

SOUTH MIAMI DADE WATERSHED STUDY ADVISORY COMMITTEE

Meeting Twenty-three

July 22, 2004
12:30 a.m. – 5:00 p.m.

Report of Proceedings

WELCOME/CHAIR ANNOUNCEMENTS

The meeting was held at The Miami-Dade Water and Sewer Department, Douglas Road facility in Miami, Florida. Roger Carlton, Chair, thanked the Department for the use of their conference room and welcomed everyone. He announced that the last Committee opening was an "at large" position and the invitation to become a member had been accepted by Guillermina Damas, Ph.D., a professor from Miami Dade College. Mr. Carlton expressed his thanks to Dr. Damas for becoming part of the Committee and asked her to tell a little about herself. Dr. Damas is Chair of the Natural Sciences Department at the college.

Mr. Carlton then asked all Committee members to introduce themselves and tell who they represented. During introductions, Daniel Apt, a member of the Committee and representative of the Florida Department of Environmental Protection, announced that he was leaving to pursue his Ph.D. in Hawaii and that this would be his last meeting. Everyone wished Mr. Apt good luck in his new endeavors. Mr. Apt indicated he had already spoken to his office about naming a replacement for him as soon as possible. Observers were then invited to introduce themselves.

With the resignation of Mr. Apt and the addition of Dr. Damas, the Committee now has 29 members; 24 are voting members, (non-voting are Humberto Alonso, Subrata Basu, Julia Trevarthen, Jorge Rodriguez, and Carlos Espinosa); 2 voting members are awaiting confirmation (Gerald Case, and Guillermina Damas).

Members Present:

Roger Carlton, Chair
Richard Alger, South Florida Potato Growers Exchange
Humberto Alonso, Jr., South Florida Water Management District
Daniel Apt, Florida Department of Environmental Protection
Linda Canzanelli, Biscayne National Park
Amy Condon, Trust for Public Land
Guillermina Damas, At large (unconfirmed)
Carlos Espinosa, Miami Dade DERM
Jeffrey Flanagan, Chamber South
John Fredrick, Dade County Farm Bureau
John Hall, Florida Engineering Society
Robert Johnson, Everglades National Park
William Losner, Greater Homestead/Florida City Chamber of Commerce
Bennie Lovett, Florida City
Lawrence Percival, Kendall Federation of Homeowner Associations
Bonnie Roddenberry, Sunny South Acres Homeowner's Association

Jorge Rodriquez, Miami Dade Water and Sewer Department
Mike Shehadeh, City of Homestead
Jane Spurling, Florida Nurserymen and Grower's Association
Charles Thibos, Tropical Everglades Visitor Association
Julia Trevarthen, South Florida Regional Planning Council

Mr. Carlton made the following announcements:

1. If we complete all the work scheduled for this meeting, there will be no August meeting. The next meeting of the Committee will be held on September 9, 2004, at which time Task 2.1 would be discussed for acceptance by the Committee.
2. Sometime in the Autumn, Robert Meyers, County Attorney, will be invited to join the Committee in a discussion regarding disclosure requirements under the Conflict of Interest rules.
3. Appendix A of the Task 1.8 document has been modified to exclude any mention of the Objectives of the Committee. Previously, a concern was raised by William Losner regarding these Objectives and how they were developed. Appendix A is a page attached to the Subtask 1.8 document which references the Committee Mission Statement and its Goals and Objectives as stated in the original Request for Proposals. It was explained that the Objectives were developed by the Committee prior to Mr. Losner's membership on the Committee (Mr. Losner is a replacement for the former representative of the Greater Homestead/Florida City Chamber, Tim Williams. Mr. Williams took part in the deliberations regarding the Objectives). These Objectives were developed as guidelines for the consultants responding to the Request for Proposals and are not meant to represent final recommendations of the Study. Therefore, the Objectives were removed from the draft Appendix A, and are not included in the final work product for the Parameters and Thresholds. Keith and Schnars has been instructed to consider the Objectives over the course of the study, and to explain, for those which cannot be met, the reasons why.

As a last item, Mr. Carlton announced that the Consultant would be holding the next public meetings in September and October. He encouraged all members to attend and reminded them of their responsibility to inform their constituencies of the meetings and the importance of their attending. Michael Davis, Project Manager from the Consultant, Keith and Schnars, asked Committee members for suggestions for locations, indications of preferred dates and any other comments concerning these public meetings. The following comments were recorded:

1. Try Sept 30 and Oct 7, that way there are two meetings separated by a week
2. Try to meet at Keys Gate to get more residential attendance
3. University of Miami facility in Homestead is a possibility
4. Try to do one of the meetings in the deep south area and one in the northern portion of the Watershed
5. Make sure you include El Nuevo Herald and Hispanic radio
6. List of places to get their email lists and send notices to their members directly:
 - a. Chamber South
 - b. Homestead Chamber
 - c. Farm Bureau
 - d. FNGA
 - e. Vision Council

Members were told to get their suggestions for locations in by July 30 directly to the Consultant.

The Facilitator, Janice Fleischer, explained that an "interested parties" email distribution list was maintained and every meeting was announced via email (in addition to the official notice required by the Sunshine Laws) to anyone on the interested parties list. If members or observers wish to have anyone added to the list, just have their email addresses sent to her at jfleischer@sfrpc.com.

AGENDA REVIEW/GUIDELINES

Ms. Fleischer reviewed the day’s Agenda (Exhibit A), and reminded everyone to turn off cellphones and beepers and keep side conversations to a minimum.

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.

PROJECT MANAGER’S REPORT

John Hulsey, Project Manager, reported on activities conducted to further the Study, on its budget and its schedule.

The Project Manager’s Report is included as Exhibit B.

PUBLIC COMMENT

Public comment was invited prior to the Committee deliberating on Subtask 1.8 to reach acceptance. Several members of the public commented.

Note: Public comment is not recorded. If anyone from the public desires to have his/her comments appear in the Report of Proceedings, they can submit their comments in writing on the comment cards provided at each meeting.

SUB-TASK 1.8-PARAMETERS AND THRESHOLDS: COMMITTEE ACCEPTANCE

Prior to the meeting, Committee members had been sent the final version of Sub-Task 1.8-Parameters and Thresholds (see www.southmiamidadewatershed.com) Following Committee procedure for acceptance, the Committee was asked to accept this sub-task, taking one section at a time.

Committee Procedure: the Committee is asked to accept the selected section by consensus (See Consensus Rules on the Institute website: www.sfrpc.com/institute/watershed.htm). If consensus is not reached in the first ranking, discussion follows to attempt to get all concerns addressed and resolved. A second ranking is then taken. If consensus is still not reached, the Committee goes to vote according to Committee procedures. Once tasks are accepted, the Committee does not go back again to review those tasks.

At this point, the Facilitator led the Committee through the acceptance process. The first section to be considered was

Sub-Task 1.8 – Parameters and Thresholds

Water Resources - Initial Consensus Ranking:

5	4	3	2	1
1	8	5	2	2

Concerns of those members ranking a “1” or “2” were discussed:

1. How are pollutant levels established?

The concern is that greater restrictions could be placed on agriculture if levels/model are geared more to agriculture; we must remember there are other pollutants other than agriculture: the urban environment produces many pollutants

- a. It was noted that the consultant changed the language of the draft document seen by the members; the new language reads "comparison"
- b. Consultant's have included the following language at the appropriate place in the document:

"Although the CDMP contains water quality standards, the XP-SWMM Model is not calibrated to determine compliance with these standards. The threshold for this parameter is a comparative assessment of the pollutants shown in Table 4. As such, the XP-SWMM Model will be used to measure changes in water quality resulting from the land use scenarios. The comparative assessment will be evaluated against the current condition model output that includes existing land use. A threshold has not been established by rule for this parameter. "

2. Biscayne National Park - water quality not yet established (concern)

3. The tables are incomplete, need to add other contaminants

- a. Be careful about applying data from older neighborhoods by comparing to newer neighborhoods – older neighborhoods did not have to meet the same standards (like storm water runoff, retention)

Resolved: John Hall will provide language,

4. P. 18- References a model, need to know what the model is

- a. Suggested resolution: add a "()" to say what the model is

Resolved: the name of the model will be included in the document

5. Page 22 – Flood Protection Drainage Design Criteria

- a. Does it include Agriculture lands? Agriculture land flooding is extremely critical and should be included
- b. Add L-31 canal (it is the primary canal in agriculture area) to list – this will give idea if there is an impact on agriculture (Ag) lands
- c. Add language after table, "For areas not covered by this table..."
- d. Project managers explained that this study will not measure root zone impact
- e. Project Manager's indicated that this study has as one of its premises that the water table will be kept level so it doesn't negatively impact agriculture

Resolved: Primary canals will be added to Table #5

6. Page 17 – Water Supply

No mention of sufficient supplies for public use and individual wells

- a. It was decided that this had been mentioned in earlier reports and that this concept was included in the final work products for Sub-tasks 1.3 and 1.5.
- b. Earlier reports will be checked to make sure of this and if not included it will be included in the goals

Resolved: it will be stated: "It is not the intent of this study/plan to diminish or reduce the flood protection level of service in Table #5."

Resolved: Page 17 – add "honor private property rights"

7. Groundwater supply parameters – "sufficiency of supply for public water agencies and private wells"

- a. It was decided that the consultants would look at the ground water parameters to see if this is covered

- b. **Resolved:** language will be added on saltwater intrusion in the evaluation method

Consultant will add the following:

“WR-1 – Evaluation Method

New development allocated under the land use scenarios will be required to comply with more stringent water management practices than existing development.

The current condition pollutant estimates will become the baseline condition for comparison to the land use scenarios. This comparative assessment will be completed at relevant nodes, sub-basins and control structures to evaluate the land use scenario impacts to water quality.

The extent of saltwater intrusion will be evaluated using available studies and reports to provide recommendations to restrict landward expansion of the salinity line. Best management practices will be evaluated and incorporated into the preferred land use plan.

The LEC Plan will be reviewed to identify groundwater withdrawals that may influence saltwater intrusion. In addition, canal levels will be evaluated in an attempt to maintain water elevations to reduce the potential for saltwater intrusion.”

Water Resources – 2nd Consensus Ranking after Resolutions (indicated in red)

5	4	3	2	1
1	12	6	0	0

Consensus was achieved on Water Resources section of Subtask 1.8.

At this point in the meeting, the Committee took a short break.

PRESENTATIONS: “DROUGHT AND FLOOD MANAGEMENT IN SOUTHERN FLORIDA” AND “WATER INFRASTRUCTURE TO EXISTING NEIGHBORHOODS”

The first presentation was “Drought And Flood Management In Southern Florida” given by Cal Neidrauer, Chief Engineer of Water Control; Operations Department, SFWMD (**Exhibit C**). Following Mr. Neidrauer’s presentation, member comments were recorded:

1. Salt water intrusion is monitored by levels; it is being watched by a division of the SFWMD, they are using monitoring wells
2. Utilities are monitored so they do not draw down water which will cause salt water intrusion
3. Buffers around wells are approx. ½ mile
4. In our area, Department of Environmental and Resource Management (DERM) and Water And Sewer Department (WASD) maintain the wells that monitor for salt water intrusion, those wells are pretty far east
5. The chair indicated the Organizational Committee would look into whether there was a necessity for a further presentation on salt water intrusion so that this subject could be put to rest

The next presentation was “Water Infrastructure to Existing Neighborhoods” given by member, Jorge Rodriguez, Water and Sewer Department. Following Mr. Rodriguez’s presentation, member comments were recorded:

1. Are there neighborhood improvement projects that are just to bring water into areas?
2. We should require big institutions to bring in water when they want to build, add, etc (churches, schools, etc)
 - a. This requirement currently exists; however, some older developments are grandfathered in.

MEMBER FORUM

No comments recorded.

ADJOURN

The meeting was then adjourned.

MEMBER COMMENT CARDS:

Comments to Task 1.8 – Watershed Study submitted by Member, Carter McDowell:

Attached are some comments regarding today's review of Task 1.8. As you know I cannot attend today's meeting, I would appreciate these comments being put in the record and if possible distributed to members and discussed. In particular the issues related to Levels of Service are important. In addition, in the zoning analysis assuming maximum density will lead to very erroneous conclusions. The real world density is often closer to 50% of the maximum theoretical permitted density particularly for new development.

1. **Page 19, WR-3 at “Thresholds”** – re no net decrease in surface water flows and distributions to Biscayne Bay – when ANY development occurs, this COULD reduce surface flows, as more land gets used Needs more explanation from K&S. This may be too theoretical for such a large area.
2. **Page 22, WR-4, Table 6, Item 2 re Principal Arterials** – were these roads passable during Hurricane Andrew, which is the only experience we have had of a 100-year storm? I do not think so. This does not sound realistic, but that's what's on the books. Meantime, if there's another 100-year storm event, will anyone be concerned about this anyway?
3. **Page 23, WR-4 Threshold Justification - Comment:** the proposed General Obligation Bond Issue, set for Nov 2nd referendum will include numerous capital improvement projects for flood protection, water and sewer service, more parks, roads, etc. These projects will enhance capacity for these various infrastructure components, which need to be reflected in this study. Otherwise, the study will underestimate infrastructure that will actually be built and available for the public. Although the study seeks to take a “snap shot” of South Miami-Dade, capital improvements change constantly. The study should take this into consideration otherwise it will result in unfair assessment of the available infrastructure.
4. **Page 26, NC-2, Threshold Justification** – Comment on transitional wetlands – we should be careful to avoid “definition creep” which will start out including transitional areas and then, upland areas “should be included”, etc... .
5. **Page 32-33, LU-2, Threshold Justification and Evaluation Method** – to evaluate zoning patterns one must make a lot of assumptions that could lead this portion of study being inaccurate.
 - a. One example on P. 33, Item 2 re densities: we all know that the stated density is NEVER what an applicant actually gets at public hearing. To assume the maximum density/number of units is never correct.
 - b. Also, land available for development is a very fluid thing: depends on price being offered, political climate, need for seller to sell and related intangibles. This does not seem to be taken in to account and should be, in some form. Or state that this is an intangible that cannot be dealt with in a theoretical study like this.
 - c. If this evaluation is done on existing zoning, what about the other 2 scenarios, based on population projections for 2025 and 2050? Will we attempt to make this projection too? Seems too theoretical. We should strive for something more “realistic” and what is closer to what will

actually occur, not what's on a colored map somewhere. Also, once this study gets adopted, there should be a standing requirement to "ground-truth" the recommendations and change them as needed, based on ACTUAL units built, infrastructure improvements BUILT, etc.

- d. Also, at Item 6, Page 33, why will potential impacts be evaluated relating to rural community character only? What about affordable housing impacts that this study will make? Affordable housing, in considerable part due to lower densities, and overly restrictive zoning regulations, and community council reject rates, is rapidly disappearing. Dwindling land supply is making every home that much more costly.
6. **Page 34, LU-2 Agricultural and Rural land – General Comment:**
 - a. Agribusiness is affected by many things beyond the control of a study like this, including foreign policy decisions, like NAFTA and related trade treaties. They make foreign fruit and vegetables cheaper than locally produced produce, which devalues agriculture.
 - b. Unless these factors are taken into consideration, all we are doing is preserving "land" not the farmer and his business, which is really preserving open space.
 - c. Let's call it open space preservation, not dress it up behind the guise of saving farmland, unless we are willing to somehow address the other factors destroying farms..
 - d. If it is open space "preservation", then, pay the farmer for his land or an easement on his land and you can preserve as much of it as he/she will sell to the buyer.
 - e.
7. **Page 36, LU-3 – Proximity of Land Uses to Employment Centers – comment:** this will only work if densities are increased as a matter of right in residential categories. Without government's as of right approval for more density, this will not work. Sounds good on paper though.
8. **Page 37, LU-4 – Parks and Recreation Land –**
 - a. Comment – While the Appendix indicates that one of the Study's "goals" is to increase the parks LOS from 2.75 to 3.0 per 1,000, this committee is the wrong entity to address such a change. (See Page 38, Commentary under Table 7, sentence 3) The only entity that can consider and adopt this change is the County Commission.
 - b. Further, such a recommendation goes beyond the scope of the committee's charge. 1. This is NOT the forum for it, this needs more justification to see if the County can sustain and afford the 3.0 acres per 1,000. Remember FS 163 requires the Capital Improvements Plan to demonstrate how the County and cities will fund the required park and recreation lands. Do they have the money to develop the parks on the additional land they could acquire? Probably not.
 - c. Also, just because "Broward has 3.0 per 1,000" does not mean Dade has or should do it. We are different counties with different land utilization rates.
 - d. For example Dade has the two national parks on either side of this study area. Plus, there should be credit for some if not all private on-site recreation facilities provided by builders. For every pool or tennis court a builder provides to their residents, that is one less pool and tennis court the county will have to build.
9. **Page 40 – Table 8, Page 42 – Comment** – how many people currently are employed at the jobs listed in these sectors? How can they evaluate these job sectors properly – and steer incentives toward a mix of cyclical and counter-cyclical type of businesses unless they know this information? The comment correctly states that the study's purview cannot "make jobs" in these sectors, but can help influence and provide incentives. HOW? They should know about how many jobs each of these sectors provides so they can prioritize their "incentives".
10. **Page 46, IS-1 Transportation – Comment re last sentence on this page re "consequences of exceeding traffic LOS".** Same remark as Item 3 above re pending capital improvements being contemplated by General Obligation Bond issue. Need to include the bond issue and on-going infrastructure improvements to get an accurate LOS picture. This is a fluid situation, not a fixed, static calculation. The study would produce erroneous recommendations about capacity and its on-going expansion and improvements unless improved conditions are factored in along the way. I don't know how they would do this, but they have to figure it out. Perhaps even more importantly, unrealistically high Levels of Service lead directly to low density sprawl as the fringes become the only place where those levels can be met.
11. **Page 47-48, IS-2 Schools - Threshold** – The study cites a "threshold of 115% of FISH capacity" as the school capacity included in the Interlocal Agreement between Maim-Dade County and the School Board".

This is INCORRECT: THERE IS NO LEVEL OF SERVICE. The 115% IS A STANDARD AT WHICH ALL DEVELOPMENT APPLICATIONS MUST BE REVIEWED FOR THEIR IMPACTS ON SCHOOLS. THIS THRESHOLD TRIGGERS A REQUIRED COLLABORATION MEETING TO DISCUSS SCHOOL IMPACTS. NOTHING MORE. A LOCAL GOVERNMENT CANNOT BASE ITS REJECTION OF A DEVELOPMENT APPROVAL ON SCHOOL OVERCROWDING. Again, the Evaluation Method weaves a new policy that would lead a reader to believe that there is AN ADOPTED LEVEL OF SERVICE FOR SCHOOLS, WHEN THERE IS NO SUCH THING. Again, the words in the study, reach beyond the scope of this study's task: water quality – not schools – not roads

12. **Page 50, EC-2 Cost of Housing – Comment** – *I made this comment last time, higher densities in all residential categories will reduce the cost of housing and reduce pressure on environmentally sensitive lands. So long as this density is given to an applicant as a matter of right, not as a proposed request at a zoning hearing, this will help.*
13. **Page 54, IS-3 Potable Water (Treatment Plant Capacity) – Comment** – *same as above re need to integrate on-going capital improvements and bond issue improvements which are occurring all the time. Must be included otherwise the study will base its recommendations on a static information. Reality is that the changes are always taking place.*
14. **Page 56-57, IS-4 Wastewater (Sewer Treatment Capacity) – Comment** – *same as above re need to integrate on-going capital improvements and bond issue improvements which are occurring all the time. Must be included otherwise the study will base its recommendations on a static information. Reality is that the changes are always taking place.*

The Seven Goals of the Watershed Task Force are shown on Page Appendix, Page 1.”

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Comments submitted by member, John Fredrick:

“Water Resources:

- *The 14 pollutant parameters are not established; when and whose standards will be used?*
- *Are pollutant thresholds for study held to a higher standard of scrutiny? If so, why?*
- *Will accumulated pollutants create future restrictions?*
- *Are Ag lands/open space net contributors to water quality versus urban and what value does it have?*
- *Are Ag lands/open space perceived as buffers for urban discharge and what value does it have?*
- *Are Ag pollutants going to increase restrictions for Ag practices?*
- *Will urban pollutant contributions force reduction of Ag inputs thereby diminishing Ag production potential?*

Flood Protection:

- *Does design criteria include Ag flooding and if so what is it?*
- *What is Ag flooding event criteria? What model is used?*
- *What level will ground water be maintained in Ag lands for flood protection?*
- *What impact of increased water tables have on home/city sewer systems?*

Fresh Water wetlands:

- *Will preservation of wetlands require increased groundwater tables? How will Ag flood protection be assured?*

Agricultural and Rural Land

- *If Ag land is used as a buffer for parks, are landowners expected to subsidize the idea by being denied value of land appreciation for the public good? What mechanisms will be used to compensate landowners?*
- *If Agriculture becomes unprofitable what is open space to become and who will maintain it?*
- *How can rural landowners share in increased land values of developed areas as denial of increased zoning in rural areas will contribute to elevated land values in developed areas?*

Economic Base:

- *Local policies cannot prevent external forces from impacting agriculture (ex: mangoes, tomatoes, limes, avocados, etc.) what provisions are included to support local agriculture and what protects property rights if agriculture becomes economically unviable?*

Cost of Housing:

- *As housing costs rise how will agriculture keep workers housed without negatively impacting economic viability?*

Household and Per Capita income and wages:

- *Increased labor costs for Ag workers negatively impact Ag production costs. How does the plan address this issue?"*

"Just because Roger [Carlton] thinks an issue is clear or has been disposed of does not make it so. Everyone's patience begins to run thin but he needs to keep it in check as Chairman. If a member has a concern, they deserve to be heard."

-Anonymous

OBSERVER COMMENT CARDS

"There is no parameter or threshold for protecting private property rights. This seems to clearly skew the report toward no growth/open land preservation versus any development (either farming or development).

Subtask 1.8 discusses levels of service for parks without any corresponding finding for the capital improvements budget required to adopt a new level of service (LOS). Without funding, LOS increase is not legally defensible. Also, it is beyond the scope of this Task Force."

-Truly Burton

"It is clear that the criteria proposed in Subtask 1.8 to evaluate the development scenarios are all skewed to an anti-development option. What criteria is proposed to protect private property rights?

The criteria in Subtask 1.8 are used to evaluate development scenarios. How do you take into consideration different design criteria: i.e. same development scenario designed for a 10 year storm might be different than one designed for a 25 or 100 year storm. A 100 year storm retention might allow more impacts.

How is project mitigation taken into consideration in the scenario development? What threshold evaluates (biological) mitigation benefits?

It is difficult to approve Subtask 1.8 Parameters and Thresholds without some "testing" to see what they produce to provide some understanding of how they respond.

Who decides what is good, bad or neutral when evaluating the 1.8 thresholds? How do you weight the importance?

The adoption of 1.8 should only occur AFTER public input! Your next public meeting should present this Subtask 1.8 and not present land use scenarios.

Have your Consultants or whoever is responsible for the Web make sure meeting times are updated. Even this morning, today's meeting was shown as starting at 9am not at 12:30pm."

-Ed Swakon

IDEA PARKING LOT

No comments