The following information is provided by

EAR Task Force Member Paul Owens

(representative of 1000 Friends of Florida)

Proposed Recommendations for Miami-Dade County EAR Advisory Task Force
Paul Owens
President, 1000 Friends of Florida

From I. Land-use Element

Recommendation A¿Strengthen policy to prevent fragmenting of agricultural areas outside the Urban Development Boundary¡.

> Policy LU-1O. Miami-Dade County shall ~~seek to~~ prevent discontinuous, scattered development at the urban fringe in the Agriculture Areas outside the Urban Development Boundary, through its CDMP amendment process, regulatory and capital improvements programs and intergovernmental coordination activities.

Rationale: The phrase "seek to" means "try to". It weakens Miami-Dade County's commitment to the imperative of preventing the fragmentation and eventual loss of viability of agriculture, a critical component for the county's economic and environmental future. This commitment needs to be strengthened.

Recommendation B¿Require the text of proposed amendments to the CDMP and any subsequent changes made to those amendments while pending before the Board of County Commissioners to be available for review at least 38 hours before a vote on them may be taken¡

> Objective LU-2. Decisions regarding the location, extent and intensity of future land use in Miami-Dade County, and urban expansion in particular, shall be based upon the physical and financial feasibility of providing, by the year 20~~3~~50, all urbanized areas with services at levels of service (LOS) which meet or exceed the minimum standards adopted in the Capital Improvements Element, among other requirements set forth in this plan. Votes on such decisions by the Board of County Commissioners shall be held no sooner than 72 hours after applications for them are submitted or revised.

Rationale: When CDMP amendments and revisions to them are accepted in the last hours before a vote that determines their fate, decision-makers, professional staff and interested members of the public may not be fully aware of the details and consequences of those amendments. Members of the public cannot deliver well-informed comments. Officials cannot cast well-informed votes. Amendments that may lead to irreversible changes in landscapes and communities should be held to a higher standard for transparency in debate and deliberation. A 72-hour waiting period is required following the submission of the proposed final state budget for Florida to allow sufficient time for review before the state legislators can cast a vote. This long-accepted state standard would also be appropriate as a minimum waiting period for proposed CDMP amendments and any

revisions to them. It will provide more information and more certainty for applicants, decision makers and the public.

There may be a more appropriate place within the CDMP to insert this change. I am open to alternatives.

Recommendation.C¿Require.Miami_Dade.County.to.review.and.update.its.impact.fees.at.least.once.every.four.years.to.ensure.those.fees.keep.up.with.needs.and.their.costs¡.

> Policy LU-2C. Miami-Dade County shall maintain and enhance, as necessary, impact fee and comparable programs and procedures to require all development, regardless of size, to contribute its proportionate share of capital facilities, or funds or land therefore, necessary to accommodate impact of the proposed development or increment of redevelopment over and above preexisting development on a site. Miami-Dade County shall ~~periodically~~ review and update fee schedules at least once every four years to ensure that all public marginal costs are appropriately recognized, and that fee structures reflect pertinent geographic (i.e., core, fringe, or rural area) variability in facility usage. Miami-Dade County should consider revisions to impact fee structures to better align the provision of County infrastructure with adopted land use development strategies, which promote infill development and development around existing and planned transit corridors.

Rationale: In recent years, the Florida Legislature has passed laws to set arbitrary percentage caps on increases in impact fees. This means that the longer a local government has delayed updating its impact fees, the harder it is for that government to catch up to the true costs of the infrastructure its fees are intended to finance. Miami-Dade County can avoid this predicament by reviewing its impact fee schedule at least once every four years. The current imprecise requirement to review and update schedules "periodically" has no practical value.

Recommendation.D¿Adopt.the.state.Live.Local.standard.for.any.affordable.housing.proposed.outside.the.Urban.Development.Boundary¡

> Policy LU-8H. In addition to conformance with Policies LU-8F and LU-8G, applications requesting expansion of the UDB must request designation as a "Special District" on the CDMP Land Use Plan map and include a text amendment under the "Special District" CDMP text to outline the allowable uses, maximum density, maximum floor area ratio, and how the proposed development will satisfy the criteria set forth in this policy. A zoning application must be filed concurrently with the CDMP Land Use Plan map amendment and should meet the following criteria to be approved:

n) At least ~~12.5%~~ 40% of the proposed residential units must be priced affordably for individuals earning ~~up to 140%~~ at or below 120% of the Area Median Income;

Rationale: In passing the Live Local Act in 2023, the Florida Legislature defined affordable housing projects as including at least 40% units that are affordable for occupants earning at or below 120% of the area median income. The lower standard for what's defined as affordable under paragraph n of Policy LU-8H will not significantly increase the supply of affordable workforce housing and is not a compelling reason to expand the Urban Development Boundary. There are other references within the CDMP, such as Objective HO-2, which refer to "special attention directed to affordable units for extremely low, very low, low, and moderate income-households". Paragraph n of Policy LU-8H is not consistent with this better targeted emphasis.

Recommendation.E¿Strengthen.language.on.development.of.agricultural.land.in.the. expansion.of.the.Urban.Development.Boundary.to.require.any.losses.to.be.fully.offset¡.

Policy LU-8H. In addition to conformance with Policies LU-8F and LU-8G, applications requesting expansion of the UDB must request designation as a "Special District" on the CDMP Land Use Plan map and include a text amendment under the "Special District" CDMP text to outline the allowable uses, maximum density, maximum floor area ratio, and how the proposed development will satisfy the criteria set forth in this policy. A zoning application must be filed concurrently with the CDMP Land Use Plan map amendment and should meet the following criteria to be approved:

q) Require ~~Provide for~~ the preservation of agricultural land commensurate with the impacts of the application on agriculturally-designated land which may include participation in a Transfer of Development Rights program, Purchase of Development Rights program or other similar effort.~~.; however, notwithstanding anything in this paragraph to the contrary, in no event shall properties within the Urban Expansion Area be obligated to preserve agricultural land at a 1-to1 ratio.~~

Rationale: The 2023 Evaluation Of Agricultural Land Use Trends and Outlook Final Report concluded Miami-Dade County is not far above the minimum acreage needed to maintain a viable agricultural sector. Given the risk of falling below that minimum, and the negative economic and environmental consequences that would ensue, the weak language of "Provide for the preservation of agricultural land" needs to be strengthened to "Require the preservation of agricultural land". Also given this risk, development in the Urban Expansion Area should not be exempted from the obligation to preserve agricultural land on a 1-to-1 ratio.

Recommendation.F¿Miami_Dade.County.should.establish.a.new.zoning.category.for.large.data.centers.to.distinguish.them.from.conventional.industrial.uses?given.data.centers".outsized.demands.for.electricity.and.water?and.the.significant.compatibility.issues.they.raise.for.nearby.development?communities.and.conservation.land.based.on.noise?emissions?on_site.fuel.storage?80_hour.lighting.and.other.characteristics¡..

> Policy LU-9W: Miami-Dade County will create a new zoning category for large data centers, defined as those with an anticipated monthly peak load of 50 megawatts or more. Facilities on this scale will be prohibited from location and operation in other zoning categories, including industrial. Data center zoning will apply to areas chosen to avoid incompatible impacts on nearby land uses from data centers' high electricity and water consumption, noise, emissions, on-site fuel storage, 24-hour lighting and other characteristics.

Rationale: In their regular 2026 session, Florida legislators, who have not been inclined to defer to local governments and their planners on many issues, recognized in Senate Bill 484 that large data centers "may present unique planning, infrastructure, and compatibility considerations." The bill, since signed into law by Governor DeSantis, declared that the Legislature "intends that such considerations shall be addressed through local comprehensive planning and land development regulations". Miami-Dade County would be squandering an opportunity in revising its CDMP if not taking full advantage of this invitation from legislators.

From V. Water, Sewer & Solid Waste Element

Recommendation.G¿Require.the.permitting.of.any.new.septic.tank.within.the.Urban.Development.Boundary.to.be.offset.by.the.connection.to.sewer.systems.or.removal.of.at.least.one.existing.septic.tank.within.the.UDB¡.

> Policy WS-4C. Within the Urban Development Boundary, Miami-Dade County shall strongly discourage the use of septic tanks. Throughout the County, additional septic tanks should not be permitted for the disposal or discharge of industrial or other nondomestic waste. Septic tanks should be discouraged where they may affect water quality of a surface water body or where seasonally high water table will impair proper functioning. Septic tanks should be avoided in wellfield protection areas or where private wells are in use. Under the regulations and procedures established by the Board of County Commissioners, septic tanks may be permitted outside of the Urban Development Boundary and where connection to a public sewer is not feasible. Any new septic tank permitted within the Urban Development Boundary must be offset by the removal of at least one septic tank within the UDB. Where septic tanks are permitted, they should be designed to account for sea level rise and provide treatment necessary to protect human health and environmental integrity.

Rationale: Septic tanks are a multibillion-dollar environmental liability for Miami-Dade County. Any additional septic tanks, especially within the Urban Development Boundary, if not prohibited should be required to fully offset their impacts. Any developer whose project would add any septic tanks has a particular responsibility not to increase this already overwhelming burden.

From III. Conservation, Aquifer Recharge and Drainage Element

Recommendation H¿Require wetland destruction from development to be mitigated within or immediately adjacent to the basin where it occurs¡..

> Objective CON-7: Miami-Dade County shall protect and preserve the biological and hydrological functions of Wetlands of Regional Significance that may be contained within the areas depicted on Figure 14 in the Land Use Element. Future impacts to the biological functions of publicly and privately owned wetlands shall be mitigated within or immediately adjacent to the basin where the impact occurs. All privately owned wetlands identified on Figure 14 in the Land Use Element as Wetlands of Regional Significance and wetlands on Federal, State, or County land acquisition lists shall be supported as a high priority for public acquisition. Publicly acquired wetlands shall be restored and managed for their natural resource, habitat and hydrologic values.

Rationale: To truly repair the environmental damage from loss of wetland function, mitigation should occur within the same basin where wetlands are destroyed. If not feasible, the mitigation should occur immediately adjacent to the damaged basin.

Recommendation I¿Add a sea_level rise measure to the list of Monitoring and Data Programs to regularly monitor? measure? record and project sea_level rise¡. Establish thresholds for increases to trigger updates to the CDMP and county codes necessary to protect every component of the natural and built environments? including but not limited to the water supply? homes? businesses and public infrastructure¡..

Rationale: References to sea level rise in the CDMP are sparse, and do not come close to matching the scale of the enormous potential impact on Miami-Dade County's environment and economy. Prudent and proactive planning demands a higher priority.

From Land Use Plan Map

Recommendation J¿Update the boundaries of the Urban Expansion Areas to remove areas unsuitable for urban development? including Comprehensive Everglades Restoration Plan areas? the Bird Drive Wetlands? and Homestead Air Reserve Base accident potential zones¡

Rationale: Since the Urban Expansion Areas were first incorporated in the CDMP Land Use Plan Map in 1983, additional policies prioritizing ecosystem restoration, planning for coastal hazards and military compatibility have been adopted. The current, outdated UEA boundaries leave open the possibility of development that would undercut those policies.