



## **Attachment "A"**

# **Florida Department of Economic Opportunity Letter**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF  
CUTLER BAY, FLORIDA AMENDING THE COASTAL  
MANAGEMENT ELEMENT WITHIN THE TOWN'S  
COMPREHENSIVE PLAN TO BE CONSISTENT WITH RECENT  
STATE LAW LEGISLATION; PROVIDING FOR TRANSMITTAL;  
PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY;  
AND PROVIDING FOR AN EFFECTIVE DATE.**

**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

September 2, 2016

The Honorable Peggy R. Bell  
Mayor, Town of Cutler Bay  
Cutler Bay Town Hall  
10720 Caribbean Boulevard  
Cutler Bay, Florida 33189

Dear Mayor Bell:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Town of Cutler Bay (Amendment No. 16-1ER), which was received and determined complete on July 7, 2016. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S. The Department of Economic Opportunity does not identify any objections to the proposed amendment.

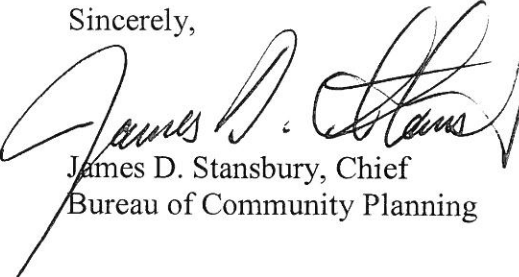
The proposed amendments include the addition of an optional Climate Change Element to the Town's comprehensive plan. The amendments are in advance of the next required comprehensive plan Evaluation and Appraisal (EA) update notification, but represent a good opportunity to consider local actions to address the recent Peril of Flood 2015 legislative requirements. In this regard, the Department is providing five comments (enclosed) consistent with Section 163.3168(3), F.S. These comments will not form the basis of a finding of non-compliance. They are offered as suggestions which can strengthen the Town's comprehensive plan in order to foster a vibrant, healthy community or are technical in nature and designed to ensure consistency with Chapter 163, F.S. The Department is working with the South Florida Regional Council, Miami-Dade County and other jurisdictions in the state, such as our pilot communities, through our Community Resiliency Initiative to provide guidance on meeting the redevelopment component of the Coastal Management Element related to sea-level rise.

The Town should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(4)(e)1, F.S., provides that if the second public hearing is not held and the amendment adopted within 180 days of your receipt of the Department of Economic Opportunity report, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
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[www.floridajobs.org](http://www.floridajobs.org) | [www.twitter.com/FLDEO](https://twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://www.facebook.com/FLDEO)

For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment. If you have any questions related to this review, please contact Dan Pennington, at (850) 717-8524, or by email at [dan.pennington@deo.myflorida.com](mailto:dan.pennington@deo.myflorida.com).

Sincerely,



James D. Stansbury, Chief  
Bureau of Community Planning

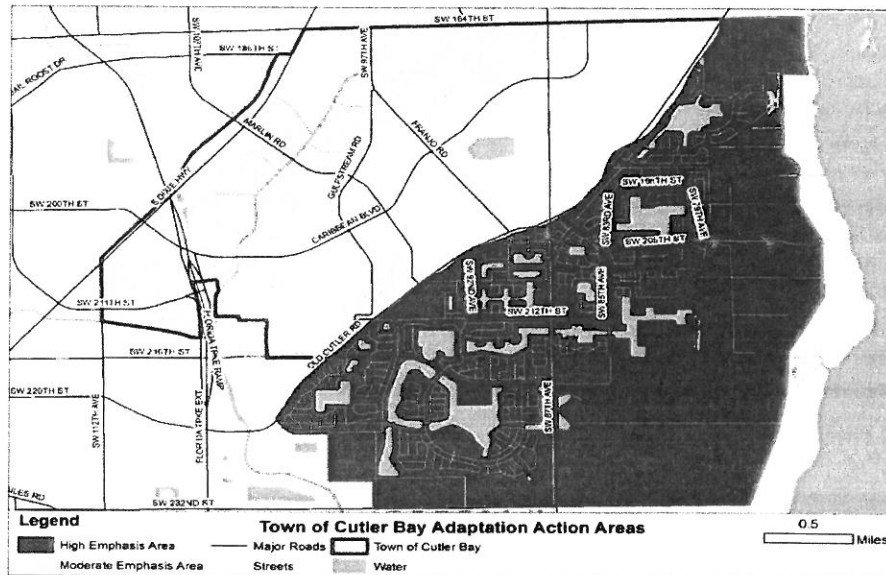
JS/dp

Enclosure(s): DEO Comments  
Procedures for Adoption

cc: Kathryn Lyon, AICP, CMF, Planning and Zoning Director, Town of Cutler Bay  
Isabel Cosio Carballo, Executive Director, South Florida Regional Council

**Town of Cutler Bay  
(Amendment No. 16-1ER)  
Technical Assistance Comments**

**Exhibit CC-1. Adaptation Action Areas**



## Technical Assistance

### Comments

1. Recent 2015 Florida legislative changes known as “Peril of Flood” (Section 163.3178(2)(f), F.S.) direct coastal communities to address principles that must be used to eliminate inappropriate and unsafe development in coastal areas when opportunities arise. The Town could include the required strategies in the Coastal Management Element.
2. The Town’s proposed Climate Change Element generally can be divided into two sections, a Greenhouse Gases/Carbon Dioxide reduction section and an AAA, storm and sea level rise section. It may be useful to recognize and label these distinct sections and, to develop the GOPs addressing the recent 2015 “Peril of Flood” requirements within the Coastal Management Element and clearly link these related plan elements.
3. Not all of the public infrastructures upon which the City depends may be within the Town’s management control (e.g. sanitary sewer service). Adaption strategies and actions at the Town level are still important in directing these public infrastructure components to better withstand the impacts of storms and sea level rise. The Town can help guide adaptive management functions for all important public and private infrastructure in the jurisdiction by helping to identify, prioritize and coordinate with responsible service providers during other planning and land development review processes.

4. The Town's adopted AAA (essentially the land from east of Old Cutler Bay Road) is clearly divided into two distinct areas. Facing the shoreline and inclusive of most of the delineated Coastal High Hazard Zone is a *nature-based coastal defense area* made-up of important coastal wetland buffers. A bit more inland, but within the FEMA identified "AE 8-12" flood zones are developed areas where a greater degree of prioritizing funding for infrastructure could occur.

For planning and budget purposes, it may be useful to better segregate and memorialize these two distinct areas within the AAA. For the purpose of prioritizing funding for infrastructure needs, the developed areas of the AAA will require a particular focus, while the natural waterside buffer portion a different focus. Most of the costly future adaption infrastructure items will likely arise in the developed area of the AAA. Again, this distinction is useful since the primary purpose for designating an adaption action area is to identify and prioritize infrastructure adaptation costs.

5. AAA and sub-area delineation *is intended for the purpose of prioritizing funding for infrastructure needs* and adaptation planning. Within the emphasis areas Cutler Bay has identified (i.e., Moderate and High), the Town could consider identifying both private and public infrastructures that are vital to the community's function and which would benefit adaption planning for rising sea level and post disaster event recovery.

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS**

**FOR STATE COORDINATED REVIEW**

**Section 163.3184(4), Florida Statutes**

**May 2011**

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ Department of Economic Opportunity identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format;

\_\_\_\_\_ In the case of future land use map amendment, an adopted future land use map, in **color format**, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the Department of Economic Opportunity posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

\_\_\_\_\_ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity to the ORC report from the Department of Economic Opportunity.