

Chairman Oliver G. Gilbert, III
Board of County Commissioners
Miami-Dade County
111 NW 1st Street, Suite 220
Miami, FL 33128
District1@miamidade.gov

March 15th, 2023

RE: Terra137, LLC application to expand the Urban Development Boundary via CDMP Amendment Proposal CDMP20210006

Chairman Oliver G. Gilbert, III,

On behalf of The Hold the Line Coalition - an alliance of individuals, community groups, businesses, municipalities, and organizations dedicated to sustainable land management and promoting smart-growth policies in Miami-Dade County, we write to state our concerns with the Terra 137 application “MIA Transport Hub”– CDMP20210006 of the May 2021 cycle– and hereby submit the following comments prior to a final vote. The applicant requests the County to approve Amendment to the Comprehensive Development Master Plan (CDMP) Future Land Use Map and redesignate a 41.2-acre Application area mostly containing Wetlands of Regional Significance (*see Appendix I*) from “Open Land” to “Terminal”.

We request that a final vote for approval is conditional on the applicant reinstating two provisions deleted from Covenant drafts: an Environmentally Endangered Lands (EEL) donation and language committing to local hiring preferences. Both have been deleted in the most recent Covenant version submitted on February 13th, 2023. *See Appendix 2*

Looking to the future, we urge the County to pursue all means to avoid a recurrence of the truck parking shortage by studying and drafting legislation to encourage use of existing parking facilities and avoiding the need to build on wetlands or other undeveloped land. The county should also move to adopt a Zero Loss of Wetlands policy in harmony with stated county goals to conserve threatened habitat and ensure a healthy Biscayne Bay.

Analysis And Comments

The Coalition reiterates our strong opposition to building on increasingly scarce wetlands outside of the Urban Development Boundary. The County has lost more than 29,000 acres of wetlands during the last 30 years, diminishing our ability to recharge our drinking water aquifer and pushing Biscayne Bay to the brink of collapse. Our preferred outcome is for the County to work with landowners, retailers, and the trucking industry to use existing surface lots and other underutilized areas more intensively to provide additional parking supply. We hope this will be explored as a solution as this problem will likely recur absent a new approach to supplying parking capacity.

However, we recognize the need and urgency to increase the supply of truck parking to address widespread and ongoing impacts to residential communities where illegal overflow parking occurs. Truck drivers deserve a safe, secure place to rest in compliance with federal requirements and local regulations.

The revised Covenant submitted by the applicant on February 13th, 2023, is a reasonable compromise and provides stringent requirements for the final disposition of the MIA Transport Hub parcel. As County staff and the Mayor have noted, the use of the “Terminal” designation is a welcome change. The Terminal category addresses an identified need, creates certainty about the ultimate disposition of the land, and closes the door to sprawl by not expanding the Urban Development Boundary. This compromise provides a balanced approach to alleviate the short-term problem of truck parking without encouraging sprawl. Still, more work is needed to provide equitable mitigation for the wetlands acreage under consideration and to change development patterns responsible for the parking shortage and continue to consume what remains of the county’s natural wetlands.

Suggested Modifications To MIA Transport Hub Covenant

In acknowledgement of the unique value of wetlands and to enhance benefits to the public, as a condition of approval the Board of County Commissioners should also require the applicant to reinstate:

1. Article 5C Voluntary Donation of Environmentally Endangered Lands (EEL) initially proffered in the Covenant uploaded on 10-4-2022 and removed in the version dated 2-13-2023. Commissioners should insist this donation be reinstated in the Covenant as a condition for approval as it was included in the package the Board approved on and the proposal forwarded to State of Florida agencies for review.
2. Article 6A-B-C-D Hiring of Local Workforce, Service Disabled Veterans, and Local Universities. These provisions were included in all versions of the Covenant prior to their removal in the most recent version dated 2-13-2023. Again, it is unclear why these elements designed to benefit local workers, veterans, and institutions were removed after the first CDMP vote and State review, but all add value to the project and should be reinstated.

Suggested County Actions To Add Truck Parking Supply And Preserve Wetlands

While the amended Covenant and the reinstatement of the deleted provisions provide a balance of development, local benefits, and mitigation, it is concerning that this application sets a precedent to create narrow exceptions to build outside the UDB. To preclude losing more wetlands in this fashion, we recommend two steps:

1. The Board of County Commissioners should order a study to determine how to use the existing built environment and underutilized public and private parking locations and hardscapes to supply additional truck parking capacity. The projected growth of Miami-Dade County means the Miami Transport Hub is likely not a permanent solution, and the associated additional truck parking needs should be fulfilled within the Urban Development Boundary to prevent sprawl and wetlands destruction. The takeaway of this application is logistics support, including truck parking, for a growing population cannot be considered an externality and future needs should be accounted for in planning and zoning by the parties profiting from additional trucking.

2. The County should amend the County Code to adopt a Zero Loss Of Wetlands policy in alignment with the County's stated goal of restoring clean water flows to Biscayne Bay. Trucks provide logistics for our residents, wetlands provide logistics for a healthy bay both are vital, but we must not continue to encroach on remaining wetlands. Wetlands should be valued considering the economic activity and quality of life a flourishing Biscayne Bay underpins and it is penny wise but pound foolish to continue to develop lands that are a critical component of a healthy Biscayne Bay ecosystem. Martin County has adopted a strong wetlands protection ordinance that can be used as a model for Miami-Dade County. https://library.municode.com/fl/martin_county/codes/land_development_regulations?nodeId=LADERE_ART4SIDEST_DIV1WESHPR

We urge you to restore the original covenant provisions of EEL land and local hiring preferences removed in the most recent Covenant, leverage technology and existing locations to provide additional capacity without and take immediate action to protect our remaining wetlands. On behalf of the Hold the Line Coalition, we ask you to weigh carefully the modifications included above as well as the negative environmental impacts outlined in our letter from September and included as an appendix here. Those critiques remain valid, and we trust you will judiciously weigh all the available information before deciding to approve this application.

Sincerely,



Laura Reynolds

Organizing Representative Hold the Line Coalition

Hold The Line Coalition Steering Committee Members:

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Executive Director
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Dwight Bullard

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Dover, Kohl & Partners

Juan Mullerat

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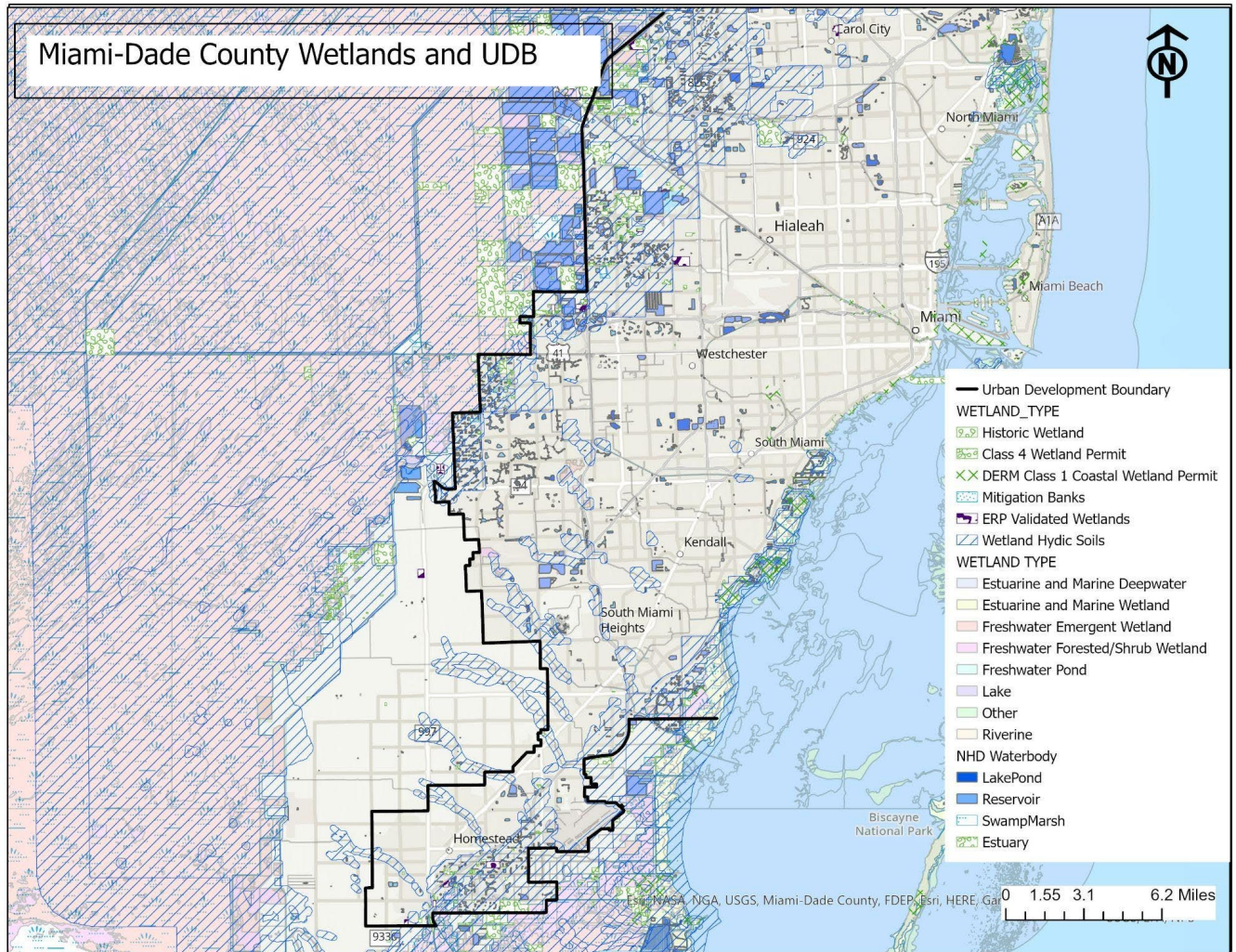
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Appendix 1- Wetlands Map of Miami-Dade County



Remaining Wetlands In Miami-Dade County		
Wetland Area	Area acres	% of UDB Area or Total Dade County Area
Coastal Wetlands- <i>Inside UDB</i>	33,179	12.3%
All Coastal Wetlands Miami-Dade County	46,468	3.0%
Freshwater Wetlands- <i>Outside the UDB</i>	3,276	1.2%
All Freshwater Wetlands Miami-Dade County	52,910	3.5%
Total Area- <i>Inside UDB</i>	270,030	
Total Area Dade County	1,524,146	

Appendix 2:

Map of voluntary Environmentally Endangered Lands (EEL) contribution

**EEL contribution and local hiring commitment removed from Covenant
shown in red strike through**

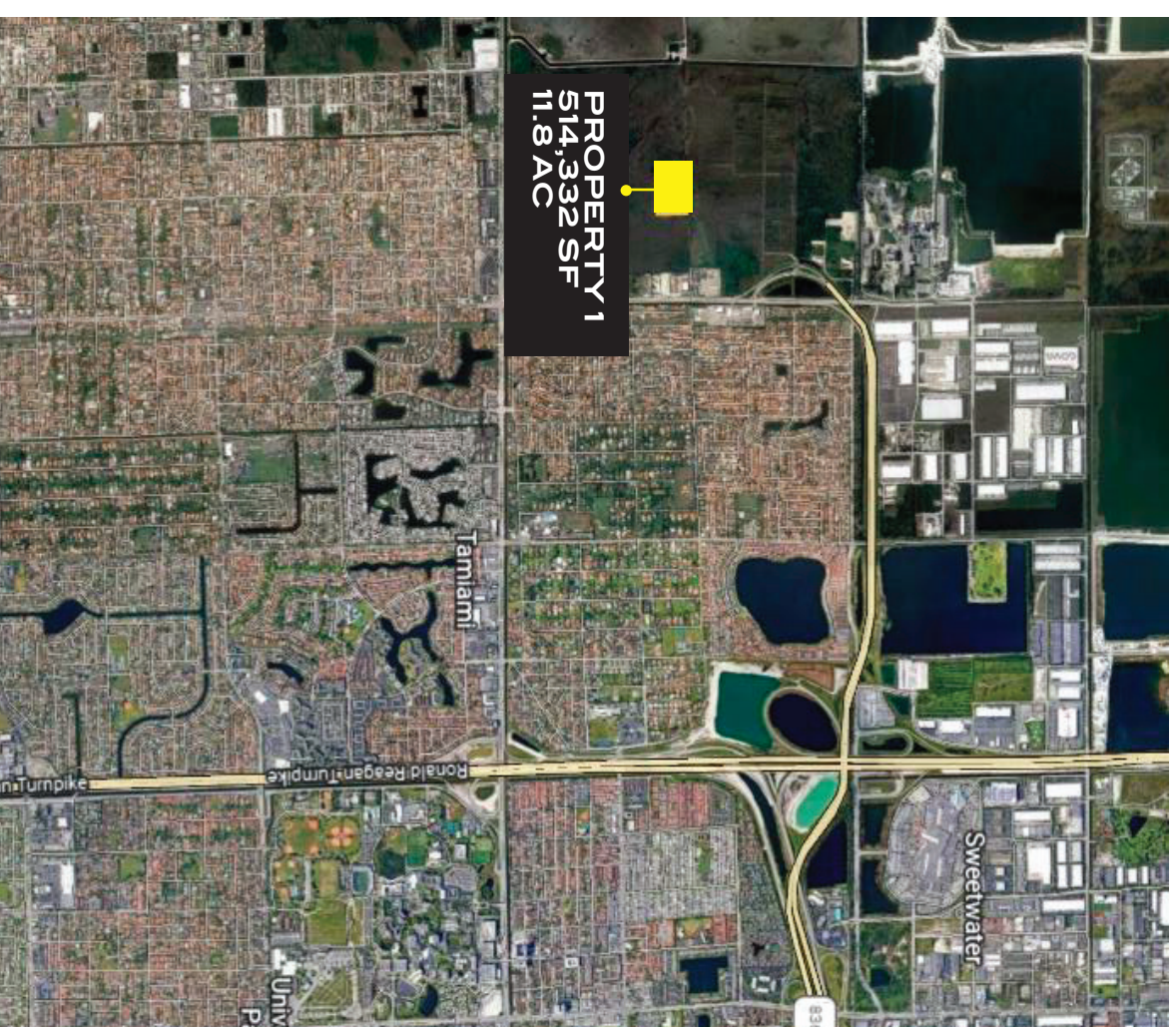
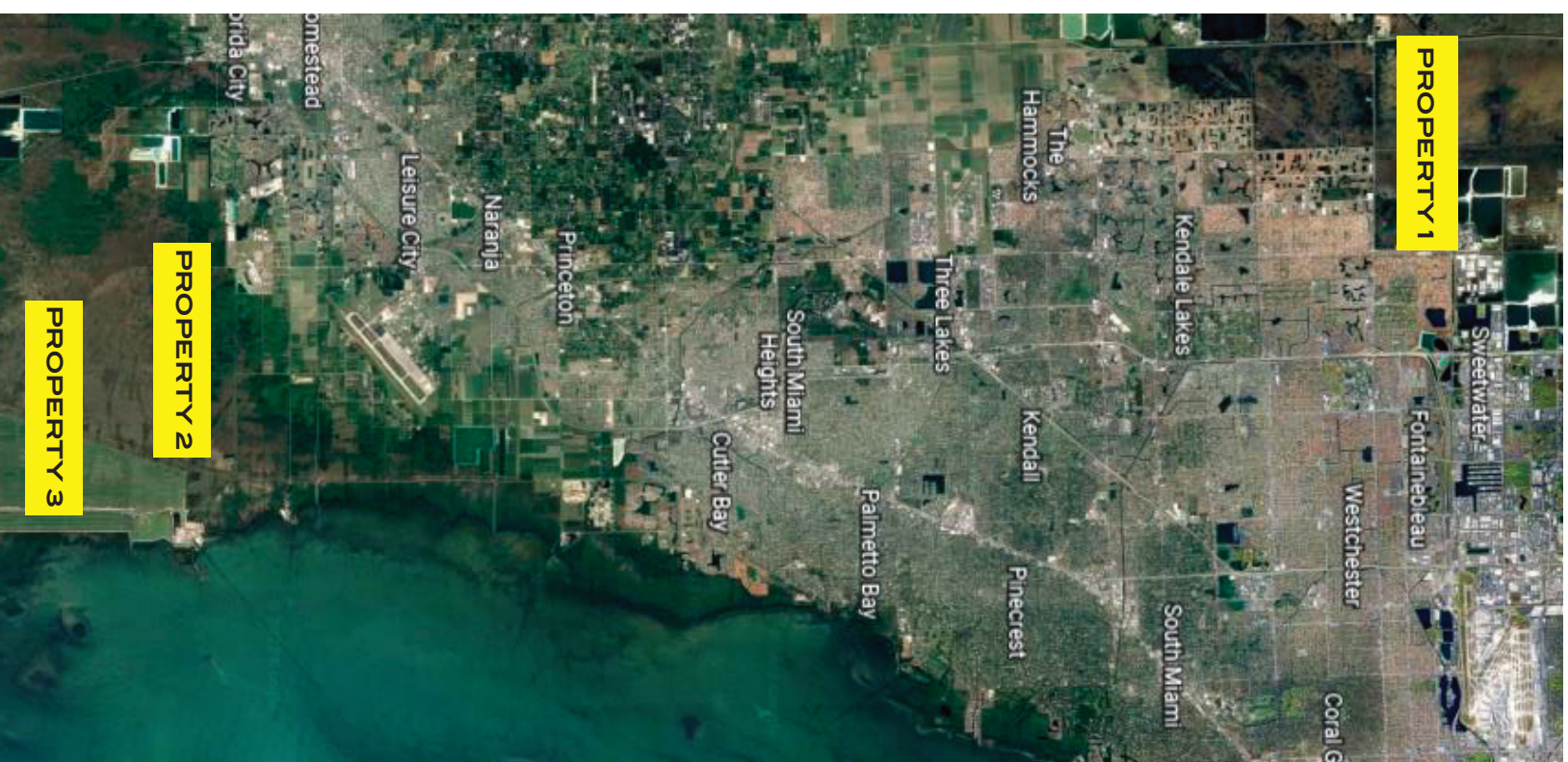
Sources:

PowerPoint presented to Planning Advisory Board 9-12-22

Pgs 9-11 from Terra Revised Covenant- Redline 2-10-23

DEDICATION OF LAND TO COUNTY

- These lands will be dedicated to mitigate environmental impact



stormwater within the District will be managed; (ii) a representative assessment of any soil and groundwater contamination that may be present; (iii) the effect of the development on the drainage on adjacent properties; and (iv) any impacts to existing stormwater features, such as canals and agricultural ditches.

To ensure that the post-project conditions are the same or better than the pre-project stormwater management, water quantity, and water quality levels of service conditions, the Conceptual Stormwater Management Master Plan dated April 28, 2022 and prepared by Langan Engineering and Environmental Services, Inc. contemplates that each Phase of the Project or portion thereof will comply with the County Code requirements, to be implemented at the time of development (subject to the issuance of necessary stormwater permits).

B. Wetlands and Endangered or Threatened Species. The Property is currently identified as a wetland under County, State of Florida and Federal regulations. The Owners shall timely seek and obtain all appropriate permits prior to development of the Property. The impacts (if any) to threatened and endangered species that may nest, roost or forage within the Property which may result from the development of the Project must be identified prior to final plat approval for the Project. Future development of the Property will require the Owners to address and mitigate any significant negative impacts to both wetlands and listed species. Such impacts shall be studied and addressed as part of the Miami-Dade County Class IV permitting process.

~~C. Voluntary Contribution of Environmentally Endangered Lands. Separate and distinct from any wetland permitting, prior to the issuance of any building~~

~~permit for vertical construction, the Applicant shall dedicate and convey a minimum of forty 40+/- acres of Environmentally Endangered Lands (EEL) to Miami-Dade County at no cost to the County.~~

C. ~~D.~~ **Wellfield.** The portion of the Property legally described in Exhibit “C” (“Wellfield Property”) is located in the West Wellfield Protection Area (“Wellfield Area”). The Owners have executed an instrument in a form acceptable to the Director of the Department of Regulatory and Economic Resources that limits the use, handling or storage of hazardous materials within the Wellfield Area in accordance with Chapter 24 of the County Code as recorded in the Public Records of Miami-Dade County in Official Book 33194, Page 1879.

E. Potable Water and Sewer.

Prior to the first tentative plat approval for the Property, the Owners shall submit to RER Division of Environmental Resources Management for review and approval a conceptual water and sewer service master plan for the Property (the “Conceptual Water and Sewer Master Plan”) and develop the Property in general conformity with same as amended from time to time.

~~6. **Hiring of Local Workforce, Service-Disabled Veterans, and Local Universities.**~~

~~Prior to the issuance of the first building permit for vertical construction of development of the Property, the Owners shall:~~

~~A. Notify the South Florida Workforce Investment Board (or successor or similar “Referral Agency” under the County’s First Source Hiring Referral Program established under Chapter 2, Article CXLII of the County Code) of all job vacancies, and make commercially reasonable efforts to employ candidates from~~

~~the Referral Agency as part of the construction workforce, with priority to qualified applicants who are residents of Miami-Dade County within the zip codes around where the Property is located.~~

~~B. Use commercially reasonable efforts to utilize Local Certified Veteran Business Enterprises as part of the workforce, as defined in Section 2-8.5.1 of the County Code, and employ active-duty members and honorably discharged veterans of the United States Armed Forces, National Guard, or reserve components thereof in the construction of the Project(s).~~

~~C. Use commercially reasonable efforts to obtain participation from universities located within Miami-Dade County with relevant professional services programs in architecture, design, engineering, and construction work on the Property.~~

~~D. Use commercially reasonable efforts to employ Small Business Enterprise Architecture & Engineering Program (CBE) and Small Business Enterprise Construction Services Program (CSBE) qualified entities for architecture and engineering and for construction within the Project(s).~~

~~7. **Provision of Appropriate Transit Service.**~~

~~A. In order to meet CDMP Policy LU-8H, prior to the issuance of any Certificate of Use for the Property, the Owners shall either (i) contribute to Miami-Dade County Department of Transportation and Public Works ("DTPW") \$2,400,000 for the purchase of four (4) transit vehicles or (ii) in lieu of providing the contribution, provide a plan to DTPW that will provide the Special District with mass transit service to Dolphin Terminal and Tamiami Terminal. Alternatively, the Owner may also provide transit on-demand service to the Property, which may include a~~