

January 26, 2023

Ms. Lourdes Gomez, AICP, Director  
Miami-Dade County  
Department of Regulatory and Economic Resources  
111 NW 1<sup>st</sup> Street, 11<sup>th</sup> Floor  
Miami, Florida 33128-1902

**RE: Miami-Dade County Ordinance 22-148**

Dear Ms. Gomez:

In a letter dated December 27, 2022 (the “Preliminary Inventory Letter”), the State Land Planning Agency (“DEO”) acknowledged receipt, and accepted, Miami-Dade County’s Plan Amendment No. 22-07ESR, which was proposed by Ordinance No. 22-148 on November 1, 2022 (the “Plan Amendment”).

DEO has reviewed the proposed comprehensive plan amendment. The review was completed under the expedited state review process.

However, prior to addressing the substance of our review, DEO’s response does need to address the agency’s interpretation of the Miami-Dade County’s Plan Amendment No. 22-07ESR.

The facts are that on September 9, 2021, Miami-Dade County Board of County Commissioners held a public hearing and voted to transmit proposed Miami-Dade County Plan Amendment 21-02ESR. On September 22, 2021, DEO received the proposed amendment package, which included the following amendments:

- Proposed Property Rights Element Amendment; and
- Proposed Urban Development Boundary Amendments (included updates to its Future Land Use Map and associated text changes, expanding the Urban Development Boundary).

On October 22, 2021, DEO responded to Miami-Dade County regarding the proposed amendment with technical assistance comments, including comments related to:

- Military Compatibility;
- Internal Consistency;
- Agency Coordination; and
- Orderly and Balanced Future Development

April 4, 2022 - Miami-Dade County notified DEO of an extension of the 180-day deadline to hold a public hearing for the amendment to October 27, 2022. On April 5, 2022, DEO acknowledged the extension of the 180-day deadline to October 27, 2022.

On April 21, 2022, Miami-Dade County held a public hearing and adopted part of the comprehensive amendment package, approving the proposed Property Rights Element. In other words, the Property Rights Element Amendment was bifurcated from the amendments expanding the Urban Development Boundary. On May 20, 2022, DEO received the adopted Property Rights Element Amendment (21-02ESR, Ordinance 22-040), separate from the Urban Development Boundary Amendments. On June 8, 2022, DEO notified Miami-Dade County that DEO would not challenge the adopted Property Rights Element Amendment.

At this point, DEO could reasonably conclude that Miami-Dade County's actions represented the end of any process for Miami-Dade County Plan Amendment 21-02ESR and that further consideration of the Amendment, as originally submitted, was mooted. This conclusion was further supported by the actions of Miami-Dade County thereafter.

On November 1, 2022, Miami-Dade held a hearing to adopt the Miami-Dade County's Plan Amendment No. 22-07ESR – effectively, the same Urban Development Boundary Amendments that were originally proposed as part of the 21-02ESR Amendment package, but not adopted as part of the Property Rights Element Amendment (Resolution 22-40) adopted on April 21, 2022.

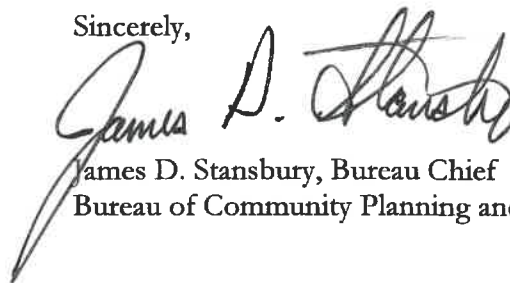
Without question, this November 1, 2022, hearing occurred after DEO's acknowledgement of the extension of the 180-day deadline to October 27, 2022. Therefore, DEO's interpretation of Miami-Dade County's Plan Amendment No. 22-07ESR is that the Amendment is a new proposed Amendment. In other words, Miami-Dade County's Plan Amendment No. 22-07ESR represents an entirely new process and statutory obligations.

To that end, while Miami-Dade County's Plan Amendment No. 22-07ESR represents an entirely new process and merits comment, DEO strongly considered the fact that the substance in the Amendment was contained in Miami-Dade County Plan Amendment 21-02. Therefore, DEO deems it appropriate to resubmit the attached response from October 22, 2021, to serve as technical assistance comments, including technical assistance comments that were again related to:

- Military Compatibility;
- Internal Consistency;
- Agency Coordination; and
- Orderly and Balanced Future Development

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment.

Sincerely,



James D. Stansbury, Bureau Chief  
Bureau of Community Planning and Growth

October 22, 2021

The Honorable Daniella Levine Cava  
Mayor, Miami-Dade County  
Stephen P. Clark Center  
111 NW 1<sup>st</sup> Street, 29<sup>th</sup> Floor  
Miami, Florida 33128

Dear Mayor Levine Cava:

The Department of Economic Opportunity (Department) has reviewed the Miami-Dade County proposed comprehensive plan amendment (Amendment No. 21-02ESR), received on September 22, 2021, pursuant to the expedited state review process in section 163.3184(2)(3), Florida Statutes (F.S.). We have identified no comment related to adverse impacts to important state resources and facilities within the Department's authorized scope of review.

We are, however, providing four technical assistance comments consistent with section 163.3168(3), F.S. The technical assistance comments will not form the basis of a challenge. They are offered either as suggestions which can strengthen the County's comprehensive plan in order to foster a vibrant, healthy community or are technical in nature and designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S. The technical assistance comments are:

- TA Comment 1) Military Compatibility:

In considering the implications of future development resulting from the revisions proposed within the amendment, the Department strongly encourages Miami-Dade County to coordinate with the Homestead Air Reserve Base (HARB) on all matters pertaining to compatibility with the HARB military installation. In addition, it is important to note the proposed amendment could result in further encroachment on HARB inconsistent with Section 163.3175(1), Florida Statute; therefore, pursuant to HARB's letter dated October 18, 2021, it is recommended the proposed policy revisions be further revised to apply only to the subject property.

- TA Comment 2) Internal Inconsistency:

As currently proposed, the map amendment converts Agriculturally designated properties located mainly within the Coastal High Hazard Area (CHHA) to the Special District designation. Supporting text amendments will also allow urban type

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development within the CHHA. The allowance of this type of development should be considered as to whether it conflicts with Policy CM-9A, and Sections 163.3177(6)(g)6., and 163.3178(1), Florida Statutes. The County's Comprehensive Development Master Plan (CDMP) identifies the CHHA as being among the areas least suitable for urban development (Land Use Element page I-88 and I-89) and language within CDMP Policy CM-9A.i) and ii) specifically discourages development in the CHHA and directs new development to high ground. However, the proposed amendment would allow more than 9 million square feet of non-residential development and up to 84 residential units (farm residences in Phase III of the development) predominately located within the CHHA. The County may want to give further consideration on whether this amendment is internally inconsistent with the CDMP Policy CM-9A pursuant to Section 163.3177(2), Florida Statute.

- TA Comment 3) Agency Coordination:

The Department strongly encourages Miami-Dade County to coordinate with all commenting review agencies to address their concerns prior to the adoption of this amendment. The County is also encouraged to take into consideration the input of other local and tribal governments in this matter.

- TA Comment 4) Orderly and Balanced Future Development:

The County's amendment proposes to create exemptions for certain non-residential properties related to expansions of the Urban Development Boundary and increased intensities within the CHHA, as noted in the text revisions to Land Use Element Policy LU-8H and Coastal Management Element Policy CM-9A respectively. The County may want to further consider how these revised policies could be applied to additional properties throughout the County and if that will aid in achieving the vision and long-term development goals of its CDMP.


The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the County is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the County. **If the County receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.

- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the County that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

If you have any questions concerning this review, please contact Melissa Corbett, Planning Analyst, by telephone at (850) 717-8505 or by email at [Melissa.Corbett@deo.myflorida.com](mailto:Melissa.Corbett@deo.myflorida.com).

Sincerely,



James D. Stansbury, Chief  
Bureau of Community Planning and Growth

JDS/mc

Enclosure(s): Procedures for Adoption

cc: Lourdes M. Gomez, AICP, Regulatory and Economic Resources Director, Miami-Dade County  
Isabel Cosio Carballo, MPA, Executive Director, South Florida Regional Planning Council