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MEMORANDUM

To: Jared E. Munster, Ph.D., AICP, CFM, Community Development Director

From: Scarlet R. Hammons, AICP CTP, Planning Consultant

Date: August 11, 2020

Re: Town of Cutler Bay 2020 Update to the Water Supply Facilities Work Plan and Comprehensive Plan Amendment – SECOND READING

REQUEST

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING A 10 YEAR WATER SUPPLY FACILITIES WORK PLAN AND AMENDING THE TOWN'S COMPREHENSIVE PLAN (GROWTH MANAGEMENT PLAN) TO STRENGTHEN COORDINATION BETWEEN WATER SUPPLY AND LOCAL LAND USE PLANNING AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Transmittal of the Town's proposed 10-Year Water Supply Facilities Work Plan Update and related Comprehensive Plan amendment in compliance with State requirements for local water supply planning.

BACKGROUND AND ANALYSIS

The Town of Cutler Bay is subject to the jurisdiction of the South Florida Water Management District (SFWMD) in regard to State requirements for local water supply planning. The SFWMD has concluded that traditional water supply sources will not be sufficient to meet the water needs of the growing South Florida population. As a result, the Florida Legislature enacted seven (7) bills in Sessions between 2002 and 2016 in order to address the State's water supply needs, as potential limitations on the continued use of traditional water supplies became increasingly apparent.

Chapter 163, F.S. requires all local municipalities to update their 10-Year Water Supply Facilities Work Plan and adopt that plan into the comprehensive plan within 18 months of the SFWMD's approval of the Lower East Coast Water Supply Plan. The work plan and the comprehensive plan amendments must address the development of traditional and alternative water supplies and

conservation and reuse programs that are necessary to serve existing and new development for at least a 10-year planning period. The Lower East Coast Water Supply Plan was approved on November 8, 2018. Therefore, the deadline for local governments within the Lower East Coast jurisdiction to amend their comprehensive plans to adopt a Work Plan Update is May 2020.

It should be noted that the Town's recent historical user rate is averaging 68 gallons per capita, per day. This consumption rate is much lower than the adopted level of service of 155 gallons per capita, per day. However for planning projection purposes, the Town's adopted LOS of 155 is used.

The First reading of the Water Supply Plan and related amendments occurred at the July 17, 2020 council meeting. At that time, the Council voted unanimously to transmit the application to the Department of Economic Opportunity (DEO). DEO along with the various review agencies provided comments to the Town in a letter dated July 23, 2020 (see attached Exhibit "A"). The plan and related Growth Management Plan amendments have been revised in response to the review comments.

The purpose of this request is to adopt and transmit the Town's 2020 10-Year Water Supply Facilities Work Plan and the related amendments to the Growth Management Plan. A copy of the proposed Water Supply Facilities Work Plan, the related Growth Management Plan amendments, the review letter from the DEO and the written response to the comments are attached.

RECOMMENDATION

Town Staff recommends **approval adoption on Second Reading** and to transmit the proposed update of the 10-Year Water Supply Facilities Work Plan and related proposed Comprehensive Plan amendments to the Department of Economic Opportunity.

ATTACHMENTS

- Exhibit "A" –Agency Review Comments (*dated August 11, 2020*)

MEMORANDUM

Date: August 11, 2020

From: Scarlet Hammons, AICP CTP, Planning Consultant

To: Ray Eubanks, Department of Economic Opportunity

Subj: Response to Agency Comments on the Town of Cutler Bay 2020 10 Year Water Supply Facilities Work Plan and Comprehensive Plan Amendments

The Department of Economic Opportunity (DEO) and the State review agencies completed their review of the Town of Cutler Bay 2020 10 Year Water Supply Facilities Work Plan and Comprehensive Plan Amendments, issuing a letter dated July 23, 2020. While the DEO had no comments, the Town received the following comments from the South Florida Water Management District and the Miami-Dade County Department of Regulatory and Economic Resources. No other agency provided comments. Each comment is addressed below.

South Florida Water Management District Comments and Responses

The South Florida Water Management District (District) has completed its review of the proposed amendment package from the Town of Cutler Bay (Town). The amendment package proposes the Town's 10 Year Water Supply Facilities Work Plan 2020 Update (Work Plan). The District provides the following comments under Section 163.3184(3)(4)(g) Florida Statutes (F.S.). The important state resource impacted by this amendment is regional water supply. These comments need to be addressed before final adoption of this amendment. If these comments are not addressed prior to adoption, the District may recommend the state land planning agency, the Department of Economic Opportunity, challenge the amendment:

Comments on the Comprehensive Plan Goals, Objectives, and Policies:

SFWMD Comment #1: The implementation of the proposed Work Plan is not included in the Town's Policies. Include a policy in the Comprehensive Plan adopting the Town's updated Work Plan by reference (Section 163.3177(1)(b) F.S.). The Statute states: "The reference must identify the title and author of the document and indicate clearly what provisions and edition of the document is being adopted." The District has drafted the following example draft policy for use by local governments in adopting Work Plans by reference:

"[The Local Government] hereby adopts by reference the Water Supply Facilities Work Plan (Work Plan), dated xxxx, for a planning period of not less than 10 years. The Work Plan addresses issues that pertain to water supply facilities and requirements needed to serve current and future development within the [Local Government's] water service area. [The Local Government] shall review and update the Work Plan at least every five (5) years within 18 months after the governing

board of the water management district approves an updated regional water supply plan. Any changes affecting the Work Plan shall be included in the annual Capital Improvements Plan update to ensure consistency between the Work Plan and the Capital Improvements Element."

Response:

Policy C-2H is amended and revised as follows:

Policy C-2H: ~~Implementation of the 2015 20 year water supply facilities work plan update will ensure that adequate water supplies and public facilities are available to serve the water supply demands of the Town's growing population.~~

The Town of Cutler Bay hereby adopts by reference the Water Supply Facilities Work Plan (Work Plan), dated August 26, 2020 for a planning period of not less than 10 years. The Work Plan addresses issues that pertain to water supply facilities and requirements needed to serve current and future development within the Cutler Bay water service area. The Town shall review and update the Work Plan at least every five (5) years within 18 months after the governing board of the South Florida Water Management district approves an updated regional water supply plan. Any changes affecting the Work Plan shall be included in the annual Capital Improvements Plan update to ensure consistency between the Work Plan and the Capital Improvements Element.

SFWMD Comment #2: Remove Infrastructure Element Policy I1-4C which incorporates the Miami-Dade County Water Supply Facilities Work Plan dated July 2007 and revised April 2008. The Miami-Dade document is no longer the most current information.

Response: Policy I1-4C is amended and revised as follows:

Policy I1-4C: The Miami-Dade County Water Supply Facilities Work Plan, as prepared by the Miami-Dade County Department of Water and Sewer, dated November, 2014 ~~July, 2007 and revised April 2008~~ is incorporated by reference into the Town of Cutler Bay Growth Management Plan.

SFWMD Comment #3: Remove the Policies Infrastructure Element Policy I1-4A, Conservation Element Policy C-2H and any other Policies in the Comprehensive Plan requiring the Town to incorporate the Work Plan into the Town of Cutler Bay Growth Management Plan. This amendment, adopting the Work Plan by reference, will complete the requirement established in these Policies.

Response: See response to Comment #1 above. The following policy is being deleted:

Policy I1-4A: ~~Comply with the 2015 20 year Water Supply Facilities Work Plan Update adopted on May 28, 2015 and incorporate such work plan into the Town of Cutler Bay Growth Management Plan.~~

Comments on the 10-Year Water Supply Facilities Work Plan 2020 Update (Work Plan):

SFWMD Comment #4: Include in Section 4 Conservation a description of the Town plans for implementation of the Mandatory Year-Round Landscape Irrigation Conservation Measures (Chapter 40E-24, F.A.C.). To assist local governments, the District has drafted model ordinances and codes for Year-Round Restriction and Water Shortage Restrictions. These models have been vetted for completeness and legal accuracy and can be viewed on the District's Local Government Model Ordinances and Codes webpage, found via this link: <https://www.sfwmd.gov/doing-business-with-us/local-governmentmodel-ordinances-and-codes>. This page contains other information Town staff may find helpful.

Response: The Town will review the model ordinances provided through the District's resources and determine future action as appropriate, utilizing available resources. The Town has previously adopted water conservation and emergency water restriction enforcement regulations through Ordinance 11-09 on July 26, 2011. The Town of Cutler Bay has been committed to becoming a sustainable Town, to that end, the Town has initiated the Environmental Stewardship program for businesses. Adopted by the Town Council in 2019, the program enhances the Town's Green Master Plan, which aims to protect and improve the Town's built and natural environment.

The program encourages and recognizes businesses that conserve natural resources, such as water, among others; reduce the hazardous materials and generation of hazardous waste; take affirmative steps to prevent pollution; and implement many other green-friendly initiatives.

Additionally, the Town's website provides a link to the Miami-Dade Water and Sewer webpage containing all regulations for landscape watering restrictions. It is noted at the top of the webpage that water restrictions are permanent and enforced year-round. Ordinance 11-09 adopted the permanent landscaping irrigation restrictions of the Miami-Dade County Code.

SFWMD Comment #5: Include a description of areas of domestic self-supply within the Town. The Map of Current Areas Served by Miami-Dade Water and Sewer Department shows service points for water distribution within the Town, However, it does not show areas in the Town that are served by domestic self-supply or small potable water systems. If applicable, describe geographical areas and projected withdrawal amounts for existing and future domestic self-supply systems. Include details of future plans to provide regional water service to these areas within the planning period. If not applicable, please include a statement indicating the Town has no areas of domestic self-supply.

Response: After review of County and Town records, it has been determined they are incomplete with respect to self-supply systems. The map depicting the service points in the Town shows extensive coverage to the extent that if or where self-supply is occurring, it is at a very insignificant level in relation to the Town as a whole. Therefore, mapping of domestic self-supply properties is not applicable.

Miami-Dade County Department of Regulatory and Economic Resources Comments and Responses

The Miami-Dade County Department of Regulatory and Economic Resources (Department) has reviewed the proposed 10-Year Water Supply Facilities Work Plan Update and Growth Management Plan Amendments, for the Town of Cutler Bay. Our reviews are conducted to identify points of consistency or inconsistency with the goals, objectives, policies, and relevant provisions of the Miami-Dade County Comprehensive Development Master Plan (CDMP), and whether the proposed amendments impact County public facilities and services.

Based on the information provided and the County CDMP's goals, objectives and policies, the proposed amendment is consistent with the County's CDMP. The Miami-Dade Water and Sewer Department, offer the following courtesy comments for your consideration:

Introduction

MDC RER Comment #1: Page 4: WASD has submitted a draft update for the County's Water Supply Facilities Work Plan (Work Plan) to South Florida Water Management District (SFWMD) for review and comment. Said update to the Work Plan is for a 10-year planning horizon. Upon receipt of SFWMD's comments, the Work Plan will be finalized and will be submitted to the State Land Planning Agency and other reviewing agencies, and subsequently will be scheduled for adoption by the Miami-Dade County Board of County Commissioners (BCC).

Response: The introduction (page 4 of the Work Plan) have been revised.

Section 4: Water Supply Facilities Work Plan

MDC RER Comment #2: Page 8: Table A: Population Projections: The 2019 population data for Miami-Dade County and WASD reflects the information for 2018. The 2019 population projection for the County and WASD is 2,747,824, and 2,382,067, respectively.

Response: The populations projections (page 8 of the Work Plan) have been revised.

MDC RER Comment #3: Page 11: Water Supplier Information: The water supply projects in WASD's current Water Use Permit (WUP), which expires in February 9, 2035, addresses anticipated demands in the County's draft 10-year (2020-2030) Work Plan. These projects will undergo further refinement as necessary as conditions evolve, and any updates to address longer-term demands will be reflected in future WUP modifications submitted to SFWMD. Currently, WASD is preparing a WUP modification which is anticipated to include optimization of Biscayne Aquifer (BA) water supplies through improved wellfield operations and the C-51 Reservoir project.

Response: The Water Supplier Information (page of 11 of the Work Plan) has been revised.

MDC RER Comment #4: Pages 12-13: Reuse and WASD Specific Regulations: The reuse projects referenced in this Section, which were included in the previous County 2014 Work Plan, have been revised and wastewater reuse to address water supply demands is no longer required. At the present time, WASD is evaluating all potential cost-effective projects to increase the reuse of reclaimed wastewater and remains committed to meeting the Ocean Outfall Legislation (OOL) requirements. WASD is currently implementing a total of 16.49 Million Gallons per Day (MGD) of reuse at each of the Wastewater Treatment Plants, primarily for in-plant (process water) use. In addition, WASD will be providing up to 15 MGD of reclaimed water from the South District Wastewater Treatment Plant to the FPL facilities at Turkey Point, per Miami-Dade County Resolution No. R-579-20 approved by the BCC on June 16, 2020.

Response: Reuse and WASD Specific Regulations (pages of 12 and 13 of the Work Plan) have been revised.

MDC RER Comment #5: Page 14: Potable Water Level of Service Standard: Utilizing 155 gallons per capita per day (gpcd) for calculating the Town's water demand, yields a higher demand than anticipated for the Town. Said per capita was the County's systemwide per capita included in the County's 2008 Work Plan (County's current systemwide per capita is 137.86 gpcd). Therefore, it is recommend that the Town's current per capita of 68 gpcd be utilized for the Town's User Level of Service (LOS) and for calculating projected water demands to be consistent with the projected demands that WASD has included for the Town in the updated County Work Plan.

Response: Potable Water Level-of-Service Standards (pages of 12 and 13 of the Work Plan) have been revised, the standard is no longer 155 gpcd, it was revised to 74 gpcd in the Town's previous Work Plan update.

Section 5 – Work Plan Projects/Capital Improvement Element/Schedule

MDC RER Comment #6: Page 17: WASD's most current adopted Capital Budget/Multi Year Plan is available at the County's website: <https://www8.miamidade.gov/global/water/publications-reports.page>

Response: The most current and best available capital budget information was utilized at the time this Work Plan was drafted.

Section 6 – Comprehensive Plan Goals, Objectives and Policies

MDC RER Comment #7: Page 20: Infrastructure Element: Policy II-1A: See comment for Potable Water Level of Service Standard, page 14.

Response: The Level of Service Standard has been revised.

MDC RER Comment #8: Page 21: Monitoring Measure II-4: The County's Work Plan is anticipated to be adopted for a 10-year planning horizon.

Response: Monitoring Measure II-4 was revised.

MDC RER Comment #9: Policy II-4C: Recommend revising policy to refer to the most current adopted Miami-Dade County Work Plan.

Response: Policy II-4C was revised.

MDC RER Comment #10: Conservation Element: Policy C-2H: Recommend revising policy to refer to the most current adopted Miami-Dade County Work Plan.

Response: Policy C-2H was revised.

MDC RER Comment #11: Policy C-2M: Recommend revising language from "The Town will encourage the use of sub-metering or all multi-unit residential development" to "The Town will require the use of sub-metering or all multi-unit residential development" as required by Section 8A-381 of the Miami-Dade County Code.

Response: Policy C-2M was revised.

MDC RER Comment #12: Policy C-2N: Recommend revising language from "The Town will encourage the use of Florida Friendly Landscapes guidelines and principles" to the Town will require the use of Florida Friendly Landscape guidelines and principles" as required by landscape standards in Section 18-A and 18-B of the Miami-Dade County Code.

Response: Policy C-2N was revised.