

## **ELC Wins Urban Boundary Expansion Challenges...**

Maintaining the land use planning boundaries, tiers or other mechanisms in county comprehensive plans to prevent urban sprawl into rural and sensitive areas is a key focus of environmental and growth management advocates, and a primary area of our expertise. In early 2009 we have had two major legal victories in southeast Florida in challenges to urban expansions in Palm Beach and Miami-Dade Counties.

### **Palm Beach County Suburban Tier Cases**

In late January 2009, an Administrative Law Judge from the Division of Administrative Hearings issued a Recommended Order in our favor and ruling against two urban tier expansions previously adopted by Palm Beach County. One proposal would have re-designated the 98 acre "Balsalmo" parcel in Northlake region of the County, adjacent to the Vavrus Ranch, which contains wetlands critical to the Loxahatchee River, and is part of the connected system of sensitive and rural lands that include Mecca Farms and other parcels connected to the Corbett Wildlife Management Area, the Loxahatchee Slough, Hungryland Slough and other natural areas. The law judge ruled that the proposed ten fold increase in residential densities was not needed to meet projected growth demands and otherwise violated the comprehensive plan's criteria for allowing the conversion of rural lands to suburban uses.

The second proposed change would have converted a 26 acre parcel, known as the "Lantana Farms" site, from the Rural to the Urban/ Suburban Tier, and similarly encroached into one of the few remaining rural areas in the County at a time when the existing supply of urban land to meet the county's projected growth needs is more than adequate. The law judge ruled in our favor on the same grounds.

These two land use changes were the first under County rules revised in 2006 and are thus a crucial test and precedent for the integrity of the County's urban tier approach, which is key to preventing urbanization in the remaining wilderness areas of the County. When the County ignored those rules, and the state failed to enforce them, we stepped in on behalf of a local citizen, Rosa Durando, and the state-wide growth management watchdog 1000 Friends of Florida, took the cases to trial and prevailed.

Florida's Governor and Cabinet make all final decisions for the state under Florida's planning law, and are expected to review the law judge's sound recommendations sometime this summer.

### **Miami- Dade County Urban Development Boundary Cases**

The central feature of the Miami-Dade County Comprehensive Plan's policy to prevent urban sprawl is its Urban Development Boundary (UDB), which is consistently under pressure from builders seeking cheaper land in the County's rural areas. When the County Commission voted to move the UDB for two development projects, over the objections of its own planning staff, Mayor, and the state, we joined the Florida

Department of Community Affairs in a legal challenge. This spring, the law judge ruled in our favor and against a 50 acre proposed “Lowes Home Improvement” proposal on the basis that it would constitute a gratuitous conversion of rural and wetlands to a commercial use that could easily be accommodated within the current UDB. The law judge recommended that the UDB expansion for the 42 acre “Brown” parcel be found to comply with the law due to a projected deficit of farmland in the relevant sub-area of the County prior to the year 2014.

When these cases are heard by the Governor and Cabinet – likely in late summer 2009 – we will be arguing that the need to maintain agricultural land and prevent sprawl from encroaching ever closer to the Everglades far outweigh any projected future deficit of lands available for commercial uses and will be asking the state to find that both proposed UDB expansions violate state law.

With a number of similar proposals pending before the County, one of them a proposed “new town”, the final rulings in these cases will be crucial to the future integrity of the UDB in Miami-Dade County. Maintaining that line in the southern Everglades of Miami-Dade County (including Water Conservation Areas, Everglades National Park, Shark River Slough, the Biscayne Bay Coastal Wetlands and other areas) is one of the most important tasks necessary to restore the Everglades, and the primary focus of our work with the *Hold the Line* Coalition of community and environmental organizations.