

**SOUTH MIAMI DADE WATERSHED STUDY ADVISORY  
COMMITTEE  
Meeting Thirty- Eight**

December 22, 2005  
8:30 p.m. – 4:00 p.m.

**Report of Proceedings**

**WELCOME/CHAIR ANNOUNCEMENTS**

The meeting was held at the John D. Campbell Agricultural Center in Homestead, Florida.

Roger Carlton, Chair, welcomed everyone.

Mr. Carlton made the following comments and announcements:

- ✓ At the request of Commissioner Seijas there will be a new policy regarding public comment inclusion in the Reports of Proceedings. The names and contact information (if provided) of each person commenting will be included in the Reports. In addition, all persons making comment will be asked to provide the comments electronically or in writing so they can be included in the Reports. Comments can be submitted to the Facilitator, Janice Fleischer, either at the meeting or within a week of the meeting at [janice@flashresolutions.com](mailto:janice@flashresolutions.com).
- ✓ Jamie Furgang, National Audubon representative, was approved as a new member by the Infrastructure and Land Use Committee of the County Commission. Her application must now be approved by the Commission.
- ✓ It will be necessary for the Committee to meet twice a month for the next few months. The Facilitator, Janice Fleischer, will be sending out potential dates for these meetings and asking members to respond regarding their availability.

Members present:

Roger Carlton, Chair  
Ivonne Alexander, Miami Dade AgriCouncil  
Richard Alger, South Florida Potato Growers Exchange  
Humberto Alonso, South Florida Water Management District  
Subrata Basu, Miami Dade County Planning and Zoning\*  
Gerald Case, Florida Avocado Committee  
Amy Condon, At-Large Member  
Guillermina Damas, At Large member  
Carlos Espinosa, Miami-Dade DERM\*  
John Fredrick, Dade County Farm Bureau  
Dick Frost, Tropical Audubon Society  
Jamie Furgang, National Audubon Society (prospective member)  
Robert Johnson, Everglades National Park  
Louise King, Redland Citizen's Association  
Mark Lewis, Biscayne National Park  
William Losner, Greater Homestead/Florida City Chamber of Commerce  
Reed Olszack, Miami-Dade Agricultural Practices Board  
Mark Oncavage, Sierra Club  
Lawrence Percival, Kendall Federation of Homeowner Associations  
Armando Perez, Florida Engineering Society  
Jorge Rodriguez, Miami Dade Water Department\*  
Mike Shehadeh, City of Homestead

Jane Spurling, Florida Nurserymen, Grower's and Landscape Association  
Charles Thibos, Tropical Everglades Visitor Association  
Julia Trevarthen, South Florida Regional Planning Council

\*Non-voting member

There were 11 Observers.

Mr. Carlton introduced a guest to the Committee, Carolyn Dekle, Executive Director of the South Florida Regional Planning Council.

### **PRESENTATION BY CAROLYN DEKLE, EXECUTIVE DIRECTOR, SOUTH FLORIDA REGIONAL PLANNING COUNCIL**

Ms. Dekle addressed the Committee as Executive Director of the agency responsible for ensuring the South Miami Watershed Study is accomplished. She explained that this effort is of great importance and is part of a larger body of work. For example, Monroe County is in the process of developing a hurricane analysis.

Ms. Dekle observed that the diversity of this group is impressive. She explained that land use decisions are made at a local level so the signatories to the Memorandum of Understanding of this Study are hoping there will be a unified decision regarding this Study. A unified decision will have the most impact; however, if a unified decision cannot be reached, minority opinions could be part of the final outcome. Ms. Dekle encouraged the Committee to take some risks and make assumptions; she told the members they cannot wait until things are perfect since they never are. The project must be moved forward so that the Committee does not lose its ability to influence important upcoming policy decisions.

### **AGENDA REVIEW/GUIDELINES**

Janice Fleischer, Facilitator, reviewed the Agenda for the day (Exhibit A).

All Reports of Proceedings of the Committee, Discussion Guidelines and Committee related information, can be found on the SFRPC website at [www.sfrpc.com/institute/watershed.htm](http://www.sfrpc.com/institute/watershed.htm).

### **PROJECT MANAGER'S REPORT**

Bob Daniels, Project Manager, gave the Committee a Project Manager's Report. (Exhibit B).

### **SUMMARY PRESENTATION SUBTASK 3.4: WATER RESOURCES ASSESSMENT**

Michael Davis, V.P. and Project Manager, Keith and Schnars, gave a follow up presentation of certain aspects of subtask 3.4, Water Resources Assessment which had received inquiries from Committee members (Exhibit C).

Subsequent to Mr. Davis' presentation, members made the following comments:

Facilitator's note: items noted with red font indicate answers to the questions asked.

- 1) Flood protection-location nodes must be tied to map; the maps need numbers.  
*a) Yes, map will be done*
- 2) Flow volume to Bay-only showed annual average-I want each specific 1/5 & 1/10 & 1/25  
*a) Yes- they will show each*

- 3) Water quality level of service-show in base year & each scenario
  - a) *Will try to extrapolate this information and provide*
- 4) How we recommend land use & effects on Biscayne National Park
- 5) Best Management Practices (BMPs) will be incorporated with regard to Agriculture as well as residential and commercial
  - a) *Yes- BMPs across the board will be incorporated*
  - b) *We need to know what the BMPs are*
- 6) This subtask doesn't take into account the social effects
- 7) Make sure BMPs for agriculture are separated from the others

Member Subrata Basu, Assistant Director of Planning and Zoning, Miami-Dade County, the sponsor of this Study, reminded the Committee that this is not a parcel level analysis. April 2007, which is when the next amendment cycle for consideration of changes to the urban development boundary begins, is a critical deadline. Local applications regarding the UDB must be able to be reviewed against the big picture, which is what this Study should provide.

Member Dick Frost commented that the County is mandated by Land Use Policy 3E to adopt a watershed plan. Further, this Study was initiated because of water conditions and Biscayne Bay. Mr. Frost stated that the Committee must consider how the facts we have gotten relate to Biscayne Bay. His opinion is that there are no "flows to the Bay" data in what has been given to the Committee.

Member Mike Shehadeh stated that Homestead's modeling data needs to be included in the DERM models; the City believes that their new data has not been considered.

At the conclusion of this discussion, the Committee was asked to accept Sub-Task 3.4 according to the following standard:

**"Subtask 3.4 has value to the South Miami-Dade Watershed study as a comparative tool for planning level purposes."**

Subtask 3.4 Overall

Ranking	5	4	3	2	1
Count	12	6	3	0	0

Subtask 3.4 was accepted as stated by consensus.

## PUBLIC COMMENT

Public comment was invited. Two (2) members of the audience addressed the Committee: Mr. Ed Swakon (Swakon comments [Exhibit D](#)) and Mr. Henry Iler.

Members of the public are strongly encouraged to submit their comments in writing on the comment cards provided at each meeting or email the Facilitator; Janice Fleischer ([janice@flashresolutions.com](mailto:janice@flashresolutions.com)) within the first week following the meeting and those comments will be included in the Report.

## PRESENTATION AND OPEN DISCUSSION ON PROPERTY RIGHTS

Bob Diffenderfer, Esq. , an attorney working with the Consultant who is very knowledgeable regarding the law and private property rights addressed the Committee. Mr. Diffenderfer gave an overview of the current property law which could affect lands within the study area. Upon the conclusion of Mr. Diffenderfer's talk, Members commented as follows:

1. We need to look at how we protect private property rights
2. Is an expectation of highest use supported by the current law on private property rights
3. Are these red flag issues for County Commission
  - a. Economic impact
  - b. Interference with investment backed expectations
  - c. How government applies the law
4. What happens with Transfer of Development Rights (TDRs) & NIMBY? Cities may reject TDR in municipalities
5. We need to look at County Charter and its primacy.
  - a. *The authority is there, whether it is used remains to be seen*
6. Real issue is whether County will not only use its power but whether it will enforce it.
7. We should make recommendations to the county regarding their powers and how they should use those powers
8. First priority is to find other compatible uses.
9. Look into ways to find (fund?) purchase of property for conservation
10. Are we mandated by law to accommodate the expected population growth?

## STRATEGIES FOR DEVELOPMENT OF THE PREFERRED SCENARIO

Prior to the meeting, Members were sent a copy of Land Use Element 3E's Objectives. Members were asked to keep these objectives in mind and come to the meeting prepared to make suggestions on how the Committee can smoothly transition into the Preferred Scenario and what strategies to use in gaining consensus. Members made the following suggestions:

- 1) "Identify & protect land to preserve BNP"-see 3E Objectives-this should be the starting point-Biscayne Bay Coastal Wetlands Project footprint (Possible presentation)
- 2) Shared vision of what South Dade County should look like in 15/45 years
- 3) Project density levels to accommodate population; where do development lines go; no movement of develop lines west of US1 in South Dade (Redlands)
- 4) Proposition 14 & 15- not really addressed-what wetlands need to be preserved
- 5) Density along transportation corridors- let developers pay for infrastructure
- 6) Improve county & work together
- 7) Economy and tourism are very important, meet with Chambers, etc. and Consultants to get economy discussion started
- 8) We need to create something that Board of County Commissioners can not ignore/reject; must be strong finish
- 9) Start with transit corridors; look for policy resolutions not map solutions; come up with a set of principles
- 10) Strawman from Consultant maybe using a basin or smaller local area
- 11) Need to get municipalities to buy in and like our recommendations
- 12) "Viable and balanced economy; presentation to entire group on economic benefits of tourism and national parks (also speedway, artists, etc.) (Possible presentation)
- 13) Want a plan that is more than just population—creative ideas---where and why is it working elsewhere?
- 14) Need deeper understanding of economics (Possible presentation)
- 15) Conservation tools that are available
- 16) Planning perspective—classic vs. innovative as used elsewhere and compare why they are working; include land use tools that could be use to develop a "strawman" (draft plan to be considered, revised, refined, etc.)
- 17) What happens on the west side affects what happens on east
- 18) Each area needs different approaches (transportation, agriculture, etc.)
- 19) Small group discussions to go to greater depth in discussion
- 20) Survivability of agriculture; relies on revenue stream- it takes a lot of money to farm

- 21) Preserving open space as a principle preserves the value of land
- 22) Scenario 2 –full implementation seems to accommodate but problem is getting the county commission to enforce
- 23) Develop and grow efficiently-not haphazardly with little or no planning
- 24) Protect property owners rights while acknowledging we are a water community
- 25) Provide for our youth-they are our future
- 26) Parks need to be closer in not just the national parks; look to the social aspect for youth
- 27) City of Homestead’s new information to be submitted and considered
- 28) Separate objectives into those that show differences in test scenarios and those that stay the same in all 3 test scenarios
- 29) Break area into a smaller region: pilot study area
  - a. Breakout groups of members of Committee in area of expertise with one representative from consulting group – develop tradeoffs
- 30) Well field sites study area; approximately 15; we need to recognize the importance of keeping certain lands uses away from well field protection areas
- 31) Analysis of viability of TDRs
- 32) Subsidies for green space and agriculture
- 33) Small group work brings people together and helps them find commonality
- 34) Bond issue as another alternative(not just TDRs, PDRs)
- 35) Municipality buy in will depend on good community outreach
- 36) Staff bring presentation to committee on initiatives (Possible presentation)
- 37) Gateway initiative (Possible presentation)
- 38) Need expertise of outside economic experts
- 39) Farmers with development on three sides cannot use equipment properly, concerns about spraying, noise, etc.

## PUBLIC COMMENT

Public comment was invited a second time. Four (4) members of the audience addressed the Committee: Richard Grosso, Esq (Grosso comments [Exhibit E1 and E2](#)), Mr. James Humble, Ms. Katie Edwards, and Mr. Don Pybas (Mr. Pybas suggested that varieties of BMPs can be found at the Florida Office of Agricultural Water Policy at <http://www.floridaagwaterpolicy.com/BestManagementPractices.html>).

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The meeting was then adjourned.

## OBSERVER COMMENT CARDS

*“Is there any provision in the Watershed for tying development to actual population growth as dictated by the Comprehensive Development Master Plan (CDMP)?”*  
*-Pat Wade*

*“BMP’s*

*It appears from the discussion provided by the consultant that only two (2) water quality BMPs are applied to development, French drains and swales. This seems to be extremely simplistic. What about*

wet and dry detention/retention? What about 100% retention? What about soil storage? How much French drain or swale is used per acre of development?

When discussing the application of BMPs, as the consultant has agreed, the discussion needs to include how much of each, are applied. For example better water quality attenuation is obtained when more French drain is used.

There are constant discussions of agricultural BMP being used today. There are none (except for aquaculture). There needs to be a clear understanding of what is being used in the model runs for both existing and proposed conditions.

## **COUNTY'S EAR AMENDMENTS**

The amendments, which were never brought to the attention of the committee and incorrectly characterized during the discussion, were significant. They not only dealt with formally changing the boundary of the study area, something a committee member had been asking for for some time, but with the deadline for the completion of the watershed committee work and the method by which the deadline could be changed. Your committee work now expires in January of 2006. Previously a change of completion deadline would have required a CDMP text change. That requirement was eliminated. Technically, the committee has been operating without an amended deadline for the last three (3) years. I believe you must seek a formal extension of your deadline from the County Commission.

## **ADOPTION (OR LACK THEREOF) OF SECTION 3.4**

What was done regarding Section 3.4 was simply forestalling of the inevitable! It was clear from the committee member comments that there was much lacking in the text presentation of Section 3.4. These member issues will only resurface during the "analysis" (and I use that term very lightly here) of the preferred alternative. There was and is no way to use the information provided in section 3.4 to assist in the development of the preferred alternative. How do you know if more of one type of land use is better than another? Remember, even though Water Quality and Flooding parameters only comprise 3 of the parameters (as the consultant said many times) they are for many the prime reason for the study in the first place.

As is stands right now this study will yield NO information on the impacts of anything on Biscayne Bay!

## **STATUS OF SECTION 3.1**

What is the status of Section 3.1? For that matter what is the status of Section 3.2 and 3.3? All three (3) are still identified as draft on the web site. When will final "adopted by consensus" version be available?

## **DEVELOPMENT OF THE PREFERRED ALTERNATIVE**

How did the contract anticipate the preferred alternative would be developed? What did the consultants say during their presentation about how this would all be put together? Why don't you have the consultants tell you what they learned from the test scenarios?

## **MY RECOMMENDATION**

The first thing that needs to happen is there needs to be agreement on what changes, if any need to be made to the existing land use regulations. For example, how much more density will the committee accept? The committee needs to come to grips with how much "social change" must be mandated by the "plans" implementation. Then the preferred alternative land use map making is easy. This consensus on the social changes hasn't happened yet.

You then can, as Carter suggested, work from within the existing UDB out. It seems quite obvious to me, but I'm just an observer, that if the county is now publicly acknowledging that there is only enough land within the existing UDB to take us to 2018, 15 years from now, the 2025 and 2050 scenarios must include movement of the UDB.

*In my opinion, breakout groups are a bad idea.*

**CONSTRAINTS NO LONGER APPLICABLE**

*As was mentioned by Bob Johnson of ENP, much progress has been made on the development of the tentatively selected plans (TSP) for both Biscayne Bay Coastal Wetland and C-111 CERP projects. If the TSP(s) indicate that land is NOT needed for CERP purposes, the watershed constraint should be lifted during the preparation of the preferred alternative. This is especially true for the Atlantic Civil Inc. (ACI) property for which both the SFWMD and the COE have indicated the TSP will not include any of the ACI property permitted for fill. The ACI land is no longer subject to the "CERP Footprint" constraint and therefore should be allocated development units. It should be noted that even the consultants admit that the water quality modeling (section 3.4) can not model anything south of SW 360 Street (the ACI property goes south to SW 376 Street). The ACI project however will retain, onsite, 100% of all runoff generated from the project. This should result in a net improvement in water quality for this area. This, coupled with the fact that wetland impacts have already been mitigated for and the filling of the property is ongoing, should result in 980 acres of land for which no environmental impact would be associated. Wetland impacts identified in the test scenarios could be offset by utilizing the ACI property. "*

*-Ed Swakon*

*-EAS Engineering, Inc.*