

ATTACHMENT 7.A.

RED Environmental Comments
PC 22-5
 Page 1



**RESILIENT ENVIRONMENT DEPARTMENT (RED)
 REVIEW AND COMMENTS ON
 PROPOSED BROWARD COUNTY LAND USE PLAN MAP
 AMENDMENT**

For: Broward Planning Council

Applicant: Waste Management Inc. of Florida

Amendment No.: PC 22- 5

Jurisdiction: Broward Municipal Services District

Size: Approximately 24.2 acres

Existing Use: Non-operational waste-to-energy incinerator facility and solid waste transfer station

Current Land Use Designation: Electrical Generation Facilities

Proposed Land Use Designation: Commerce

Estimated Net Effect: **Addition** of 24.2 acres of commerce use
Reduction of 24.2 acres of electrical generation facilities use.

Location: In Section 16, Township 48 South, Range 42 East; generally located on the south side of Wiles Road/Northwest 48 Street, between Powerline Road and the Florida's Turnpike.

Note: Findings and Recommendations do not constitute waivers from any federal, state or local law.

ANALYSIS AND FINDINGS

ENVIRONMENTAL PERMITTING DIVISION

Contaminated Sites - [CP Policies C1.6, C2.1, C2.4, C2.5, C2.7, WM3.6; BCLUP Strategy EP-3 and Policy 2.5.5]

The list of known contaminated sites (from RED's GIS Database of Contaminated Locations in Broward County) has been reviewed. There are **three (3)** listed contaminated sites found within one-quarter mile of the proposed amendment location. See attached map and database for further information as it relates to the land use amendment site.

Because contaminated sites have been identified at or within one-quarter mile of the proposed amendment location, please be advised that Section 27-353, Broward County Code, prohibits dewatering at or within one-quarter mile of contaminated sites without approval from the EPD. In order to receive approval to dewater, a certified Dewatering Plan must be submitted in accordance with EPD's Standard Operating Procedure for Dewatering, which can be found at <https://www.broward.org/Environment/ContaminatedSites/Pages/Dewatering.aspx>.

The interactive map of contaminated sites in Broward County can be found on the internet at <https://www.broward.org/Environment/ContaminatedSites/Pages/Default.aspx>. Any questions can be directed to (954) 519-1483 or EAR@broward.org. (LA 07/11/22)

Solid Waste - [CP Policies (SW) 6.1.2, 6.1.3, 6.2.6, 6.2.7, 6.2.10, WM3.18; BCLUP Policies 2.11.8, 2.20.3, 2.20.13, 2.34.1, 3.4.3 and Implementation Regulations and Procedures – 1. Development Review Requirements]

There are **six (6)** active and no inactive solid waste facilities located within one mile of the amendment site. See attached map and database for further information as it relates to the land use amendment site.

The approximately 24.2 acre site proposed in the Land Use Plan Amendment is not part of the licensed/permitted footprint of the existing active Solid Waste Management license (**RED License Number:** SW-LF00076-21 **FDEP Permit Number:** 0051323-033-SC); consequently, the applicant, Waste Management Inc. of Florida ("WMIF") will have to submit a license/permit modification to the Division for review to construct and operate in accordance with Chapter 27, Article VI of Broward County Code of Ordinances and Chapter 62-701, Florida Administrative Code.

Also, given that the landfill is a Significant Environmental Impact Facility, WMIF will be required to provide public notices as part of the license/permit modification required to construct and operate in accordance with Chapter 27, Article VI of Broward County Code of Ordinances and Chapter 62-701, Florida Administrative Code:

- By regular first class mail to the mayor, each city commissioner or council member, and the city administrator or city manager of any municipality within Broward County and within a radius of four (4) miles of the perimeter of the facility property boundary; and
- By email to the County Commissioners of districts for which any portion of the district is within a radius of four (4) miles of the perimeter of the facility property.

(LA 07/11/22)

Wetlands - [CP: Objectives C8 and C9 Policies; BCLUP Strategy EP-2 and Policies 2.22.1, 2.22.2, 2.22.3]

The proposed development contains or abuts water bodies or will be creating same. Excavation or filling of any surface waters, or the construction or repair of in-water structures such as seawalls and docks, are regulated under Chapter 27, Article XI of the Natural Resource Protection Code and may require an Environmental Resource License. Contact the Environmental Permitting Division at 954-519-1483 or AWRLicense@broward.org for specific code requirements.

The Water and Environmental Licensing Section of the Environmental Permitting Division encourages all invasive exotic vegetation including Melaleuca, Brazilian pepper, Australian pine and others as listed in the Exotic Pest Plant Council's List of Florida's Most Invasive Species to be removed during the development process, and a management plan may be necessary to control re-invasion of same. In addition, landscape material should not include any plants considered to be invasive of South Florida's native plant communities. The Exotic Pest Plant Council's List of Florida's Most Invasive Species is available at <https://www.fleppc.org/list/list.htm>.

Other activities regulated under Chapter 27, Article XI of the Natural Resource Protection Code (e.g., lake or canal excavation, installation of headwalls, end walls, or outfalls) may require an Environmental Resource License. Prior to undertaking surface disturbing activities, contact the Environmental Permitting Division at 954-519-1483 or AWRLicense@broward.org for specific code requirements.

Surface Water Management - [CP Policies BMSD1.2.2, BMSD1.1.3, BMSD1.2.3, IC7.4, WM2.4, WM2.5, WM3.4, WM3.5, WM3.9, WM3.10, WM3.15, WM3.23, WM3.34, WM4.6, CM6; BCLUP Strategy CCR-2, EP-2, DP-2, and Policies 2.12.5, 2.21.1, 2.21.3, 2.21.5, 2.21.7, 2.24.1, 2.24.2, 2.24.4, 2.24.5, 2.26.5]

Comments regarding Surface Water can be found in a combined response within the Water Control District response.

Upland Resources (including Tree Preservation and Greenways) - [CP Objective C6 and Policies C6.1, C6.7, C6.10, C6.11; BCLUP Strategy CCR-2 and EP-3 and Policies 2.5.5, 2.23.3, 3.3.1]

Review of aerial photographs indicates that the subject site contains mature tree canopy. Development of the site must comply with the Broward County Tree Preservation and Abuse Ordinance (Chapter 27, Article XIV, Broward County Code of Ordinances). A Broward County Tree Removal License will be required for any proposed tree removal or relocation. As part of the licensing process the applicant is required to minimize the number of trees to be removed by incorporating suitable existing trees in the site plan design. If trees cannot be incorporated into the site plan in their current location, the applicant is required to relocate suitable trees. Any trees permitted for removal must be replaced. If the above requirements are adhered to, the proposed land use plan amendment is not expected to have a negative impact on upland resources.

Hazardous Material Facilities - [CP Policies C2.2, (SW) 6.2.6, 6.2.7, WM3.18; BCLUP Strategy EP-3 and Policy 2.26.21]

The list of known hazardous material facilities and storage tank facilities (from EPD's GIS Database of hazardous material facilities in Broward County) has been reviewed. There are ten (10) known hazardous material/storage tank facilities on, adjacent to, or within ¼ mile of the amendment site. Of the ten (10) facilities, eight (8) are hazardous material facilities, zero (0) are storage tank facilities, and two (2) are facilities that have both hazardous materials and storage tanks. (SC 07/18/2022)

Wellfield Protection - [CP Policies (SW) 6.2.7, WM3.6, WM3.8, WM3.18; BCLUP Policies 2.26.1, 2.26.2, 2.26.3]

The proposed amendment site is not currently within a wellfield zone of influence. No special restrictions apply under Broward County's Wellfield Protection regulations. (SC 07/18/2022)

SARA TITLE III (Community Right to Know) - [CP Policy C2.5, (SW) 6.2.10, 6.2.12, WM3.18; BCLUP Strategy EP-3 and Policy 2.5.5, 2.26.1]

The list of known SARA Title III Facilities in Broward County has been reviewed. There are two (2) known SARA Title III Facility on, adjacent to, or within ¼ mile of the proposed amendment site. (SC 07/18/2022)

NATURAL RESOURCES DIVISION

Air Quality - [CP Objective C1 and C2, and Policy C2.5, C2.6, C2.9, C2.10, (SW) 6.2.10; BCLUP Strategy EP-3 and Policies 2.9.2, 2.25.1]

The preliminary traffic analysis indicates that the proposed amendment would result in a **change of 0 PM peak hour trips** per day compared to trips associated with the current designation. Based upon the trips generated and the projected levels of service on surrounding roadways, an amendment to the proposed land use designation can reasonably be assumed to have a **moderate impact** on air quality.

The Air Quality Program recommends pro-active long-term planning methods that will result in the prevention of any further deterioration of our air quality and quality of life. The Air Quality Program recommends that the plan for development includes air quality measures or provisions that will support alternative methods of transportation. These measures include promoting the use of transit, promoting the use of ridesharing, promoting the use of alternative fuel vehicles (AFV) where appropriate and AFV infrastructure, bikeways and bike storage facilities, and the use of pedestrian friendly designs which will include native tree shaded areas.

There are **five (5) air permitted facilities** located within half a mile of the proposed amendment site. Two of these facilities have had air quality complaints. One facility had four air quality related complaints in the previous ten years, however all complaints have been closed. The other facility, which the proposed amendment site is a part of (Monarch Hill), has had 209 air quality related complaints in the previous ten years. Some of these cases led to issuance of an air quality warning notice for objectionable odor, which was then escalated to a Notice of Violation in 2012. The facility has since complied and all other complaints have been closed. (LA 07/21/22)

Specially Designated Areas - [CP Objective C6 and policies C6.1, C6.3, C6.5, C6.6, C7.2, C7.4; BCLUP Strategies EP-3, IG-3 and Policies 2.5., 2.12.4, 2.23.1, 2.23.2, 2.23.3, 2.29.1, 3.3.7, 3.3.9, 3.3.10, Implementation Regulations and Procedures - 7. Criteria and Procedures For Environmentally Sensitive Lands And Local Areas of Particular Concern]

County specially designated areas, e.g. Natural Resource Areas, Native Vegetative Communities Category Local Areas of Particular Concern, Urban Wilderness Inventory sites, do not exist within the boundaries of the proposed amendment site.

[Check map at:
<https://www.broward.org/PlanningCouncil/Documents/EnvironmentallySensitiveLands.pdf>]

Protected Natural Lands – The project site is not included, nor is it adjacent to any site in the Protected Natural Lands Inventory. The Protected Natural Lands Inventory is a comprehensive database of public and private native vegetative communities that have been protected through acquisition or regulatory mechanisms and are managed for conservation purposes. The Inventory provides information regarding the ownership and management for each of the Protected Natural Lands and may be accessed at:

<http://www.broward.org/NaturalResources/LandStewardship/Pages/NaturalLands.aspx>

Marine and Riverine Resources - [CP Objectives CM1, CM4 and Policies C.7.7 C7.6, C7.8; BCLUP Strategy EP-1 and Policies 2.7.1, 2.11.7, 2.20.3, 2.24.2, 2.27.1, 2.27.2, 2.27.3, 2.27.4, 2.27.5, 2.28.1, 3.3.4, 3.3.7, 3.3.9, 3.3.12]

While the County encourages applicants to consider the listed objectives, strategies, and policies during the site planning process, the proposed amendment site does not contain, fall within, or overlap with a coastal area. Therefore, Broward County Comprehensive Plan Objective CM4 and Policies C.7.6, C.7.7 and C.7.8 and Land Use Plan Strategy EP-1 and Policies 2.7.1, 2.11.7, 2.20.3, 2.24.2, 2.27.1, 2.27.2, 2.27.3, 2.27.4, 2.27.5, 3.3.4, 3.3.9, 3.3.12 do not apply to the review of this project.

Regarding Comprehensive Plan Objective CM1 and Land Use Plan Policy 3.3.7, please see the Analysis and Findings from the Environmental Engineering and Permitting Division concerning wetlands impact from the proposed land use designation. Impacts to resources require review and licensing under Article XI of Chapter 27, Broward County Code of Ordinances.

The Division strongly encourages the applicant to review the Broward County Outdoor Lighting Ordinance (Chapter 39, Article IX, Sec. 39-112) to become familiar with preferred lighting standards to minimize sky glow and ways to minimize lighting disturbance of wildlife as it relates to Broward County Land Use Plan Policy 2.28.1, recognizing that the proposed amendment site is not located along the coast.

Priority Planning Areas for Sea Level Rise – [CP Policies CC1.7, CC2.1, CC2.9, CC2.10, CC2.12, CC2.14, CC2.15, CC3.6, CM2.6; BCLUP Strategy CCR-2 and Policies 2.21.1, 2.21.2, 2.21.3, 2.21.5, 2.21.6, 2.21.7]

The Priority Planning Areas for Sea Level Rise Map identifies areas that are at increased risk of flooding due to, or exacerbated by, sea level rise by the year 2070. In review of land use plan amendments, the County requires the applicant to demonstrate that the project will not increase saltwater intrusion or areawide flooding, not adversely affect groundwater quality or environmentally sensitive lands, and that subsequent development will be served by adequate stormwater management and drainage facilities.

The County also strongly discourages those amendments which would place additional residential and non-residential development at risk of flooding from sea level rise. The County will take into consideration sea level rise and flood protection mitigation strategies and requirements included within the city's local comprehensive plans and/or development regulations, or improvements committed to by the applicant which would mitigate or enhance flood protection and adaptation from rising sea levels.

While the County encourages applicants to consider these and other impacts from climate change during the site planning process, the proposed amendment site *does not* contain, fall within, or overlap with an area for planning consideration, as indicated on the Priority Planning Areas for Sea Level Rise Map. Therefore, Broward County Land Use Plan Policies 2.21.1, 2.21.5 and Comprehensive Plan Policies CC2.1, CC2.12 and CC2.14, *do not apply* to the review of this project.

NatureScape Program – [CP Policies C6.8, CC3.9, WM3.33, WM4.17; BCLUP 2.20.14, 2.20.17]

NatureScape is about creating Florida-friendly landscapes that conserve water, protect water quality, and create wildlife habitat. Development of the proposed amendment site should be coordinated with the NatureScape Broward Program for guidance in development of any related landscaping plans. Information regarding Naturescape can be accessed at: <http://www.broward.org/NatureScape/Pages/Default.aspx>

Water Recharge - [CP Policies WM1.15, WM2.2, WM3.8, WM3.9, WM3.32, WM4.3; BCLUP Policies 2.5.5, 2.26.1]

The proposed land use designation allows a significant percentage of impervious area on the property (up to 85%). Based on current and proposed land use designations, the development resulting from the proposed land use designation could potentially result in an increase of 65% impervious surface on the property, causing a net increase in runoff from the impervious surfaces and a net decrease in recharge area. However, the change in recharge capacity resulting from development under the proposed designation is expected to be minor.

Staff suggests that the design of the project seek to maximize open space or provide other alternatives to offset negative impacts on recharge capacity on the property. Open space can include but not be limited to parks and open space, stormwater retention, ponds, rain gardens, drainage easements, landscaped areas and other pervious areas fulfilling the goal of water recharge into the aquifer.

Please see attached Water Recharge Questionnaire.

BROWARD COUNTY PLANNING COUNCIL
WETLAND RESOURCE QUESTIONNAIRE
as completed by the
RESILIENT ENVIRONMENT DEPARTMENT

I. Description of the Site and Proposed Amendment

For: Broward County Planning Council
Applicant/Agent: Waste Management Inc. of Florida
Amendment No.: PC 22- 5

Jurisdiction: Broward Municipal Services District
Size: Approximately 24.2 acres
Existing Use: Non-operational waste-to-energy incinerator facility and solid waste transfer station

Current Land Use Designation: Electrical Generation Facilities

Proposed Land Use Designation: Commerce

Estimated Net Effect: **Addition of** 24.2 acres of commerce use
Reduction of 24.2 acres of electrical generation facilities use.

Location: In Section 16, Township 48 South, Range 42 East; generally located on the south side of Wiles Road/Northwest 48 Street, between Powerline Road and the Florida's Turnpike.

Note: Findings and Recommendations do not constitute waivers from any federal, state or local law.

II. Wetland Review

- A. Are wetlands present on subject property? No***
- B. Describe extent (i.e. percent) of wetlands present on subject property.***
- C. Describe the characteristics and quality of wetlands present on subject property.***
- D. Is the property under review for an Environmental Resource License? No***
- E. Has the applicant demonstrated that should the proposed Land Use designation be approved, the proposed project will be consistent with the requirements of Article XI, Chapter 27 of the Broward County Code of Ordinances?***

III. Comments:

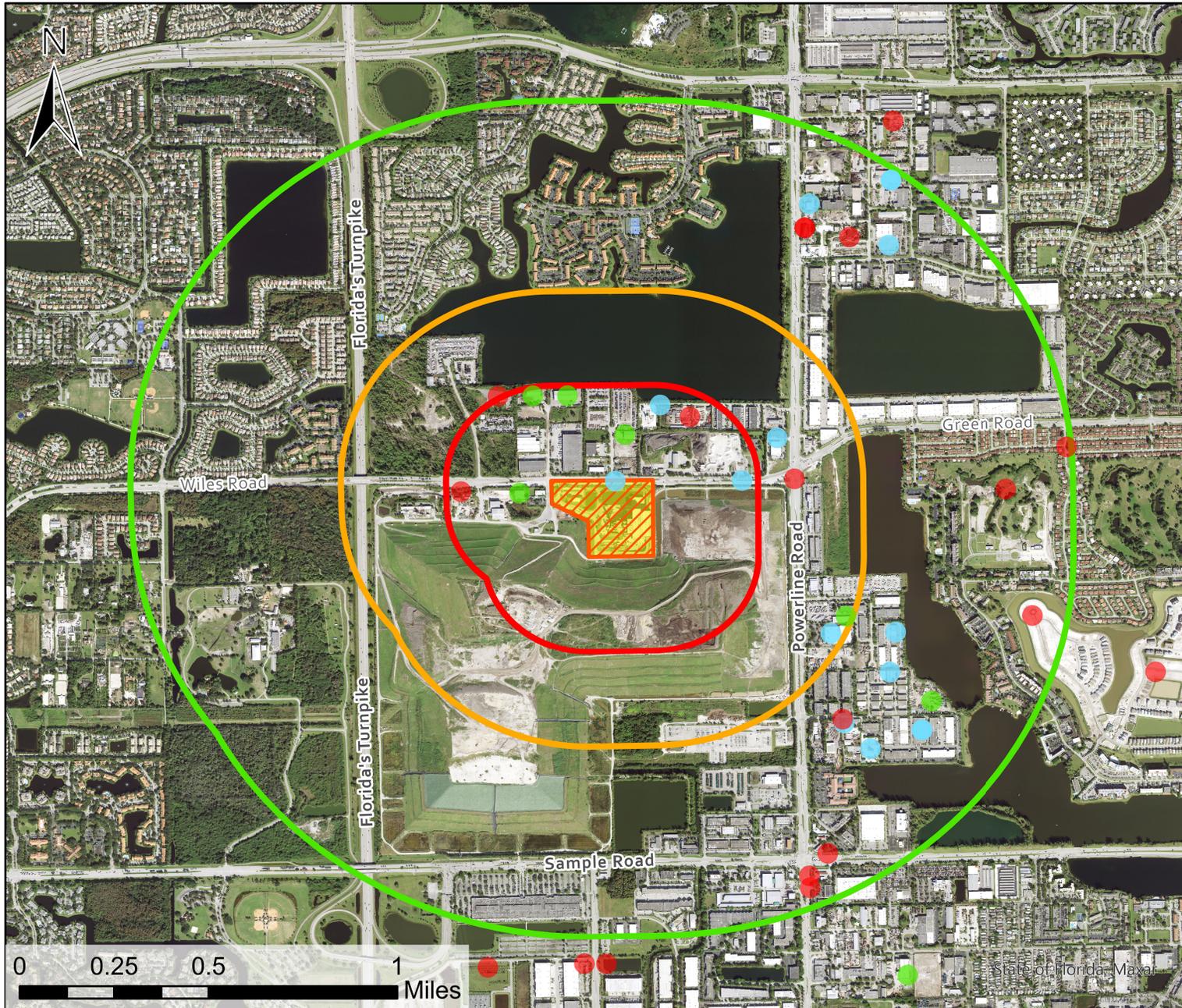
The proposed development contains or abuts water bodies or will be creating same. Excavation or filling of any surface waters, or the construction or repair of in-water structures such as seawalls and docks, are regulated under Chapter 27, Article XI of the Natural Resource Protection Code and may require an Environmental Resource License. Contact the Environmental Permitting Division at 954-519-1483 or AWRLicense@broward.org for specific code requirements.

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Completed by: *Linda Sunderland, PWS*

Land Use Amendment Comments Site PC22-5



Generated for location purposes only. Marker size is a visual aid and neither represents exact location nor area of designated facilities.

Prepared by: LAKINCI 7/8/2022
Natural Resources Division

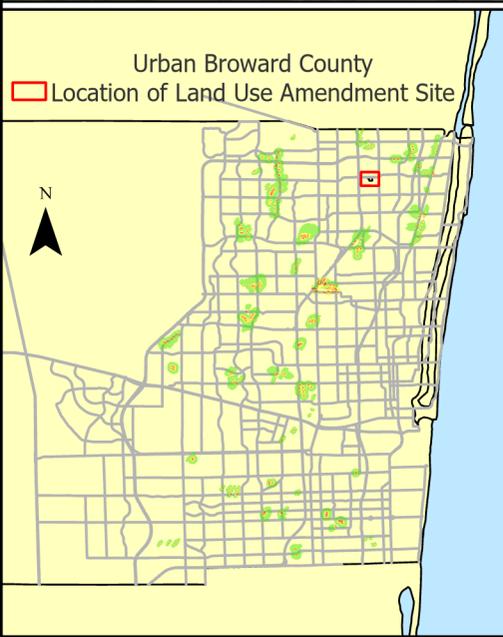
Contaminated Sites

Site Number	Facility Name	Street Address	City	Zip Code	Pollutant	Facility Type	DEP Facility Number	Active
NF-0010	CENTRAL DISPOSAL SANITARY	3000 WILES RD	Pompano Beach	33073	Mixed Product	Landfill	68622531	Y
NF-2083	Sun Recycling 7	1815 S POWERLINE RD	Deerfield Beach	33442	Metals	Landfill	<Null>	Y
NF-2886	Ric-Man International, Inc. (LAKEFILL)	1802 SW 45TH WAY	Deerfield Beach	33442	Metals; Phenols	Other	<Null>	Y

Solid Waste Facilities

Facility	Street Address	City	Zip Code	Nature of Facility	Job Status
WM Recycling Deerfield	1750 SW 43RD TER	Deerfield Beach	33442	Waste Processing Facility	Active
All County Waste Recycling	1810 SW 42ND WAY	Deerfield Beach	33442	Waste Processing Facility	Active
Lanzo Industrial Center Addition Parcels C & D	4200 NW 19TH AVE	Deerfield Beach	33064	Borrow Pit Reclamation Project	Active
Deerfield Beach Recycling & Transfer	1751 SW 43RD TER	Deerfield Beach	33442	Waste Processing Facility	Active
Miranda's Tire Inc.	1982 NW 44TH ST	Deerfield Beach	33064	Waste Tire Facility	Active
Monarch Hill	2700 WILES RD	Pompano Beach	33073	Landfill	Active

Land Use Amendment Site: PC 22-5



0 0.13 0.25 Miles

Date Prepared: 7/11/2022 3:41 PM

Prepared by: schristine

Land Use Amendment Legend

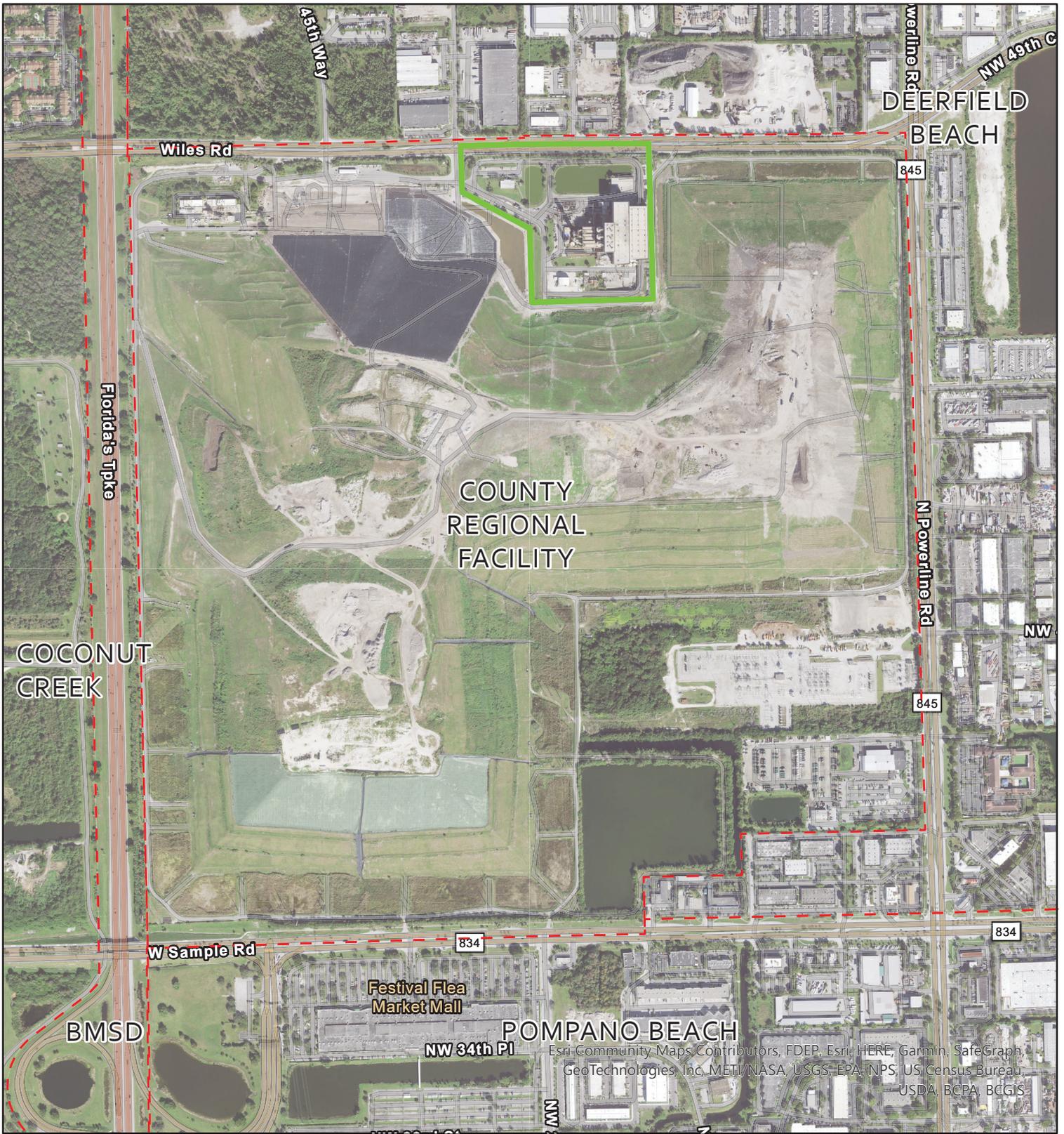
- Wellfield Zone 1
- Wellfield Zone 2
- Wellfield Zone 3
- Hazardous Materials Facility
- SARA Title III
- Proposed Amendment Site
- 0.25 Mile Buffer

Environmental Permitting Division review of Land Use Amendments for presence of hazardous materials and community right-to-know sites within Broward County. Review includes the location of Wellfield Protection Zones. The display is generated for location purposes only. Marker, if present, is a visual aid and neither represents exact location nor distance to project site. If data are associated, data are provided "as is". The division does not accept responsibility for damages suffered as a result of using, modifying,

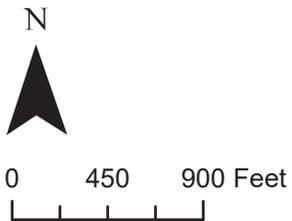
Hazardous Materials Facilities within, adjacent to, or in close proximity (0.25 miles) of Land Use Amendment			
Name of Facility	Address	Type of Facility based on	Type of License
T-Mobile - 6FB1435M	2501 NW 48TH ST, Deerfield Beach, FL 33073	4812 - Radiotelephone Communication	Hazardous Material
Sprint MI03XC188-Pavex Corporation	2501 NW 48TH ST, Deerfield Beach, FL 33442	4812 - Radiotelephone Communication	Hazardous Material
Ranger Construction	2501-03 NW 48TH ST, Deerfield Beach, FL 33442	1611 - Highway and Street Construction, Except Elevated Highways	Hazardous Material & Storage Tank
Environmental Products Group Inc.	1907 SW 43RD TER, #EFGH, Deerfield Beach, FL 33442	7538 - General Automotive Repair Shops	Hazardous Material
Blacklidge Emulsions	2501 WILES RD, Deerfield Beach, FL 33442	2951 - Asphalt Paving Mixtures and Blocks	Hazardous Material
All County Waste Recycling	1810 SW 42ND WAY, Deerfield Beach, FL 33442	4953 - Refuse Systems	Hazardous Material
Henderson Machine Inc.	1809 S POWERLINE RD, #110, Deerfield Beach, FL 33442	3599 - Industrial and Commercial Machinery and Equipment	Hazardous Material
Central Concrete Supermix, Inc. (Plant No. 6)	1817 POWERLINE RD, Deerfield Beach, FL 33442	3273 - Ready-Mixed Concrete	Hazardous Material & Storage Tank
Waste Management Inc. of Florida	1801 SW 42ND WAY, Deerfield Beach, FL 33442	4953 - Refuse Systems	Hazardous Material
WM Recycling Deerfield	1750 SW 43RD TER, Deerfield Beach, FL 33442	7538 - General Automotive Repair Shops	Hazardous Material

Broward County Land Use Plan Proposed Amendment

PC 22-5



Esri, Community Maps Contributors, FDEP, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, BCPA, BCGIS



-  Proposed Land Use Plan Amendment
-  Priority Planning Areas for Sea Level Rise near tidal water bodies at an increased risk of inundation under a 40 inch sea level rise scenario projected to occur by 2070 (PC22-5 is not located in a Priority Planning Area)

**BROWARD COUNTY
WATER RECHARGE QUESTIONNAIRE
as completed by
RESILIENT ENVIRONMENT DEPARTMENT**

I. Information about the Proposed Amendment

For: Broward Planning Council
Applicant: Waste Management Inc. of Florida
Amendment No.: PC 22-5
Jurisdiction: Broward Municipal Services District
Size: Approximately 24.2 acres
Existing Use: Non-operational waste-to-energy incinerator facility and solid waste transfer station
Current Land Use Designation: Electrical Generation Facilities
Proposed Land Use Designation: Commerce
Estimated Net Effect: **Addition of 24.2 acres of commerce use**
Reduction of 24.2 acres of electrical generation facilities use.

Location: In Section 16, Township 48 South, Range 42 East; generally located on the south side of Wiles Road/Northwest 48 Street, between Powerline Road and the Florida's Turnpike.

County. Note: Findings and Recommendations do not constitute waivers from any federal, state or local law.

II. Water Recharge Review based on Broward County Land Use Plan Designations

A. Impacts of the current land use designation on water recharge:

A typical value for an impervious area produced by this type of development is approximately 20 percent or the equivalent of 4.84 acres of impervious for this site.

B. Impacts of the proposed land use designation on water recharge:

A typical value for an impervious area produced by this type of development is potentially 85 percent or the equivalent of 20.57 acres for this site.

C. General impacts of the proposed land use change on water recharge:

The change in land use could potentially result in an increase of 65% impervious surface on the property, which is the equivalent of an increase of 15.73 acres of impervious surface.

III. Analysis of Impact of Change in Land Use Designation

The purpose of this review is to consider County policies regarding water recharge. Aquifer recharge is one of several significant methods that will aid in the protection and conservation of the Surficial Aquifer System. Therefore, the County will continue to promote the development of alternative water supply strategies, including Aquifer recharge, and protect the quality of our potable water supply sources. [Applicable County Policies include: CP WM1.15, WM2.2, WM3.8, WM3.9, WM3.32, WM4.3; BCLUP Strategy CCR-3; Policies 2.5.5, 2.26.1, 2.26.2]

The proposed land use designation allows a significant percentage of impervious area on the property (up to 85%). Based on current and proposed land use designations, the development resulting from the proposed land use designation could potentially result in an increase of 65% impervious surface on the property, causing a net increase in runoff from the impervious surfaces and a net decrease in recharge area. However, the change in recharge capacity resulting from development under the proposed designation is expected to be minor.

The impact level is determined by factoring the size of the site with the percent change of impervious area from the current designation to the proposed designation.

IV. Comments

Staff suggests that the design of the project seek to maximize open space or provide other alternatives to offset negative impacts on recharge capacity on the property. Open space can include but not be limited to parks and open space, stormwater retention, ponds, rain gardens, drainage easements, landscaped areas and other pervious areas fulfilling the goal of water recharge into the aquifer.

Prepared by: Monica Pognon, Broward County Natural Resources Division (8/5/2022).