



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 is 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.

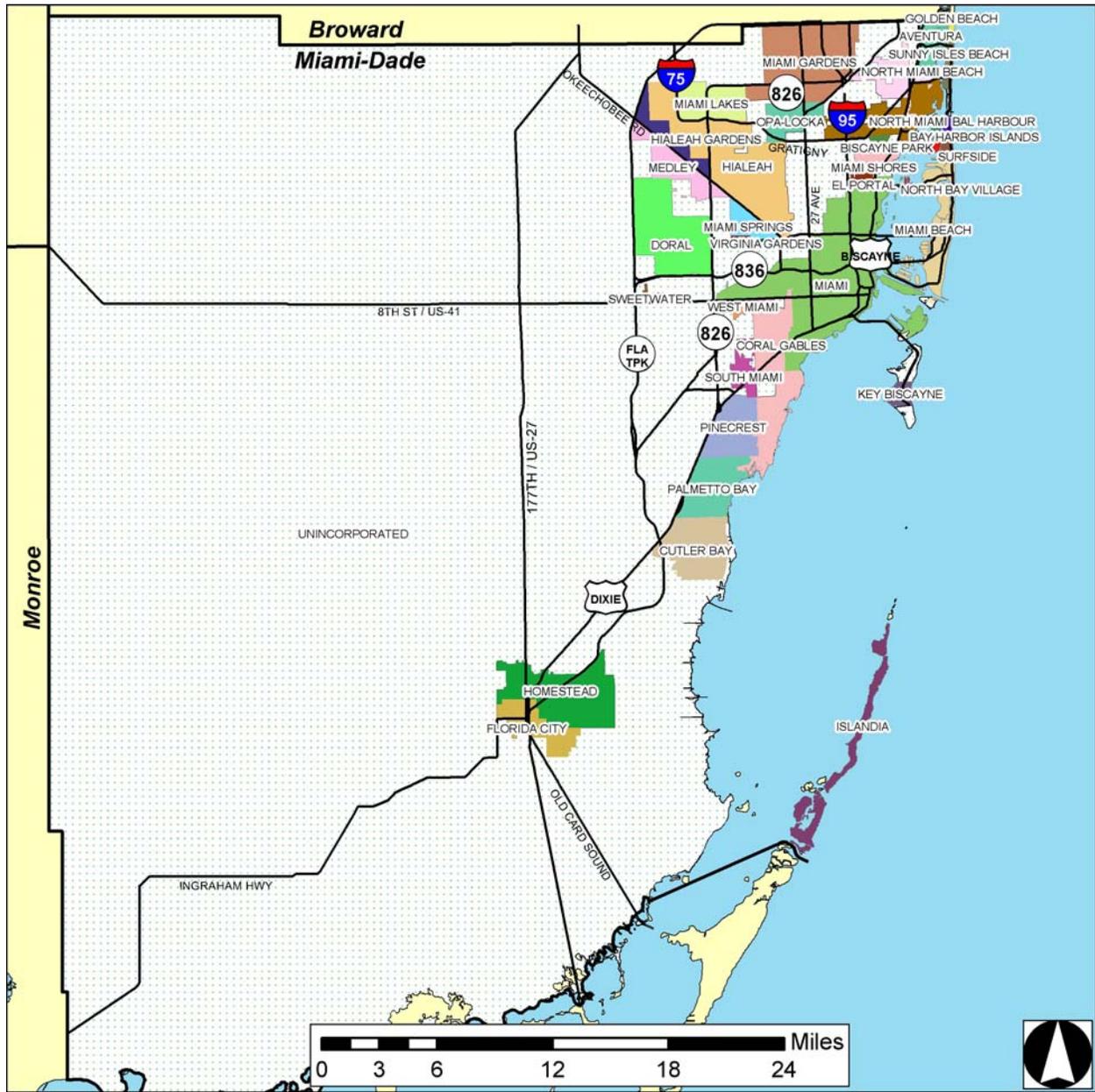
Staff analysis confirms the proposed text amendment (Application 2) is generally consistent with the Goals and Policies of the *Strategic Regional Policy Plan for South Florida*.

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

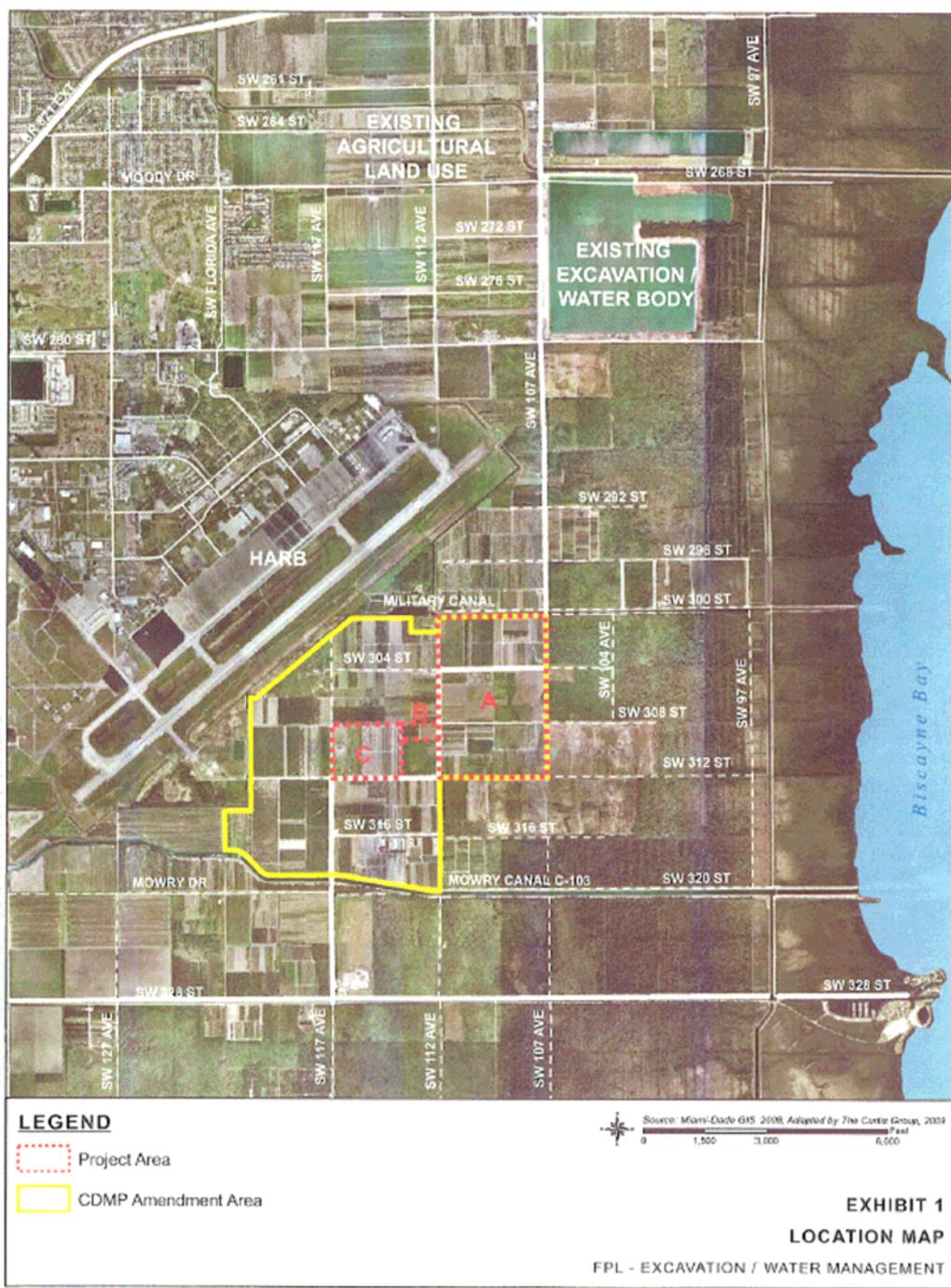
General Location Map

Miami-Dade County
Proposed Amendment Package #09-2

Sources: FDEP, SFWMD, Miami-Dade County, SFRPC.

Note: For planning purposes only. All distances are approximate.

Attachment 2



COMPREHENSIVE PLAN AMENDMENTS

Amendment Area and Water Management Project Site Locations

Miami-Dade County
 Proposed Amendment Package #09-2

Sources: FDEP, SFWMD, Miami-Dade County, SFRPC.
 Note: For planning purposes only. All distances are approximate.