

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

August 23, 2013

The Honorable Carlos A. Gimenez
Mayor, Miami-Dade County
Stephen P. Clark Center
111 NW 1st Street
Miami, Florida 33128

Dear Mayor Gimenez:

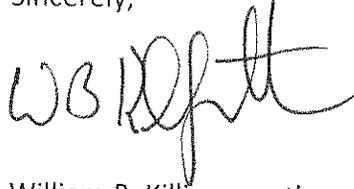
The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Miami-Dade County (Amendment No. 13-4ER), which was received and determined complete on June 25, 2013. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S. Review comments received by the Department from the appropriate reviewing agencies are also enclosed.

The attached Objections, Recommendations, and Comments Report outlines our findings concerning the amendment. We have identified five objections and have included recommendations regarding measures that can be taken to address the objections. We are also providing seven technical assistance comments consistent with Section 163.3168(3), F.S. The Department of Economic Opportunity's technical assistance comments will not form the basis of a challenge. They are offered as suggestions which can strengthen the County's comprehensive plan, or are technical in nature and designed to ensure compliance with the provisions of Chapter 163, F.S.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(4)(e)1, F.S., provides that if the second public hearing is not held and the amendment adopted within 180 days of your receipt of the Department of Economic Opportunity report, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment.

If you have any questions related to this review, please contact Bill Pable, AICP, at (850) 717-8534, or by email at bill.pable@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "WB Killingsworth". The signature is fluid and cursive, with the first name "WB" being more distinct than the last name.

William B. Killingsworth

Director, Division of Community Development

WBK/bp

Enclosures: Objections, Recommendations, and Comments Report
 Procedures for Adoption
 Agency Comments

cc: Mark R. Woerner, AICP, Assistant Director for Planning, Miami-Dade County
 James F. Murley, Executive Director, South Florida Regional Planning Council

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT

MIAMI-DADE COUNTY

PROPOSED COMPREHENSIVE PLAN AMENDMENT 13-4ER

I. The Department raises the following Objections to the Amendment:

1.) Objection: Proposed New Urban Center

The following Florida Statutes pertain to the amendment:

- Section 163.3177(1)(f), F.S., states that “All mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government...”
- Section 163.3177(6)(a)1, F.S., requires that “Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives.”
- Section 163.3177(6)(a)2, F.S., notes that “The future land use plan and plan amendments shall be based upon surveys, studies, and data regarding the area...”
- Section 163.3177(6)(a)8, F.S., indicates that “Future land use map amendments shall be based upon the following analyses: a. An analysis of the availability of facilities and services; b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site; and c. An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.”

The amendment proposes a new urban center at the intersection of the Palmetto Expressway and Bird Road. The initial designation of an urban center is simply an expression of the County Commission’s policy direction. A small area study will be completed in the future to determine the specific parcels that are candidates for higher densities and intensities. However, the County’s Comprehensive Development Master Plan (CDMP) text does not require FLUM amendments to be adopted to reflect the densities and intensities identified by the small area study. Without a requirement that FLUM amendments must be transmitted in response to the small area study, the proposed future land use for the site will not include the required range of density and/or intensity of uses.

Authority: Sections 163.3177(1)(f), and 163.3177(6)(a)1, 2, and 8, F.S.

Recommendation: Revise the Land Use Element to clarify the process of designating an urban center. Specifically, after the urban center's densities and intensities are identified by the small area study, FLUM amendments and associated analysis must be transmitted pursuant to Section 163.3184(3), F.S.

2.) **Objection: Proposed Urban Development Boundary (UDB) Expansion**

The following Florida Statutes pertain to the amendment:

- Section 163.3177(1)(f), F.S., states that "All mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government..."
- Section 163.3177(6)(a)2, F.S., notes that "The future land use plan and plan amendments shall be based upon surveys, studies, and data regarding the area..."
- Section 163.3177(6)(a)8, F.S., indicates that "Future land use map amendments shall be based upon the following analyses: a. An analysis of the availability of facilities and services; b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site; and c. An analysis of the minimum amount of land needed to achieve the goals and requirements of this section."

Inadequate traffic analysis was provided for the Future Land Use Map amendment for the proposed 521 acre UDB expansion at the northwest quadrant of the Florida Turnpike and the Dolphin Expressway.

Authority: Sections 163.3177(1)(f), and 163.3177(6)(a)2 and 8, F.S.

Recommendation: The traffic analysis for the 521 acre UDB expansion should be revised as described below.

- a. Include the SR 836 corridor.
- b. Provide information regarding improvements to the local roadway network to improve access to the SR 821/SR 836 corridors.
- c. Correct the Existing Traffic Conditions table. It identifies SR 821/HEFT as operating at acceptable levels of service with 6 lanes. All of the segments included would not operate acceptably with 6 lanes. The HEFT currently has 8 lanes from SR 836 to NW 74th Street, and an auxiliary lane will be constructed from NW 74th to NW 106th Street. North of NW 106th Street, the HEFT is 6 lanes, and is currently exceeding capacity in the commuter peak hours.

- d. Provide documentation to support the existing traffic volumes presented for the HEFT. They are very low and are not consistent with Turnpike information regarding volumes on the segments reported.
- e. Provide sufficient information to determine whether all data used is two-way or directional. The short-term traffic analysis provided presents traffic volumes/capacity in an inconsistent manner. It appears that a two-way peak hour LOS D maximum service threshold for the HEFT is provided and a directional peak hour volume is included. For example, the HEFT between NW 12th and NW 41st Street interchanges currently carries 105,300 AADT, with peak hour directional volumes of approximately 5,800. The table's source for Peak Hour Capacity appears to be the 2009 FDOT Generalized Level of Service Tables (a new update is published). A 6 lane freeway LOS D two-way maximum service threshold is the 10,150 indicated. The directional LOS D maximum service threshold from the same tables would be 5,580.
- f. Include the two Turnpike improvements that are currently advancing or under construction, the auxiliary lanes mentioned above, and the interchange improvements at NW 12th Street. Also, a design-build project is being advanced to add capacity and express lanes to the HEFT south of SR 836. There are no planned improvements north of SR 836 and the improvements south of SR 836 will not accommodate the projected demands from currently approved development.
- g. Consider appropriate noise buffering, such as setbacks and landscaping, if future development occurs within the eastern portion of the property.

3.) Objection: Prioritization of Capital Improvements

Section 163.3177(2), F.S., states that "Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent." Policies CIE-3D, CIE-5A, and TC-4C are internally inconsistent regarding the prioritization of capital improvements by geographic area, as summarized below.

Area that receives priority for infrastructure	CIE-3D	CIE-5A	TC-4C
Urban Centers	1 st	----	----
Urban Infill Area	----	----	1 st
Urban Development Boundary	----	1 st	2 nd
Urban Expansion Area	----	2 nd	3 rd

Authority: Section 163.3177(2), F.S.

Recommendation: Revise Policies CIE-3D and CIE-5A, as well as Transportation Policy TC-4C to establish consistency.

4.) Objection: Coastal High Hazard Area (CHHA) Map

Section 163.3178(8)(c), F.S., states that "...local governments shall amend their future land use map and coastal management element to include the new definition of coastal high-hazard area and to depict the coastal high-hazard area on the future land use map." Figure 13 in the Land Use Element is the only map that depicts the CHHA. The source indicates that it is from "Miami-Dade County, Office of Emergency Management, 2003". However, the Florida Statewide Regional Evacuation Study, which was released in 2010, is the most recent data for the CHHA. The CHHA boundary in Figure 13 does not correspond to the Florida Statewide Regional Evacuation Study maps.

Authority: Section 163.3178(8)(c), F.S.

Recommendation: Replace Figure 13 with an updated CHHA map based on the Florida Statewide Regional Evacuation Study.

5.) Objection: Population Projections

Section 163.3177(1)(f), F.S., states that "All mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government..." The methodology provided by the County in support of the population projections is professionally acceptable but does not include the most recent estimates of migration and immigration data from the Internal Revenue Service (IRS) and the American Community Survey (ACS). We understand that these data were not available when the projections were initially prepared but have since been published. The projections are therefore not based on the most current, relevant, and appropriate data and analysis.

Authority: Section 163.3177(1)(f), F.S.

Recommendation: Update the population projection methodology to include the most recent estimates of migration and immigration published by the IRS and the ACS. The methodology should explain how the historical data is used (particularly with respect to the time period used) and whether recent changes in the data indicate long term trends.

II. The following Technical Assistance Comments are offered to assist Miami-Dade County when processing future amendments to the Comprehensive Plan. They will not be used as a basis for a challenge.

1.) Comment: Urban Expansion Area Guidelines

The County's goals, objectives, and policies do not provide guidelines for the expansion, contraction, or designation of an Urban Expansion Area (UEA). In response, a new policy should be added to the Land Use Element which describes the guidelines that will be used to modify existing or designate new UEAs.

2.) Comment: West Wellfield Protection Area

Policy LU-8G identifies the "West Wellfield Protection Area west of SW 157 Avenue between SW 8 Street and SW 42 Street" as an area prohibited from being considered for expansion to the urban development boundary. The West Wellfield Protection Area extends southward to SW 72nd Street. If the intent of Policy LU-8G is to protect all of the West Wellfield Protection Area, the boundaries in Policy LU-8G should be amended accordingly.

3.) Comment: Mass Transit Headways

Policy MT-1A in the Mass Transit Sub-element increases headways from 30 to 60 minutes. This change contradicts other policies which encourage transit use. In response, instead of increasing headways uniformly Countywide, the County should examine whether headways might vary based on routes, destinations, or ridership levels, thereby achieving greater consistency with other policies which advocate transit.

4.) Comment: Figures 3 through 11 in Aviation Sub-Element

Figures 3 through 11 in the Aviation Sub-element are not clear and do not adequately depict important features such as the Runway Protection Zones. In response, Figures 3 through 11 should be revised to include a new map subset focused on each individual Runway Protection Zone, the areas it is impacting, and the underlying FLUE designations for the impacted area.

5.) Comment: Planned Aviation Facilities Improvements Table in Aviation Sub-Element

The Planned Aviation Facilities Improvements table in the Aviation Sub-element does not include the corrective measures identified through Florida Department of

Transportation (FDOT) inspections. In response, the Planned Aviation Facilities Improvements table should be amended to include all projects identified through FDOT inspections.

6.) Comment: Coastal Management Policy CM-9A(iii)

Policy CM-9A(iii) states the following:

"Maintain, or reduce where possible, densities and intensities of new urban development and redevelopment within Hurricane Evacuation Zone A to that of surrounding existing development and zoning. All new residential units in Hurricane Evacuation Zone A, whether year round or seasonal, shall be counted in density and intensity unless certified by recorded covenant that the units will not be occupied during hurricane season."

The County's plan primarily defines Zone A as the barrier islands, which are part of the Coastal High Hazard Area (CHHA). CM-9A(iii) appears to allow new residential development in the CHHA if a covenant prevents them from being occupied during hurricane season. Such development will require additional public infrastructure, such as roads, water lines, and sewer lines. Therefore, this policy is not consistent with Section 163.3178(1), F.S., which requires local governments to limit public expenditures in areas that are subject to destruction by natural disaster. Policy CM-9A(iii) is existing text which is not being amended. Also, the limitation on public expenditures in the CHHA was in the 2005 Florida Statutes. It is not a new requirement. Therefore, this is offered as a comment, and not an objection. In response, the County should amend Policy CM-9A(iii) to remove the inconsistency.

7.) Comment: Endangered, Threatened, Rare, and Special Concern Fauna

The list of Endangered, Threatened, Rare, and Special Concern Fauna in Miami-Dade County includes definitions and terminology that the Florida Fish and Wildlife Conservation Commission (FWCC) no longer uses for species that are protected under Rule 68A-27, Florida Administrative Code. In response, the County should amend the list of Endangered, Threatened, Rare, and Special Concern Fauna consistent with the FWCC's letter of July 23, 2013, as provided in the enclosed agency comments.

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

May 2011

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ Department of Economic Opportunity identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format;

_____ In the case of future land use map amendment, an adopted future land use map, in **color format**, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the Department of Economic Opportunity posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

_____ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity to the ORC report from the Department of Economic Opportunity.
