



**Everglades**  
**Law Center, Inc.**  
*Defending Florida's Ecosystems  
and Communities*

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November 16, 2015

Miami-Dade Board of County Commissioners  
Stephen P. Clark Center 111 N.W. 1st Street  
Miami, FL 33128

*Sent via email*

*Re: Application #7 of May 2015 CDMP Amendment Cycle*

Dear Chairman Monestime and Board of County Commissioners,

On behalf of Defenders of Wildlife, International Dark-Sky Association, National Parks Conservation Association, Sierra Club Florida, Sierra Club Miami, Tropical Audubon Society and 1000 Friends of Florida, we write to urge you to deny application 7 from Wonderly Holdings to expand the Urban Development Boundary (UDB) by approximately 860 acres and build 11,401 residential units, and over 3.3 million square feet of non-residential development in an area of the County that currently faces massive traffic congestion from existing residents commuting to economic centers.

Wonderly Holdings, Inc., et al., application #7 request to develop land that is in the West Wellfield Protection Area, which is a critical source of drinking water for the County. This development is in direct conflict with multiple Comprehensive Development Master Plan (CDMP) policies. Wonderly Holdings requests to develop residential properties in a low-lying undeveloped area of Miami-Dade County that is extremely vulnerable to sea level rise. There is more than enough supply within the Urban Development Boundary. Rather than accept that there is no need for the proposed expansion of the UDB, the applicant requests that the County change its tried and tested calculation methodology and extend the current 15 year supply cycle to 20 years. The proposed expansion is inconsistent with Everglades restoration, inconsistent with the CDMP, would exacerbate already bad traffic congestion and would promote sprawl and poor land use planning. For these reasons we strongly urge the Board of County Commissioners to follow the recommendations of County staff and deny and not transmit application 7.

**The Applicant Has not Adequately Demonstrated that a Need Exists**

The CDMP Land Use Element Policy LU-8G requires that before considering expansion of the UDB it must first be demonstrated that there is a need to add land to the UDB, in accordance with Policy LU-8F. Policy LU-8F requires the UDB contain adequate developable land having the capacity

to accommodate the County's projected economic growth.

Here, the applicants failed to show that such a need exists. Policy LU-8F and LU-8G of the CDMP require that the UDB shall not be expanded unless there is not enough developable land within the UDB to meet projected residential capacity for a 15-year Countywide supply. Currently the UDB contains enough available space to meet projected residential capacity for the next 19 years. This is in fact an increase of 4 years in the capacity available within the UDB since 2013. Therefore, it cannot be assumed that expansion outside of the UDB will be justified at any time in the future. The County staff's analysis of demonstrates "there is adequate commercial within the UDB to sustain economic growth beyond the year 2030, both countywide and in the commercial study area in which the application site is located".<sup>1</sup> Expansion of the UDB cannot be justified.

### **Wonderly Proposes to Rewrite Terms for Calculating Land Supplies and Capacities within the UDB**

The applicant requests that the County change its calculation methodology and extend the current 15-year supply cycle to 20 years. The applicant clearly cannot justify the need for its development under current rules, so they have attempted to change the rules of the CDMP. The changes the applicant proposes "would significantly diminish the effectiveness of the CDMP in controlling growth."<sup>2</sup> The proposed change would qualify the applicant to build new residential units, but would only add one-year worth of supply, thus putting the County in a perpetual and unsustainable cycle of needing to add land for development outside of the UDB.

### **Application 7 Proposes Amendments to the CDMP that Ignore Traffic Congestion and Transit System Realities**

Wonderly Holdings proposes to eliminate Land Use Element Policy LU-8F. It does this based in part on the argument that its proposed development is "transit oriented." Transit options, however, are scantily available to residents in this area of Miami-Dade County to get residents from existing developments to economic centers like downtown and Brickell. A study done on the West End area nearby the proposed development, The West End Study, found that only 2% of people in residential areas close to the proposed development use public transportation.<sup>3</sup>

The proposed developments would add to existing traffic congestion. The West End Study found that based on existing development alone, significant traffic congestion in

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<sup>1</sup> 2015-05 – Recommendations to Applications 7, <http://www.miamidade.gov/planning/library/reports/planning-documents/2015-05-recommendation-to-application-7.pdf>, at p. 7-3.

<sup>2</sup> Id.

<sup>3</sup> WEST END STRATEGY: A VISION FOR THE FUTURE (2015) ("West End Study"), [http://carta.fiu.edu/wp-content/uploads/architecture/WestEndDistrict11\\_FullReport1.pdf](http://carta.fiu.edu/wp-content/uploads/architecture/WestEndDistrict11_FullReport1.pdf), at p. 97

the area would only increase in the coming years. “At current development levels and patterns, significant portions of the road network inside, and connecting to the District will be at or over capacity within the next 5 to 10 years.”<sup>4</sup> The additional traffic congestion that would ensue from adding Wonderly’s proposed development would be untenable. Residents from this central western part of the county currently have some of the longest commutes in the region. “In general, a higher percentage of workers in the [area] have higher commute times (30 minutes and higher) than the County as a whole.”<sup>5</sup> The combined level of service analysis for applications 7 & 8 finds that the proposed development would create an additional 4,136 peak hour trips on Kendall Drive. The level of service for roads is a grade-based system with A being the best and F being the worst. Kendall Drive would be at 60% over the E level of service if these two applications are approved.<sup>6</sup>

Other roads in the area would face similarly incapacitating levels of service if these developments move forward. Ironically, Wonderly Holdings cites problems with the “ill effects of suburban sprawl” as a reason to amend the CDMP and expand the UDB to allow their proposed development.<sup>7</sup> It is clear the proposed development would only exacerbate the ill effects of suburban sprawl that are already experienced by so many residents in nearby communities.

### **Approving this Application May Impact Miami-Dade’s Water Supply**

The proposed project would expand development into the West Wellfield Protection Area.<sup>8</sup> The proposed land uses within the wellfield protection area “typically generate and/or handle hazardous materials and hazardous wastes, which are prohibited in the wellfield protection area.”<sup>9</sup> “The highly porous nature of the Biscayne aquifer presents significant water- management implications, especially as it relates to the inadvertent release of contaminants within or immediately outside the well field protection area.”<sup>10</sup> The Biscayne aquifer is extremely porous and transmissive, and therefore highly vulnerable to surface water contamination. Pollution runoff and toxin exposure associated with this development could contaminate our water within the Biscayne Aquifer.

CDMP highlights the importance of our wellfields, and the need for land uses to be compatible with their protection:

“Land uses and activities near and upgradient from wellfields directly

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<sup>4</sup> Id. at 96-97

<sup>5</sup> Id.

<sup>6</sup> 2015-05 – Recommendations to Applications 7, p. 7-28.

<sup>7</sup> Application #7, section 4 at p. 4.

<sup>8</sup> 2015-05 – Recommendations to Applications 7, p. 7-7.

<sup>9</sup> Id.

<sup>10</sup> USGS, USDOJ News Release, “Water Supply at Greater Risk than Expected”, August 27, 2008

impact the quality of water ultimately withdrawn from the wells....[T]he County restricts land use within portions of cones of influence of all public water supply wellfields to minimize the threat of water pollution.<sup>1</sup>

Wetlands serve many beneficial functions, including the ability to recharge our aquifer. The CDMP recognizes this value, and seeks to ensure its protection. CDMP Objective CON-4 states that “the aquifer recharge and water storage capacity of the presently undeveloped areas in western and southern Miami-Dade County shall be maintained or increased.” CDMP Policy CON-4A states “the aquifer-recharge values of wetland areas shall be maintained and, where feasible, enhanced or restored. There shall be no further positive drainage of wetlands to accommodate urban development or agricultural uses.” The applicant has failed to demonstrate that the proposed development will not impact the aquifer recharge value of existing wetlands.<sup>11</sup>

### **The Application is in Direct Conflict with Policies of the CDMP**

The proposed development is in direct conflict with a slue of policies in the Comprehensive Development Master Plan. As described above there is sufficient capacity within the Urban Development Boundary for residential and industrial development, as such this development would violate Policy LU-8F of the CDMP.

The project is inconsistent with the CDMP goal to “[p]rovide the best possible distribution of land use and services to meet the physical, social, cultural, health and economic needs of the present and future populations in a timely and efficient manner that will maintain or improve the quality of the natural and man-made environment and amenities, and preserve Miami-Dade County's unique agricultural lands.”<sup>12</sup> The proposed project is incompatible with 16 separate policies in the CDMP under this goal.<sup>13</sup> The proposed changes to Policy LU-8F are inconsistent with CDMP Objective LU-1 and Policies LU-1C and LU-10A as it would discourage infill and redevelopment.<sup>14</sup> Extending the surplus required prior to expanding the UDB to 20 years over the current 15 years in Policy LU-8F will open up the UDB to constant expansion without proper justification.

The application is inconsistent with Policy LU-8H, which requires amendment applications that seek to expand the UDB demonstrate the need for such expansion. The Applicant fails to do so. The application is additionally inconsistent with several policies of the CDMP that address land use and transportation. Objective LU-1, Policy LU-1A, Objective MT-2 and Policy MT-2A “require the location and configuration of urban growth to emphasize the intensification of development around centers of activity having high countywide multimodal accessibility including the provision of efficient transit

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<sup>11</sup> Id.

<sup>12</sup> Id. at p. 7-83.

<sup>13</sup> Id. at p. 7-83-86.

<sup>14</sup> Id.

service.”<sup>15</sup> There are no transit options in place to adequately or efficiently provide transit services to people living in the area and the applicant does not address this. The application is additionally incompatible with 10 policies in the Conservation Element of the CDMP and 4 policies related to water supply.<sup>16</sup> The proposed development would negatively impact ecological resources, water supply protection and traffic congestion.

**The proposed development is in a low-lying area of Miami-Dade County that is vulnerable to sea level rise**

The Unified Sea Level Rise Project for Southeast Florida updated in 2015 through the Southeast Regional Climate Compact project “14 to 34 inches above 1992 mean sea level” by 2060 and “31 to 81 inches above 1992 mean sea level by 2100.”<sup>17</sup> The western end of Miami-Dade County, where the proposed development would be built, includes some of the lowest lying land in Miami-Dade County.<sup>18</sup> Development in this area will become a liability to the County as sea levels rise. Providing flood control in areas of existing development will be a challenge and extremely expensive for the County. This proposed development creates the need to extend public infrastructure and services in an area that would require costly and complex flood control services in the face of sea level rise.

**The proposed development may be incompatible with Everglades restoration**

Policy CON-7J of the CDMP requires that “Miami-Dade County shall consider the applications’ consistency with Comprehensive Everglades Restoration Program (CERP) objectives. Applications that are found to be inconsistent with CERP objectives, projects or features shall be denied.” The proposed development could impact several Everglades restoration projects including Modified Water Deliveries and the Everglades National Park Seepage Management Project.<sup>19</sup> These are Foundational projects to CERP. “Development in this area could constrain full implementation of CERP; it is within the best interest of both the applicant and the County to have a comprehensive understanding of the full implications of these projects during the review of this application.”<sup>20</sup> The applicant must further evaluate the impacts to Everglades restoration and CERP projects.

Furthermore, the proposed development may increase noise and light pollution in the area

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<sup>15</sup> 2015-05 – Recommendations to Applications 7, p. 7-6.

<sup>16</sup> Id. at p. 7-87-88

<sup>17</sup> Southeast Florida Regional Climate Compact, “Unified Sea Level Rise Projection” October 2015, <http://www.southeastfloridaclimatecompact.org/wp-content/uploads/2015/10/2015-Compact-Unified-Sea-Level-Rise-Projection.pdf>, at p. 4.

<sup>18</sup> Southeast Florida Climate Compact, “Analysis of the Vulnerability of Southeast Florida to Sea Level Rise”, August 2012, at p. 50-53.

<sup>19</sup> 2015-05 – Recommendations to Applications 7, p. 7-36.

<sup>20</sup> Id.

impacting the wildlife in Everglades National Park. The project could decrease the footprint of the Everglades ecosystem.

### **Approving this Application May Harm Miami-Dade’s Ecological Resources**

The proposed site contains over 80 acres of wetlands. The applicant only conducted “a ‘cursory biological field investigation’ on a single day during the dry season to evaluate wetland function of over 80 acres of mapped wetlands located in over a dozen different locations.”<sup>21</sup> Information on the potential impacts of the proposed project to these wetlands is woefully insufficient.

Large areas of the agricultural land the project seeks to expand upon are flooded during the wet season, providing “foraging and roosting habitat to various types of wildlife, including mammals, reptiles and amphibians, and birds.”<sup>22</sup> Many state and federally protected birds forage in this type of habitat, including “wood stork (Federal, Threatened), little blue heron (State, Species of Special Concern), reddish egret (State, Species of Special Concern), roseate spoonbill (State, Species of Special Concern), snowy egret (State, Species of Special Concern), tricolored heron (State, Species of Special Concern), white ibis (State, Species of Special Concern).”<sup>23</sup> Federally endangered snail kites nest nearby in Everglades National Park and may forage in the area of the proposed development.<sup>24</sup>

Federally protected species including the endangered bonneted bat and the threatened Eastern indigo snake would likely be impacted by the proposed development. “The applicant has not provided sufficient information on wetland function and wildlife utilization to determine the impact of the proposed application on natural resources.”<sup>25</sup> Objective LU-3 of the CDMP provides that development in the County “shall ensure the protection of natural resources and systems” including wildlife habitat. Policy Con-9B of the CDBM further protecting “feeding, roosting and nesting habitat of threatened or endangered species.” While the applicant failed to provide sufficient information to fully analyze the impacts to protected species, it is clear that at least some impacts would occur and the application is inconsistent with the above-mentioned objective and policy.

### **Approving this Application Will Promote Urban Sprawl**

The Miami-Dade County Strategic Plan and the CDMP call for the promotion of urban infill and redevelopment while discouraging urban sprawl. Chapter 163.3177(6)9, Florida Statutes (F.S.), requires Future Land Use Elements and Future Land Use Element amendments to discourage urban sprawl. Staff’s analysis indicated that the applicant meets 5 indicators for encouraging urban sprawl, including failure to protect natural

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<sup>21</sup> Id. at 7-37.

<sup>22</sup> Id. at 7-38.

<sup>23</sup> Id.

<sup>24</sup> Id.

<sup>25</sup> 2015-05 – Recommendations to Applications 7, p. 7-37.



resources and ecosystems, failure to promote efficient extension of public infrastructure and services, failure to adequately address transit, increased traffic congestion and energy use, loss of agricultural land and impacts to the wellfield protection.<sup>26</sup>

Additionally, this application also conflicts with CDMP Objective LU-1 and supporting policies. The objective and policies provide that the location and configuration of the County's urban growth shall emphasize concentration and intensification of well-designed development around centers of activity with multi modal accessibility, containing a variety of uses, public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

The applicant's site is only bounded on one side by the UDB, thereby upending a clear separation between urban and rural uses. By its very nature, it discourages infill development or redevelopment of existing communities, just where the county should be putting its attention. It will destroy wetlands and the species that depend upon these wetlands, and results in the loss of significant amounts of functional open space necessary for protection of our natural resources, including our wellfields. These elements, among others, make this application clearly urban sprawl, in direct contradiction to Miami-Dade county's policies and objectives.

### **Conclusion**

In conclusion, application 7 will negatively impact wildlife, Everglades restoration, wellfield and water supply protection. It will promote urban sprawl and lead to unacceptable traffic congestion in an already congested are of the County. The project increases the County's vulnerability to sea level rise and is inconsistent with the CDMP. We urge you to make this decision based on what is in the best interest of the people of Miami-Dade County, abide by our strong and thoughtful comprehensive plan, and vote to deny and not transmit this UDB application.

Best regards,



Julie Dick

Cc: Mayor Carlos Gimenez, Miami-Dade County  
Deputy Mayor Jack Osterholt, Miami-Dade County  
Mark Woerner, Miami-Dade County  
Elizabeth Fleming, Defenders of Wildlife

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<sup>26</sup> Id. at p. 7-79-80.

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Cara Capp, National Parks Conservation Association  
Jonathan Ullman, Sierra Club Florida  
Jim Teas, Sierra Club Miami  
Laura Reynolds, Tropical Audubon Society  
Charles Pattison, 1000 Friends of Florida