ground storage of stormwater and transfer of water to an adjacent benefit area;
- Require that a water management project meet all of the following conditions:
  1. Demonstrate that the water management project supports a County, State or Federal ecosystem restoration project, and is strategically designed and located to achieve the enhancement of such environmental project.
  2. The water management project must be designed, constructed, and operated consistent with prevailing zoning and environmental requirements and the Homestead Air Reserve Base Air

- Installation Compatibility Use Zone Report. Best available technologies must be incorporated to isolate the project from saltwater intrusion.
3. The property owner must transfer the property title to the appropriate government agency. A description of the timing of the project would be required so as not to interfere or delay the overall environmental project.
  4. The sale of excavated fill from the water management project would be prohibited, but the fill could be used for the water management project, public infrastructure projects, utility facilities and their ancillary uses, and associated environmental projects.
  5. The water management project must be approved at a public hearing, specifying the intended use and amount of fill extraction. The fill excavated should not exceed the amount necessary for the approved use.

Florida Power and Light (FPL), the Applicant, proposes to excavate fill from lands designated Agriculture, through the form of a water management project. The extracted fill would then be used to build-up the foundation of the proposed Turkey Point nuclear reactors 6 and 7, approximately 20 feet above mean sea level. The proposal also seeks to implement a water management project after excavation and clean-up of the area. The project would serve as a reservoir from which water would be pumped to assist in the restoration of the Biscayne Bay coastal wetlands. The implementation is listed in the accompanying data and analysis as being supportive of the Alternative O of the Biscayne Bay Coastal Wetland Project. However, no data was provided from U.S. Army Corps of Engineers, South Florida Water Management District, or any organization involved in the implementation of the CERP indicating support for or recognition of the water management project that would result from this proposed amendment.

According to FPL's data and analysis, the proposed excavation area and subsequent water management project would encompass 300 acres; however, the proposed amendment language would authorize the use of approximately 880 acres for excavation and water management projects. While the proposed change includes a prohibition against the sale of excavated fill from a water management project, the water management project would not exist until completion of excavation and clean-up. There may be other means by which excavated fill may be conveyed to a third-party, other than a "sale". These factors may increase demand for conversion of Agriculture lands for excavation via a water management project in the initially proposed 880 acres as well as additional areas.

**On May 28, 2009, the Miami-Dade County Commission voted (8-2) to transmit Application 1 with County staff recommended changes to the Department of Community Affairs; however, a recommendation was not provided from the Commission.**

#### **Objection**

The proposed amendment is not adequately supported by data and analysis demonstrating the possible impacts the water management project and precedent excavation may have on significant state and regional resources nor is the amendment consistent with the *Strategic Regional Policy Plan for South Florida*.

The potential state and regional issues requiring additional data and analysis include loss of agricultural lands; whether any Natural Resources of Regional Significance, such as the Everglades Ecosystem, Biscayne Bay, and Biscayne National Park would be adversely impacted; how the proposed amendment would affect groundwater quality and the water supply; and whether the amendment would cause or exacerbate salt water intrusion in the Region.

Because data and analysis that would allow staff to assess the potential impacts of the amendment was not provided, staff analysis confirms Application 1 of Miami-Dade County amendment package #09-2

is generally inconsistent with Goals 7, 12, 14, 15, and 16, and Policies 7.7, 7.9, 12.1, 14.1, 14.2, 14.3, 14.4, 14.5, 15.1, and 16.2 of the *Strategic Regional Policy Plan for South Florida*:

**Goal 7** Protect, conserve, and enhance the Region's water resources.

**Policy 7.7** Require all inappropriate inputs into Natural Resources of Regional Significance to be eliminated through such means as redirection of offending outfalls, treatment improvements, or retrofitting options.

**Policy 7.9** Restore and improve water quality throughout the system by:  
a. requiring stormwater treatment and management;  
b. protecting wetlands, native uplands, and identified aquifer recharge areas; and  
c. implementing best management practices, such as utilization of low phosphorus fertilizers.

**Goal 12** Encourage the retention of the Region's rural lands and agricultural economy.

**Policy 12.1** Maintain the character of rural and agricultural areas by encouraging compatibility of adjacent land uses.

**Goal 14** Preserve, protect, and restore Natural Resources of Regional Significance.

**Policy 14.1** Address environmental issues, including the health of our air, water, habitats, and other natural resources, that affect quality of life and sustainability of our Region.

**Policy 14.2** Improve the quality and connectedness of Natural Resources of Regional Significance by eliminating inappropriate uses of land, improving land use designations, and utilizing land acquisition where necessary.

**Policy 14.3** Protect native habitat by first avoiding impacts to wetlands before minimizing or mitigating those impacts; development proposals should demonstrate how wetland impacts are being avoided and what alternative plans have been considered to achieve that objective.

**Policy 14.4** Direct land uses that are not consistent with the protection and maintenance of natural resource values away from Natural Resources of Regional Significance, adjacent buffer areas, and other natural resource areas.

**Policy 14.5** Use incentives to direct land uses that are not consistent with the protection and maintenance of natural resource values away from Natural Resources of Regional Significance and adjacent buffer areas. Such incentives should include but not necessarily be limited to the following:  
a. conservation easements;  
b. mitigation banks;  
c. tax breaks;  
d. regional transferable development rights; and  
e. transferable densities.

**Goal 15** Restore and protect the ecological values and functions of the Everglades Ecosystem by increasing habitat area, increasing regional water storage, and restoring water quality.

**Policy 15.1** Encourage land uses and development patterns that are consistent with Everglades Ecosystem restoration and with the protection of Natural Resources of Regional Significance.

Goal 16: Enhance and preserve natural system values of South Florida's shorelines, estuaries, benthic communities, fisheries, and associated habitats, including but not limited to, Florida Bay, Biscayne Bay, tropical hardwood hammocks, and the coral reef tract.

- Policy 16.2 Protect the Biscayne Bay Aquatic Preserve (BBAP) through such measures as:
- a. discontinuing all untreated stormwater discharges to the Bay;
  - b. requiring stormwater treatment systems to meet the required non-degradation water quality standards for this Class III, Outstanding Florida Water body;
  - c. discouraging development that proposes to fill within the Bay or discharge contaminants to its waters; and
  - d. connecting developments that are served by septic tanks within the watershed of the BBAP to central sanitary waste treatment facilities to treat pathogens and remove nutrients from the wastewater effluent.

#### Recommendation

The Applicant must provide more detailed data and analysis on the possible impacts a water management project may have on the amendment area, and coordinate with the County and relevant environmental agencies to provide a better understanding of any future proposed water management projects. Additional information regarding fill site dimensions; alternate fill sources; potential salt water intrusion impacts and mitigation; operation and maintenance of the water management project; project timeline; letters of support or authorization from applicable environmental agencies; and mitigation strategies are needed.

Council staff is available to work with the County and the Applicant throughout the amendment process.

Staff analysis confirms the proposed text amendment (Application 1) is generally inconsistent with the Goals and Policies of the *Strategic Regional Policy Plan for South Florida*.

#### Application 2

This Application contains minor text amendments to the Land Use Element and Aviation Sub-element of the Transportation Element. The proposed amendments would:

1. Eliminate references of "landside" and "airside" areas of County airports to distinguish aviation, aviation-related, and non-aviation uses.
2. Revise text in the Land Use Element for greater internal consistency.
3. Replace the Airport Land Use Master Plan maps in the Aviation Sub-element of the Transportation Element.
4. Redesignate certain airport-owned properties at Opa-Locka Executive and Miami International Airports to Terminals on the Adopted 2015-2025 Land Use Plan map.

On May 28, 2009, the Miami-Dade County Commission unanimously approved (10-0) the transmittal of Application 2 with County staff recommended changes to the Department of Community Affairs.

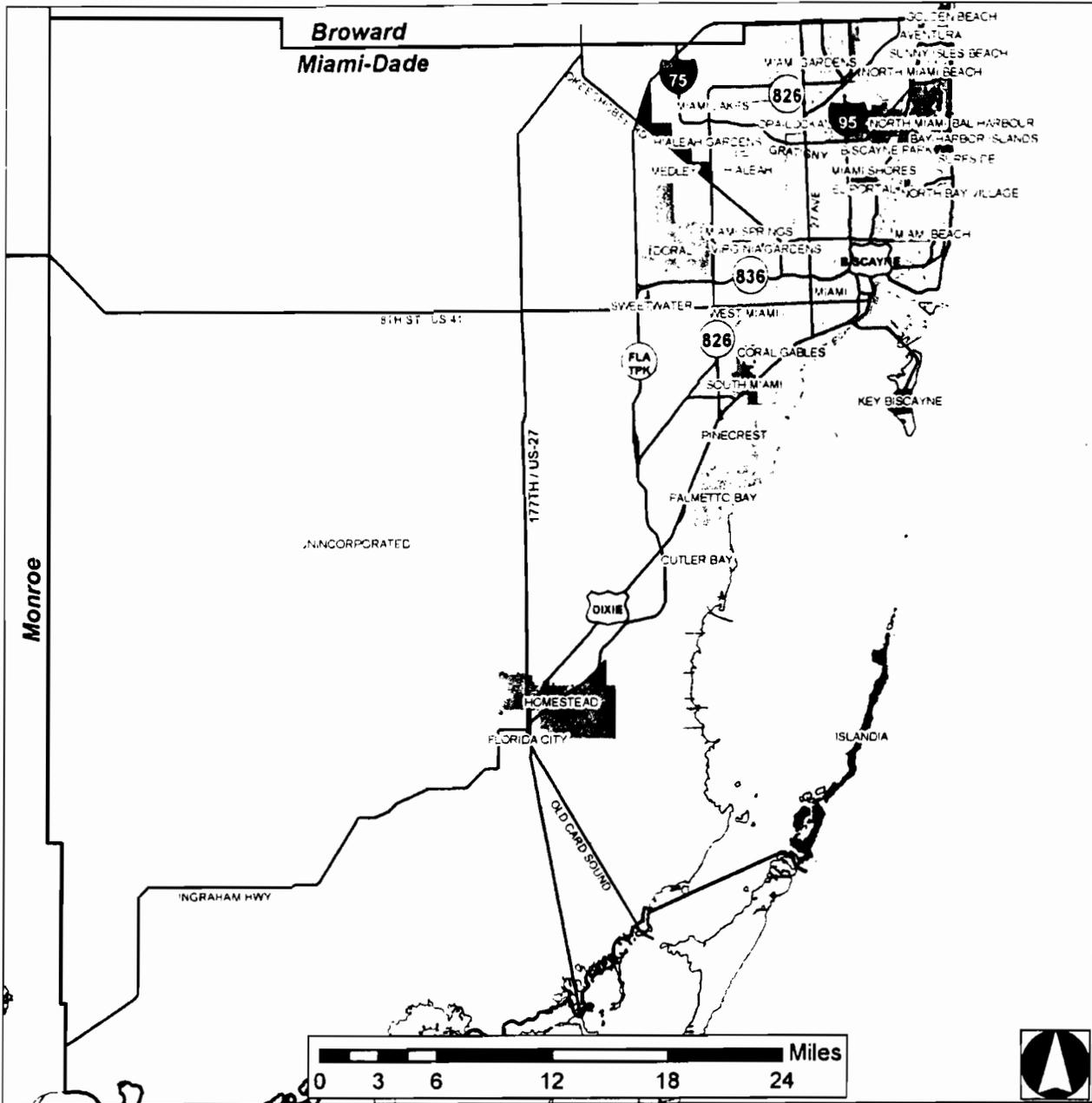
Staff analysis confirms the proposed text amendment (Application 2) is generally consistent with the Goals and Policies of the *Strategic Regional Policy Plan for South Florida*.

**Recommendation**

Find Miami-Dade County Application 1 of proposed amendment package #09-2 generally inconsistent with the *Strategic Regional Policy Plan for South Florida (SRPP)*, particularly with Goals 7, 12, 14, 15, and 16, and Policies 7.7, 7.9, 12.1, 14.1,14.2, 14.3, 14.4, 14.5, 15.1, and 16.2; and

Find Miami-Dade County Application 2 of proposed amendment package #09-2 generally consistent with the *SRPP*. Approve this staff report for transmittal to the Florida Department of Community Affairs.

Attachment 1



COMPREHENSIVE PLAN AMENDMENTS

General Location Map

Miami-Dade County  
Proposed Amendment Package #09-2

Source: 2011 SFP, 2011 MDP, Miami-Dade County SFPD.  
Note: For planning purposes only. All distances are approximate.





"Scott, W Ray"  
<scottra@doacs.state.fl.us>  
08/17/2009 09:03 AM

To "Ray Eubanks" <ray.eubanks@dca.state.fl.us>  
cc  
bcc  
Subject FDACS LGCP Amendment Review

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BD

Mr. Eubanks:

FDACS has reviewed the following LGCP amendments and has no objections, recommendations, or comments:

**Miami-Dade County 09-2**

**Citrus County 09-2**

**Monroe County 09-2**

**Palm Beach County 09-2**

**Franklin County 09-2**

Please call if you have any questions or comments:

W. Ray Scott  
Conservation & Water Policy Federal Programs Coordinator  
Office of Agricultural Water Policy  
Florida Department of Agriculture and Consumer Services  
The Capitol (PL-10)  
Tallahassee, FL 32399-0810  
(office) 850-410-6714  
(mobile) 850-544-9871  
(fax) 850-922-4936



## Florida Department of Transportation

CHARLIE CRIST  
GOVERNOR

1000 NW 111 Avenue  
Miami, Florida 33172-5800

STEPHANIE C KOPELOUSOS  
SECRETARY

August 11, 2009

Mr. Ray Eubanks  
Division of Community Planning  
Florida Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

**Subject: Miami-Dade County October 2008 Applications to Amend the Comprehensive Development Master Plan (DCA #09-2)**

Dear Mr. Eubanks:

In accordance with your request, and the provisions of Chapter 163, Florida Statutes and Chapter 9J-5, Florida Administrative Code, this office has completed a review of the Miami-Dade October 2008 Applications to Amend the Comprehensive Development Master Plan (CDMP), which was forwarded to our office on July 14, 2009. There are no impacts anticipated to the State Highway System facilities resulting from these text amendments. Therefore, the District has no specific objections or recommendations at this time. Please contact Carlton Card at 305-470-5875, if you have any questions concerning our response.

Sincerely,

A handwritten signature in black ink, appearing to read "Alice N. Bravo".

Alice N. Bravo, P.E.

District Director of Transportation Development

Cc: Aileen Boucle, AICP



FLORIDA DEPARTMENT OF STATE  
**Kurt S. Browning**  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

August 12, 2009

Mr. Ray Eubanks  
Department of Community Affairs  
Bureau of State Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Re: Historic Preservation Review of the Miami-Dade County (09-2) Comprehensive Plan Amendment

Dear Mr. Eubanks:

According to this agency's responsibilities under Section 163, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources were given sufficient consideration in the request to amend the Miami-Dade County Comprehensive Plan.

We reviewed two proposed text amendments to consider the potential effects of these actions on historic resources. The first amendment, which updates the Land Use Element, would allow excavation for water management projects in a specified area currently designated as Agriculture on the adopted Land Use Plan map. The second text amendment would revise wording in the Aviation Sub-element of the Transportation Element.

We have concerns about the first amendment which would allow excavation. **If safeguards are in place that would require cultural resource assessment surveys prior to the initiation of these projects, and requirements that significant resources would be protected and preserved, then it is our opinion that the proposed amendment would have no adverse effects on historic resources.** It is the county's responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources in Miami-Dade County.

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office  
888-245-6100 • FAX 245-6136

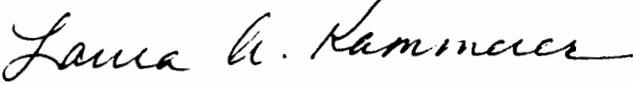
Archaeological Research  
888-245-6444 • FAX 245-6487

Historic Preservation  
888-245-6333 • FAX 245-6334

Mr. Eubanks  
August 12, 2009  
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If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,



Laura A. Kammerer, Historic Preservationist Supervisor  
Compliance Review Section  
Bureau of Historic Preservation

xc: Mr. Bob Dennis



# Florida Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

August 18, 2009

Mr. D. Ray Eubanks  
Plan Review and DRI Processing Team  
Florida Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

**RE: Miami-Dade County 09-2; Proposed Plan Amendment Review**

Dear Mr. Eubanks:

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-captioned proposed comprehensive plan amendment package under the provisions of Chapter 163, Part II, *Florida Statutes*, and Chapters 9J-5 and 9J-11, *Florida Administrative Code (F.A.C.)*. Our comments address the potential impacts of proposed text changes on resources or facilities within the scope of the Department's regulatory and proprietary authorities. The Department provides the following comments and recommendations to assist your agency in developing the state's response to the proposed amendments.

## INTRODUCTION

The transmittal package included two text amendments to Miami-Dade County's (County) Comprehensive Development Master Plan (CDMP). The Department has determined that Application 1 fails to comply with several requirements of Rule 9J-5, *F.A.C.*, and is therefore objectionable.

Application 1 contains a proposed text amendment that would modify the *Agricultural* land use category to allow new quarrying activities on an 881-acre section of southeast Miami-Dade County known as East Glades. The amendment area is bounded on the west by Homestead Air Reserve Base (HARB) and SW 122<sup>nd</sup> Avenue, on the north by Military Canal, and on the south by the C-103 Canal and SW 312<sup>th</sup> Street; no eastern boundary is provided. The applicant, Florida Power and Light Company (FP&L), owns approximately 291 of the 881 acres subject to the amendment; the remaining landowners are not identified.

Under the current *Agriculture* land use designation, existing quarrying and ancillary uses may be considered for expansion. The proposed text amendment would allow new aggregate (limerock) mining in certain East Glades *Agriculture* lands, if a "water management project"<sup>1</sup> is the end result and if the project meets five conditions enumerated in the amendment.

#### **USE OF WATER MANAGEMENT PROJECTS FOR CERP RESTORATION**

The amendment application indicated that once aggregate mining had been completed, the excavated pits could provide a source of freshwater to re-hydrate and lower the salinity of coastal wetlands, consistent with the Comprehensive Everglades Restoration Plan (CERP) project proposed for the Biscayne Bay Coastal Wetlands. The application provided no information on design specifications, eventual ownership, or financial responsibility for the operation and maintenance of the water management project resulting from excavation of the pits.

Although several wetland restoration projects have been proposed for the area, none involve the design or use of a large reservoir such as that resulting from the proposed aggregate mining activities. Before any CERP project could utilize the proposed water source, it would have to be remodeled and redesigned, leading to costly overruns on project timelines and financial resources. Therefore, the applicant's justification of the proposed amendment based on usefulness of the excavation pit-impounded water for CERP restoration projects is unfounded.

#### **WATER QUALITY - SALTWATER INTRUSION, WETLANDS & FLOODPLAINS**

The Department is concerned that open excavation pits and subsequent pumping from the pits would have a negative effect on surrounding groundwater by increasing the rate of saltwater intrusion. Pumping of water from the excavated pits during times of low rainfall would reduce the hydraulic pressure that confines saline groundwater, thereby increasing the advancement of saltwater intrusion that could contaminate potable and agricultural wells. The surficial aquifer provides nearly all of Miami-Dade County's drinking water, and County staff noted that westward migration of salt-intruded groundwater could jeopardize water quality in south Miami-Dade wellfields. The applicant provided no data and analysis regarding the groundwater table, depth of the surficial aquifer, or seasonal variability of the saltwater and freshwater layers in the subject area. The information packet did state that the saltwater layer occurs at varying depths on about 30% of the area encompassed by the proposed amendment, but no data or analysis was provided on the depth of the saline groundwater layer in the remaining lands.

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<sup>1</sup> The amendment states: "For the purposes of this section, a "water management project" means a project and associated easements or dedications that provide for the in-ground and above-ground storage of stormwater and transfer of the water to an adjacent benefit area."

The County proposed modifying the amendment to state that the excavation pits must be designed and constructed to “incorporate best available technologies” to isolate the impounded water from the surrounding groundwater, but provided no further detail about available technologies. County staff suggested that design criteria could include the use of impermeable liners, but also mentioned the risk of saltwater intrusion associated with storm events or sea level rise. Thus, even if the pits were lined to address contamination through the movement of groundwater, the liner would not prevent a contamination caused by the movement of surface waters during a hurricane. Should saltwater intrusion be detected, how would the County combat advancement of the saline groundwater and who (the County or the landowner) would be responsible for the remediation?

Information provided in the amendment package indicated that the area is low-lying, prone to flooding, and susceptible to storm surge inundation from a Category Three hurricane or higher. The application confirmed a well-documented history of flood water inundation, and GIS data indicates very little grade separation between the amendment area and adjacent wetlands. The proposed excavation area lies within two miles of the Atlantic Ocean, with only slight elevation rise between the property and the ocean. The infiltration of seawater or contaminated surface waters into excavation pits could contaminate the surficial aquifer. Based on the potential for damage to sensitive environmental resources, the proposed amendment site is not a suitable location for excavation pits.

#### **AMENDMENT AREA AND IMPACTS**

The transmittal package indicated that the proposed amendment area is approximately 881 acres. While information was provided about the applicant’s plan to excavate 298 acres, no information was provided regarding the intentions of the other landowners. Because the amendment language does not reflect an eastern boundary for the subject area and FP&L owns several hundred more acres adjacent to the initial 298-acre site, the amendment would allow additional aggregate mining operations in areas even more susceptible to saltwater intrusion, flooding and storm surge.

Although the amendment states that aggregate mined from water management projects cannot be “sold,” it also states that the aggregate can be used “by the County for public infrastructure projects[.]” The amendment does not prohibit the exchange of the mined aggregate for other consideration, and “public infrastructure projects” would include fill and cement production for *any* federal, state or local government-owned road, bridge or building. Teamed with the open-ended eastern boundary, this language would allow a very significant amount of limerock excavation in this vulnerable area.

Mr. D. Ray Eubanks  
Miami-Dade 09-2  
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August 18, 2009

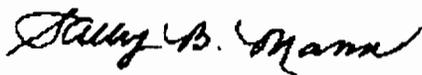
While the proposed amendment states that landowners must receive prior zoning approval before a new area can be excavated, no information was provided regarding the overall estimate of impacts that could result from the proposed amendment. The County did not indicate the total number of acres that could be excavated within the 881-acre area, the maximum volume of aggregate that could be removed, the maximum depth to which excavation would be allowed, or the percentage of a parcel that could be converted to an excavation pit.

#### CONCLUSION

The proposed text amendment in Application 1 could result in adverse impacts to the surficial aquifer (the primary source of potable water for Miami-Dade County) and the Biscayne Bay Coastal Wetlands. The proposed amendment is therefore inconsistent with Rule 9J-5.06(3)(b)(4), F.A.C., which requires the comprehensive plan to "[e]nsure the protection of natural resources and historic resources." The proposed amendment also fails to comply with the requirements of Rule 9J-5.012(3)(c)1., F.A.C., regarding the impacts of development on wetlands, water quality, water quantity, wildlife habitat, living marine resources and beach and dune systems; Rule 9J-5.013(2)(c)1., F.A.C. (plan policies must address implementation activities for the "[p]rotection of water quality by restriction of activities and land uses known to affect adversely the quality and quantity of identified water sources, including natural groundwater recharge areas"); and Rule 9J-5.013(2)(c)6., F.A.C., regarding the protection and conservation of existing soil functions.

Thank you for the opportunity to comment on the proposed comprehensive plan amendments. If the Department can be of further assistance, please do not hesitate to contact Mr. Chris Stahl at (850) 245-2169 or [chris.stahl@dep.state.fl.us](mailto:chris.stahl@dep.state.fl.us).

Yours sincerely,



Sally B. Mann, Director  
Office of Intergovernmental Programs

SBM/cjs



# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

August 13, 2009

Ray Eubanks, Administrator  
Plan Review and Processing  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

Dear Mr. Eubanks:

**Subject: Miami-Dade County, DCA #09-2  
SFWMD Comments on Proposed Comprehensive Plan Amendment  
Package**

The South Florida Water Management District (District) has completed its review of the proposed amendments from Miami-Dade County (County). The District's comments focus on Amendment No. 1 in the proposed comprehensive plan amendment package. Under Application No. 1, Florida Power and Light Company (FPL) is proposing to modify existing text in the Future Land Use Element to allow "water management projects" in specific areas designated "Agriculture" on the Future Land Use Plan map. FPL has submitted this request in connection with its application under the Power Plant Siting Act for certification of the proposed FPL Turkey Point Units 6 & 7 nuclear expansion project.

The District recommends that the Department of Community Affairs object to the Amendment No. 1 as currently written. We offer the following comments, which we request be incorporated into your response to the County:

## Comprehensive Everglades Restoration Plan (CERP)

- The Recommended Plan in the Project Implementation Report for the CERP Biscayne Bay Coastal Wetlands Project does not include a "water management project" (reservoir) in the location of the designated property. Any change to the Recommended Plan would cause extensive delays in the federal approval process. Therefore, the text should be modified to remove references linking the project to CERP and to ensure that the amendment does not conclude or imply that adding a water storage feature will enhance a CERP project.
- The information provided in the application is insufficient to support a determination as to whether the proposed water storage feature is compatible or consistent with the CERP project. The applicant will need to provide data, analyses and assurances demonstrating the proposed water management

project will not adversely affect the current Biscayne Bay Coastal Wetlands project.

- The amendment should be modified to delete the specific reference regarding consultation with the South Florida Water Management District and the U.S. Army Corps of Engineers. Several other agencies also have regulatory and consultation roles with water resource projects. The amendment should be revised to reference consultation with all appropriate local, state, and federal agencies.

### Ecosystem Enhancement

- As described in the draft amendment, any “water management project” must enhance or support an environmental project. To determine if any proposed “water management project” meets that test, additional information, including data and analyses, will be needed before it could move forward. The applicant would need to:
  - Demonstrate that the project is necessary and beneficial;
  - Provide assurances that it is economically viable to operate and maintain over the life of the project;
  - Identify a long-term owner and operator of the proposed water management project;
  - Demonstrate that it is protective of and does not cause harm to the surrounding water resources; and
  - Provide quantifiable environmental enhancements.

### Off-site Impacts

- Any proposed water management project would require appropriate analyses to demonstrate that it can be isolated from salt-intruded groundwater based upon sound engineering design.
  - The potential saltwater impacts to public water supply wellfields, other existing legal users, natural resources and other permitted operations need to be determined and minimized.
  - In the absence of extensive supporting documentation and successful pilot demonstration of the proposed technology, the District cannot determine if a “water management project” is beneficial, or, conversely, whether it would cause harm to the adjacent water resources in the area.
- The cumulative impacts to the surrounding wetlands from road construction for moving materials from the site should be considered.

Ray Eubanks, Administrator  
August 13, 2009  
Page 3

- Expansion of this type of activity could have additional off-site impacts. This could set a precedent for future approval of other similar projects in the vicinity that may be incompatible with CERP projects and water resources of the region.

Flood Control/Stormwater

- The water management system will need to be designed to hold the stormwater generated on the site to prevent water quality impacts to the adjacent wetlands.

We recommend FPL meet with the appropriate local, state, and federal agencies to ensure that all of the necessary analyses are identified and conducted.

The District is available for continued discussion of these issues with the Department of Community Affairs, FPL, and the County to ensure protection of the regional water resources and compatibility of local land uses with Everglades restoration projects. For assistance or additional information, please contact Kim Shugar, Intergovernmental Programs Director, at (561) 682-6016 or [kshugar@sfwmd.gov](mailto:kshugar@sfwmd.gov).

Sincerely,



Carol Ann Wehle  
Executive Director  
South Florida Water Management District

CAW/le

c: Bob Dennis, DCA  
Rachel Kalin, SFRPC  
Marc LaFerrier, Miami-Dade County  
Jim Quinn, DEP  
Steven D. Scroggs, FPL  
Kim Shugar, SFWMD