

Memorandum



Date: November 8, 2021

To: Lourdes M. Gomez, AICP, Director
Department of Regulatory and Economic Resources

From: Rashid Istambouli, P.E.
Department of Regulatory and Economic Resources

Subject: Z2021000031
Kendall Associates I, LLLP
9400 SW 130th Avenue - revision
DBC GU & EU-M to PAD for new residential development
(EU-M) (169.274 Acres)
02-55-39

A handwritten signature in black ink, appearing to read "Rashid Istambouli".

The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) has reviewed the above-referenced zoning application for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) for potable water service, wastewater disposal, and wellfield protection. Based on the information provided, this zoning application is approved pursuant to Section 24-43.1 and Section 24-43(5) of the Code.

Tree Preservation

An aerial review of the subject properties indicates the presence of tree resources, including specimen trees (a tree with a trunk diameter at breast height of 18 inches or greater). Section 24-49 of the Code provides for the preservation and protection of specimen tree resources whenever reasonably possible. A Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. Projects and permits shall comply with the requirements of Sections 24-49.2 and 24-49.4 of the Code, including the specimen tree standards.

On May 4, 2021, the applicant submitted a tree permit application and supporting information to remove tree resources, including specimen trees. Subsequently, on May 13, 2021, DERM biologists inspected the subject properties and the on-site tree resources with the certified arborist representing the applicant. This inspection determined that 156 specimen trees were in very poor, poor, or fair condition and were not good candidates for preservation. However, DERM identified specimen trees that are in good condition and should be preserved. On August 13, 2021, the applicant submitted revised site plans for the Tree permit application and has agreed to preserve in place or relocate the specimen trees discussed with the applicant's arborist. The applicant will be required to obtain the Tree permit and place a covenant on the specimen trees to be preserved prior to any tree removal or relocation.

In accordance with Section 24-49.9 of the Code, all plants prohibited by Miami-Dade County shall be removed from all portions of the properties prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species. Please contact Merlyn Robles at Merlyn.Robles@miamidadecounty.gov for additional information or concerns regarding this review.

Conditions of Approval: Obtain DERM Tree Permit

Wellfield Protection

The subject property is located within the Basic Wellfield Protection Area of the West Wellfield Interim and Southwest Wellfields. Therefore, development on the subject property shall be in accordance with regulations established in Section 24-43 of the Code.

Conditions of Approval: None

Potable Water Service and Wastewater Disposal

Based on the proposed district boundary change for the construction of 550 single-family residences connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements. Based on DERM records, WASD agreement No. 31022 and points of connections for water and sewer system have been issued.

Be advised that the required water main extension permit is issued by the Florida Department of Health. Civil drawings for the water main extension will need to be approved by the Miami-Dade Water and Sewer Department and the Environmental Permitting Section of RER.

Civil drawings for the required sewer main extension will need to be approved by Miami-Dade Water and Sewer Department and DERM Water and Wastewater Division prior to the approval of final development orders. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Please note that some of the collection/transmission facilities, which includes sanitary sewer gravity sewer mains, sanitary sewer force mains, and sanitary sewer pump stations, throughout the County do not have adequate capacity, as defined in the Consent Decree between Miami-Dade County, Florida Department of Environmental Protection and the U.S. Environmental Protection Agency case 1:12-cv-24400-FAM. Under the terms of this Consent Decree, this approval does not constitute an allocation or certification of adequate treatment and transmission system capacity. At the time of building permits, DERM will evaluate and may reserve sanitary sewer capacity, through the DERM sanitary sewer certification process, if the proposed development complies with the provisions of the Consent Decree. Building permits for development in sanitary sewer basins which have been determined not to have adequate capacity cannot be approved until adequate capacity becomes available.

Conditions of Approval: None

Stormwater Management

An Environmental Resource Permit from the South Florida Water Management District (1-800-432-2045) will be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to any future development order approval. It is the applicant's responsibility to contact the above-mentioned agency for further information regarding permitting procedures and requirements.

Stormwater shall be retained on-site utilizing a properly designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year / 1-day storm event.

Site grading and development plans shall comply with the requirements of Chapter 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required for this proposed development order.

Pursuant to Sections 24-48.1(1)(b)& 24-48.1(1)(f) of the Code, the applicant is advised that a DERM Class II or Class VI Permit shall be required if the new proposed surface water management system will have an overflow outfall to any water body in Miami-Dade County, including, but not limited to, canals, rivers, lakes and/or tidal water bodies.

Conditions of Approval: None

Pollution Remediation

DERM notes the site plan and lake excavation plan submitted in support of the requested district boundary change show proposed drainage lakes and drainage features. Please be advised that the site has records of environmental site investigation tracked under Former Calusa Golf Course (DERM file AW-209). An environmental site investigation report has not been submitted for DERM review. Please note that drainage features cannot be located in areas that exceed the groundwater clean-up target levels in the code that could cause plume dispersion. DERM notes the applicant has not submitted drainage plans for DERM Pollution Remediation Section review and approval, therefore the location of the proposed drainage features as shown on the site plan and lake excavation plan have not been reviewed or approved by DERM.

All drainage features, inclusive of lakes shown on the site plans submitted with this zoning application are conceptual and subject to a future review and approval of Paving and Drainage Plans by DERM.

Based on the past golf course use of the site, DERM requires that a Phase 1 and Phase 2 Environmental Site Assessment prepared in accordance with ASTM standards be conducted at the site prior to site development and prior to the submittal of site development plans through the building department review process.

DERM review and approval of an environmental site investigation report shall be required. Further, all construction plans (inclusive of drainage) and dewatering plans shall require review and approval from the DERM Environmental Monitoring and Restoration Division as it relates to environmental contamination issues. Any contaminated portion of the site that is proposed to be sold, transferred, or dedicated (including, but not limited to, for public right-of-way) to any public entity shall be identified on the tentative and final plat plans for this development. If any contaminated portion of the site is proposed to be sold, transferred, or dedicated to the County, please note that all soil, groundwater, or surface water contaminants, solid waste, and methane must be disclosed to the applicable County department at the earliest stage possible. The applicable County departments would include all departments that would receive or manage the proposed property, and for example, would include PROS for a park and DTPW

for road right-of-way. Please note that the presence of any such contamination, solid waste, or methane or a delay by the applicant in disclosing such contamination or impacts to the applicable County departments could result in the county declining to accept the proposed dedication. This may in turn result in the need for the developer to reconfigure or change previously approved site plans, or make other changes to the proposed development, which may require approval after a public hearing.

If an applicant elects to address soil contamination, groundwater contamination, solid waste, and methane via a No Further Action with Conditions, each individual property owner will be required to execute a restrictive covenant.

Please note that nothing stated herein may be interpreted to limit or restrict an engineer's or other professional's responsibility to prepare plans accurately and completely for proposed rights-of-way as well as any other projects or plans. Please contact Thomas Kux, P.G. at Thomas.kux@miamidade.gov if you have any questions.

Conditions of Approval:

All drainage features, inclusive of lakes, are conceptual and subject to a future review and approval of Paving and Drainage Plans by the Miami-Dade County Division of Environmental Resources Management.

Pollution Regulation

Fill material to be used to fill the on-site lakes shall be limited to clean fill as defined in Section 24-5 of the Code that is free of contamination. The petitioner is advised that the use of clean fill materials originating from any source other than a rock mining quarry located in Miami-Dade County requires pre-approval from DERM, which may also involve the completion of analytical testing of the fill material in accordance with the published DERM Soil Reuse Guidance.

A Resource Recovery and Management Facility Limited to Lakefill Operating Permit issued by DERM in accordance with the provisions of Section 24-18 of the Code may also be required prior to commencement of lake filling activities. At least ninety (90) days prior to commencement of lakefill activities, the petitioner shall contact the DERM Environmental Permitting Section to obtain further guidance regarding the applicability of the aforementioned permitting provisions and to provide the sources, types and quantities of fill material intended to be used and approximate commencement date and duration of filling activities. For further assistance on this matter, please contact Johnny Vega, P.E. of the DERM Pollution Regulation Division at (305) 372-6600 or via email at vegajo@miamidade.gov.

Conditions of Approval: None

Comprehensive Development Master Plan- Conservation, Aquifer Recharge and Drainage Element

Objective CON-9

Objective CON-9 of the CDMP states that "Freshwater fish, wildlife and plants shall be conserved and used in an environmentally sound manner and undeveloped habitat critical to federal, state or County designated endangered, threatened, or rare species or species of special concern shall be preserved."

Although the subject property is not undeveloped, it was previously developed as a golf course, the first part of the objective continues to apply and is relevant to the analysis below.

In addition, Policy CON-9B states that “All nesting, roosting and feeding habitats used by federal or State designated endangered or threatened species, shall be protected and buffered from surrounding development or activities and further degradation or destruction of such habitat shall not be authorized.”

In addition, Policy CON-9C states, “Rookeries and nesting sites used by federal or State designated endangered or threatened species shall not be moved or destroyed.”

Federally endangered and State threatened species

As part of this zoning application, the applicant submitted the “Calusa Country Club Environmental Assessment Report” and the “Calusa Country Club Florida Bonneted Bat Acoustic Survey Report” prepared by Passarella and Associates and dated February 2021 and April 2021, respectively. Subsequently, the applicant submitted a follow-up report on September 29, 2021. These reports document that two species listed as state threatened by the Florida Fish and Wildlife Conservation Commission were observed on-site, the little blue heron (*Egretta caerulea*) and the tri-colored heron (*Egretta tricolor*). The reports do not indicate how these species were utilizing the site.

On September 29, 2021, the applicant submitted a report indicating that a rookery was identified on the southern portion of the site and the birds that were observed “consisted predominantly of cattle egrets (*Bubulcus ibis*) with snowy egrets (*Egretta thula*), great egrets (*Ardea alba*), and anhingas (*Anhinga anhinga*) in lesser numbers”. None of the identified birds are federal or state listed threatened or endangered species. Furthermore, only the snowy egret is a County designated endangered, threatened, rare or special concern fauna species. Staff further notes, that the statement that a rookery is present on-site was based on observations by representatives of the applicant that some of the birds were fledglings and too young to be able to fly. No active nests were directly observed. DERM confirmed this observation during an inspection on October 4, 2021. The applicant has agreed to conduct site inspections once every other month, during the Florida Fish and Wildlife Conservation Commission’s recommended wading bird survey period for Florida’s South Zone. DERM recommends that the applicant conduct monthly surveys between March 2022 and August 2022, which is the wading bird survey period for Florida’s South Zone. Further, based on the Florida Fish and Wildlife Commission’s Species Conservation Measures and Permitting Guidelines (attached) DERM recommends that prior to obtaining a soil improvement permit, building permit, or tree removal permit within 330 feet of the documented rookery, the applicant submit these surveys to DERM, demonstrate how the nesting, feeding, and roosting habitat of the little blue heron, the tricolored heron, and any other Federal or state threatened, or endangered species will be protected and buffered from the proposed development and to ensure further degradation of such habitat is not authorized, and a plan for DERM’s review and approval demonstrating how County designated species shall be conserved.

In addition, the Acoustic Survey Report documents that the Florida bonneted bat (*Eumops floridanus*), a species listed as federally endangered by the U.S. Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission was identified on-site. This report identified 2,048 Florida bonneted bat calls that indicated roosting is likely occurring nearby, but also identified social calls within the subject application area. While the acoustic survey was conducted over 28 nights for multiple hours each night, the environmental assessment documenting the other listed species was conducted on one day from 9:45 am to 3:00 pm.

County listed species

The “Calusa Country Club Environmental Assessment Report” also documented three species listed as County Endangered, Threatened, Rare, and Special Concern Flora In Miami-Dade County as described in Appendix B of the Conservation, Aquifer Recharge and Drainage Element of the CDMP. These are the Osprey (*Panidon haliaetus*), the Snowy Egret (*Egretta thula*) and the White Ibis (*Eudocimus albus*).

On June 10, 2021, the applicant submitted a letter to DERM proposing six best management practices (BMPs) consistent with the guidance from the U.S. Fish and Wildlife Service for how the applicant will preserve the roosting and social behaviors of the Florida bonneted bat. DERM is working with the applicant to supplement and implement these BMPs.

Condition of Approval: Prior to obtaining the earlier of a soil improvement permit, building permit, or tree removal permit within 330 feet of the documented rookery, the Applicant shall submit to DERM: (i) the results of six (6) site inspections to be conducted every month between March 2022 and August 2022, during the Florida Fish and Wildlife Conservation Commission’s recommended wading bird survey period for Florida’s South Zone; and (ii) a plan for DERM’s review and approval demonstrating how the nesting, feeding, and roosting habitat of the little blue heron, the tricolored heron, and any other Federal or state threatened, or endangered species will be protected and buffered from the proposed development and to ensure further degradation of such habitat is not authorized; (iii) a plan for DERM’s review and approval demonstrating how County designated species shall be conserved and (iv) agreement to implement the Florida bonneted bat best management practices (BMPs) that have been approved by DERM. The applicant has acknowledged that compliance with this condition could result in the permitted scope of the development being reduced.

DISCLOSURE RELATED TO CRITICAL HABITAT FOR ENDANGERED SPECIES.

PLEASE BE ADVISED THAT IF THE FEDERAL GOVERNMENT DESIGNATES ALL OR A PART OF THE SUBJECT PROPERTY AS CRITICAL HABITAT FOR ONE OR MORE ENDANGERED SPECIES. YOU ARE NOT AUTHORIZED TO COMMENCE ANY WORK OR ACTIVITIES PURSUANT TO THIS APPROVAL UNTIL YOU OBTAIN ANY AND ALL APPROVALS OR PERMITS, IF NECESSARY, FROM THE FEDERAL GOVERNMENT PURSUANT TO THE ENDANGERED SPECIES ACT. PLEASE BE ADVISED THAT, EVEN AFTER WORK COMMENCES, IF MIAMI-DADE COUNTY IS ADVISED BY THE FEDERAL GOVERNMENT, THE STATE OF FLORIDA, OR A COURT THAT AN ACTIVITY ON THE SUBJECT PROPERTY IS IN VIOLATION OF THE ENDANGERED SPECIES ACT, IN VIOLATION OF FLORIDA LAW ON ENDANGERED SPECIES, OR IN VIOLATION OF A PERMIT OR APPROVAL GRANTED BY THE FEDERAL GOVERNMENT PURSUANT TO THE ENDANGERED SPECIES ACT, SUCH VIOLATION MAY RESULT IN AN IMMEDIATE STOP WORK ORDER OR OTHER COUNTY ACTION.

YOU ARE STRONGLY ADVISED TO CONSULT WITH THE UNITED STATES FISH AND WILDLIFE SERVICE AND ANY OTHER NECESSARY FEDERAL OR STATE AGENCIES BEFORE CONDUCTING ANY WORK OR ACTIVITIES ON THE PROPERTY. THE VERO BEACH OFFICE OF THE UNITED STATES FISH AND WILDLIFE SERVICE MAY BE REACHED AT (772)562-3909. PLEASE BE AWARE THAT THE FEDERAL GOVERNMENT MAY REQUIRE CERTAIN ACTIONS OR PROTECTIONS ON THE PROPERTY, AND THIS MAY RESULT IN THE NEED TO FILE COUNTY APPLICATIONS TO MODIFY THE PLANS FOR THE PROPERTY. THEREFORE, IT IS RECOMMENDED THAT YOU CONSULT WITH THE UNITED STATES FISH AND WILDLIFE SERVICE AT AN EARLY STAGE IN THE PROCESS. IN THE EVENT THAT THE UNITED STATES FISH AND WILDLIFE SERVICE ADVISES THAT YOUR PLANS FOR THE SUBJECT PROPERTY MAY RESULT IN A "TAKE" OF ENDANGERED

OR THREATENED SPECIES, YOU ARE STRONGLY RECOMMENDED TO INFORM MIAMI-DADE COUNTY IN WRITING AT THE EARLIEST STAGE POSSIBLE.

Enforcement History

The subject property has no open and three (3) closed enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information. There are no outstanding DERM liens or fines for the subject property.

Concurrency Review Summary

A concurrency review has been conducted for this application and DERM has determined that the same meets all applicable LOS standards for an initial development order as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. This concurrency approval is valid only for this initial development order. Pursuant to Chapter 33G of the Code, a final concurrency statement will be issued at the time of final development order.

If you have any questions concerning the comments or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

cc: Nathan Kogon, Department of Regulatory and Economic Resources