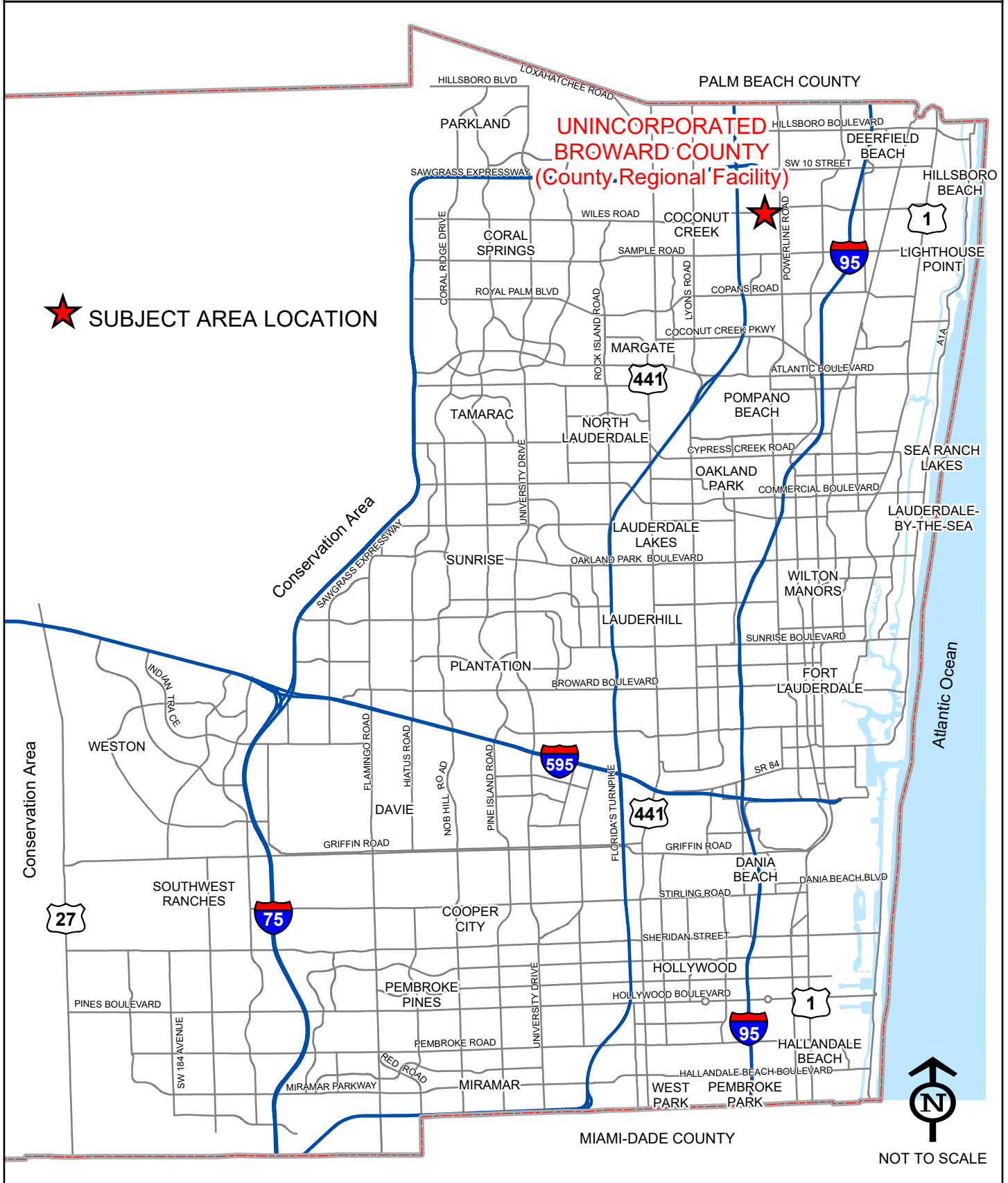
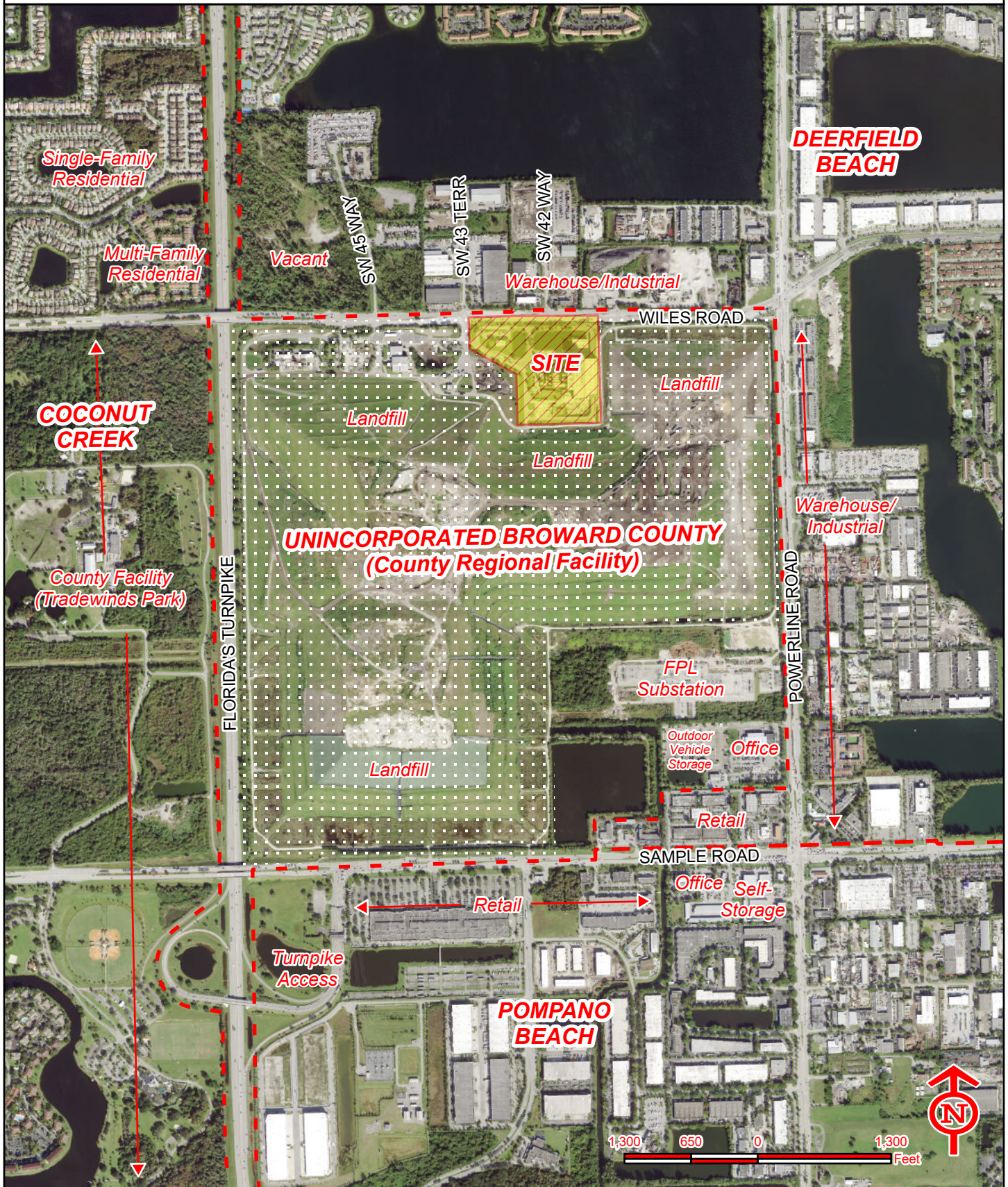


EXHIBIT 2

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN GENERALIZED LOCATION MAP AMENDMENT PC 22-5



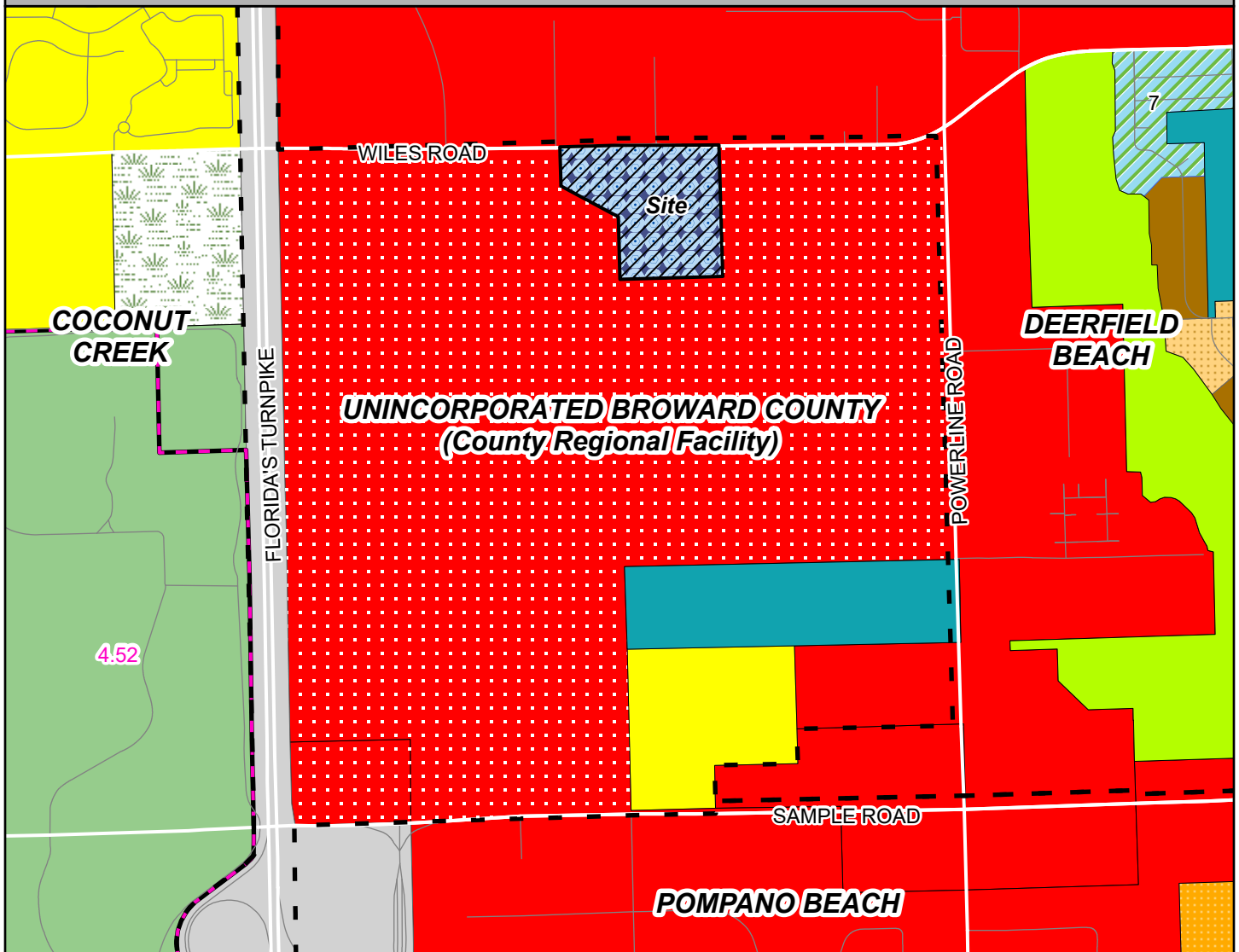
MAP 1
BROWARDNEXT - BROWARD COUNTY LAND USE PLAN
AERIAL PHOTOGRAPH
AMENDMENT PC 22-5



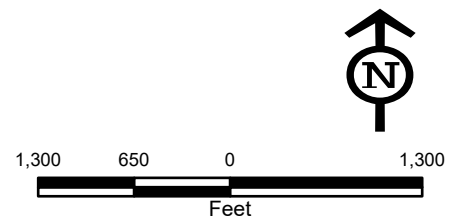
MAP 2
BROWARDNEXT - BROWARD COUNTY LAND USE PLAN
CURRENT FUTURE LAND USE DESIGNATIONS
AMENDMENT PC 22-5

Current Land Use: Electrical Generation Facilities

Gross Acres: Approximately 24.2 acres



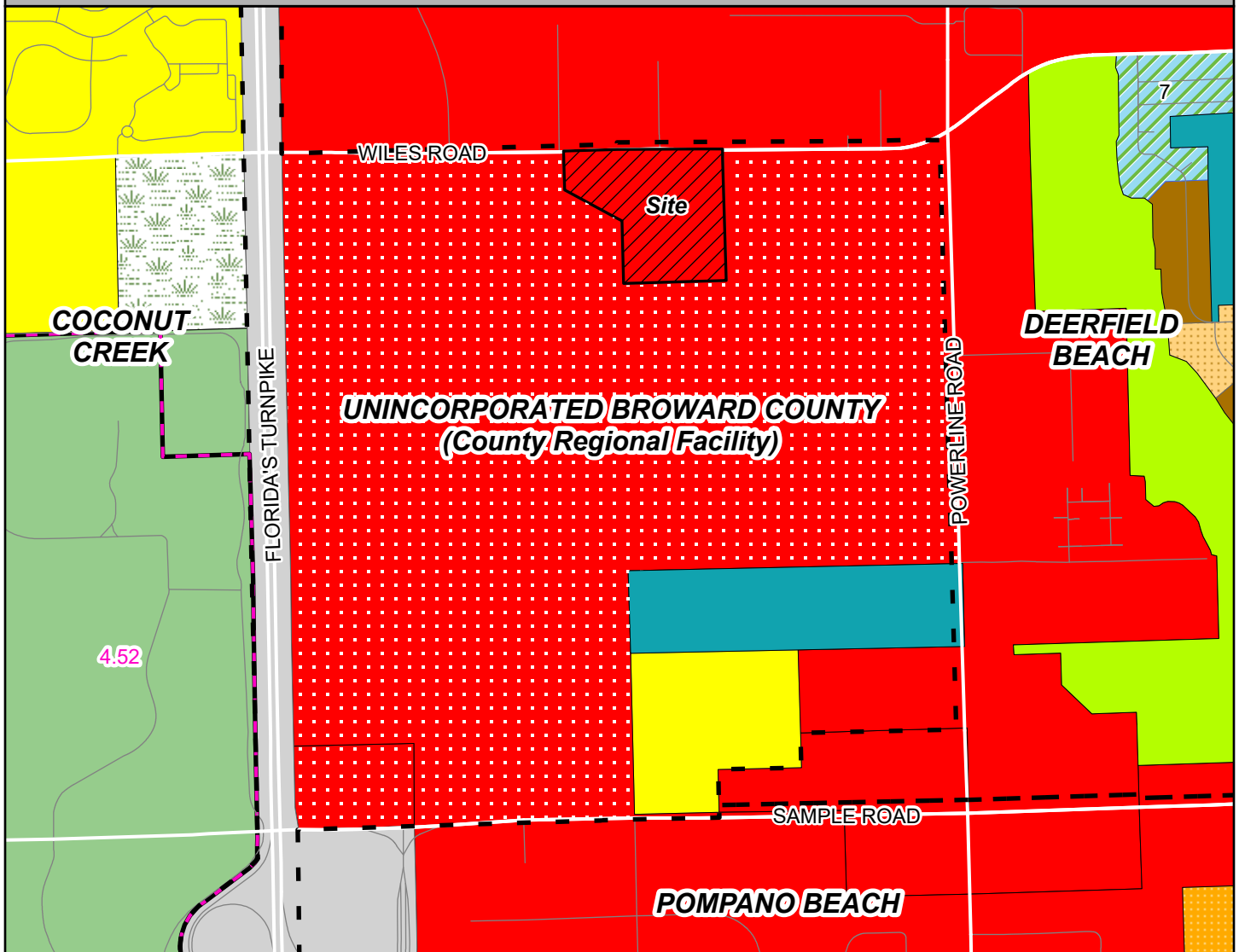
- | | |
|------------------------------|-------------------------------------|
| Municipal Boundary | Commerce |
| Site | Conservation - Natural Reservations |
| Dashed-Line Area | Recreation and Open Space |
| Low (5) Residential | Commercial Recreation |
| Low-Medium (10) Residential | Community |
| Medium (16) Residential | Electrical Generation Facilities |
| Medium-High (25) Residential | Transportation |
| Irregular Residential | |



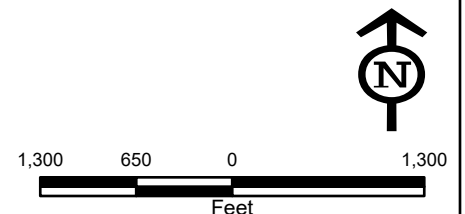
MAP 3
BROWARDNEXT - BROWARD COUNTY LAND USE PLAN
PROPOSED FUTURE LAND USE DESIGNATIONS
AMENDMENT PC 22-5

Proposed Land Use: Commerce

Gross Acres: Approximately 24.2 acres



- | | |
|------------------------------|-------------------------------------|
| Municipal Boundary | Commerce |
| Site | Conservation - Natural Reservations |
| Dashed-Line Area | Recreation and Open Space |
| Low (5) Residential | Commercial Recreation |
| Low-Medium (10) Residential | Community |
| Medium (16) Residential | Transportation |
| Medium-High (25) Residential | |
| Irregular Residential | |



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PC 22-5
(UNINCORPORATED BROWARD COUNTY/BROWARD MUNICIPAL SERVICES DISTRICT)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Recommendation

October 18, 2022

Planning Council staff finds that the proposed change from the Electrical Generation Facilities to the Commerce category is generally consistent with the land use designations and development patterns in the surrounding areas.

If the proposed land use amendment is adopted, the applicant has been very clear in its intent to request an expansion of the footprint of the landfill, which is a permitted use in the Commerce land use designation. However, to achieve such an expansion to the landfill footprint, the applicant will be required to apply to the local government (Unincorporated Broward County) and be approved for the appropriate (re)zoning, permits and licenses. Based on information provided the applicant, the existing landfill has an estimated 8 to 9 years of capacity remaining (barring the unanticipated cleanup from any storm events) and an expansion of the facility could extend the capacity by an additional 5 to 6 years.

The collection, recycling and disposal of solid waste in Broward County presents a complex series of issues as each local government determines its own process and providers. As it is unclear as to the direction that Broward County and its local governments are moving towards related to regional solid waste disposal as part of the Solid Waste Working Group, the proposed land use plan change may be considered premature and create a cascading affect regarding (re)zoning, permitting and licensing applications.

Pending a recommendation by the Planning Council and if the Broward County Land Use Plan amendment and local version of the amendment are adopted by the Broward County Board of County Commissioners, effectiveness of the approval of the land use plan amendment shall not occur until the municipal recertification of the local amendment is complete.

As the Planning Council is aware, the Broward County Charter requires at least one Planning Council public hearing and Article 1.2(A) of the *Administrative Rules Document: BrowardNext* outlines the following circumstances in which a second Planning Council public hearing may be recommended or required:

- (1) At its initial public hearing, the Planning Council takes an action to recommend denial of a proposed amendment; or

I. Planning Council Staff Recommendation (continued)**October 18, 2022**

- (2) At its initial public hearing, the Planning Council takes an action to recommend approval subject to meeting specific criteria or policy prior to a second Planning Council public hearing; or
- (3) At its initial public hearing, the Planning Council votes by a majority of the members present with a minimum of six (6) affirmative votes for a second Planning Council public hearing; or
- (4) If the County Commission requests by a vote of the majority of members present to request a second Planning Council public hearing; or
- (5) If an objection or comment on adverse impacts to important state resources or facilities is issued during the State of Florida Chapter 163 review process; or
- (6) If State of Florida Chapter 163 requires or is modified to require a second local planning agency public hearing.

If the Planning Council chooses to require a second Planning Council public hearing per Article 1.2(A)(1)(2) or (3), such recommendation must be made as part of its motion.

In addition, if the Planning Council does not require a second Planning Council public hearing and the Broward County Land Use Plan amendment is adopted by the County Commission, this action by the Planning Council shall be considered the “conditional” recertification of the municipal land use plan amendment, which directly correlates to the referenced BCLUP amendment. The recertification will not be deemed effective until such time as the Planning Council Executive Director and Attorney determine that the municipality has fulfilled all application requirements for recertification of local land use plans, as outlined in the *Administrative Rules Document: BrowardNext*. The Planning Council Executive Director will issue a written letter of effectiveness to the municipality upon satisfaction of the same.

II. Planning Council Public Hearing Recommendation**October 27, 2022**

While we find no technical fault with staff’s recommendation, as a matter of urban planning essential to the implementation of effective land use planning, we cannot recommend expansion of any landfill facilities within Broward County at this time. Further, a second Planning Council public hearing is not required. (Vote of the board; Unanimous: 12-0; Brunson, Castillo, Fernandez, Hardin, Horland, Levy, Parness, Reiter, Rich, Rosenof, Williams and DiGiorgio)

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PC 22-5

INTRODUCTION AND APPLICANT'S RATIONALE

- I. Municipality: Unincorporated Broward County/Broward Municipal Services District (BMSD)
- II. County Commission District: District 2
- III. Site Characteristics
- A. Size: Approximately 24.2 acres
- B. 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.
- C. Existing Use: Non-operational waste-to-energy incinerator facility and solid waste transfer station (non-conforming use permitted by agreement through July 2023)
- IV. Broward County Land Use Plan (BCLUP) Designations
- A. Current Designation: Electrical Generation Facilities
- B. Proposed Designation: Commerce
- C. Estimated Net Effect: Addition of 24.2 acres of commerce use
Reduction of 24.2 acres of electrical generation facilities use
- V. A. Existing Uses and BCLUP Designations Surrounding the Amendment Site
1. Existing Uses: North: Warehouse/Industrial (Deerfield Beach)
East: Landfill (BMSD)
South: Landfill (BMSD)
West: Landfill (BMSD)
2. Planned Uses: North: Commerce (Deerfield Beach)
East: Commerce (BMSD)
South: Commerce (BMSD)
West: Commerce (BMSD)

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

V. B. Existing Uses and BCLUP Designations Surrounding the County Regional Facility

- | | | |
|----|-----------------------|---|
| 1. | <i>Existing Uses:</i> | <i>North:</i> Vacant and Warehouse/Industrial (Deerfield Beach)
<i>East:</i> Warehouse/Industrial (Deerfield Beach), FPL Substation (BMSD), Outdoor Vehicle Storage, Office (BMSD) and Retail (Deerfield Beach)
<i>South:</i> FPL Substation (BMSD), Turnpike Access and Retail (Pompano Beach)
<i>West:</i> Florida's Turnpike (BMSD) and County Facility (Tradewinds Park) (Coconut Creek) |
| 2. | <i>Planned Uses:</i> | <i>North:</i> Commerce (Deerfield Beach)
<i>East:</i> Commerce (Deerfield Beach), Community and Low (5) Residential (BMSD)
<i>South:</i> Community (BMSD), Commerce and Transportation (Pompano Beach)
<i>West:</i> Transportation (Florida's Turnpike) (BMSD), Recreation and Open Space (Coconut Creek) and Conservation (Coconut Creek) |

VI. Applicant/Petitioner

- | | | |
|----|------------------------|--|
| A. | <i>Applicant:</i> | Waste Management Inc. of Florida |
| B. | <i>Agent:</i> | C. William Laystrom, Jr., Esq., Doumar, Allsworth, Laystrom, Voigt, Adair & Dishowitz, LLP |
| C. | <i>Property Owner:</i> | Waste Management Inc. of Florida |

VII. Recommendation of Local Governing Body:

The Broward County Board of County Commissioners has transmitted the application to the Broward County Planning Council for review and analysis.

Note: No recommendation was provided or is required by the *Administrative Rules Document: BrowardNext*; however, the Broward County Urban Planning Division amendment report is included in **Exhibit A** and the County Commission verbatim minutes excerpt of December 7, 2021, is included in **Exhibit B**.

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

VIII. Applicant's Rationale

The applicant states: "Since 1965, Monarch Hill Landfill (Monarch Hill) has served the disposal needs of residential, municipal and commercial customers in Broward County and surrounding communities in South Florida. Monarch Hill is operated by Waste Management Inc. of Florida (Waste Management) and receives hurricane debris during storm events, limited municipal solid waste from Pompano Beach and Parkland, construction and demolition debris, yard waste and special waste from throughout Broward County. Monarch Hill also generates renewable energy through its on-site landfill gas-to-energy plant.

Previously, Waste Management operated two (2) waste-to-energy incinerator facilities (Wheelabrator North and Wheelabrator South) in Broward County. The Wheelabrator North facility is located on the amendment site and has been non-operational since 2015. Waste Management closed Wheelabrator North due to insufficient demand for waste incineration from Broward County municipalities and then sold its Wheelabrator South plant. All valuable equipment and parts from Wheelabrator North were moved to Wheelabrator South. The Wheelabrator South facility has the capacity to process 830,000 tons per year with current contract demand at 750,000 tons per year. This plant could also install another boiler for an additional 200,000 tons per year. The capacity of the plant remains constant year-over-year because the waste is burned (although a small amount of generated ash must be deposited in a monofil).

Waste Management currently leases the amendment site to Wheelabrator as a waste transfer station where waste heading to Wheelabrator South is consolidated onto larger trucks. The site is contractually obligated to be operated as a transfer station through July 2, 2023, per the terms of the Global Agreement dated May 19, 2015, between Broward County, Waste Management, Wheelabrator North, Wheelabrator South, Wheelabrator Environmental Systems Inc. and Wheelabrator Technologies Inc. (the Global Amendment parties).

The existing Electrical Generation Facilities land use designation permits only electrical power plants and ancillary uses, as well as recreation and open space uses. The short-term rationale for the amendment to a Commerce designation is to bring the waste transfer use into conformity with the land use designation. The long-term rationale is to complete the horizontal footprint of the Monarch Hill landfill which surrounds the site on three (3) sides. Once the Global Agreement obligation expires, Waste Management plans to discontinue the transfer station use, remove the Wheelabrator North facility and seek the needed approvals and permits to complete the landfill, representing a 5.6% increase in the footprint of the landfill. With its existing footprint, the Monarch Hill landfill is estimated to only have 8 to 9 years of capacity remaining. The amendment, and subsequent completion of the landfill footprint, would add another 5 to 6 years of capacity and accommodate construction, demolition and hurricane debris disposal demand from Broward County municipalities farther into the future."

SECTION III
AMENDMENT REPORT
PROPOSED AMENDMENT PC 22-5

REVIEW OF PUBLIC FACILITIES AND SERVICES

I. Potable Water/Sanitary Sewer/Drainage/Solid Waste/Parks & Open Space

Adequate potable water facility capacity and supply, sanitary sewer facility capacity, drainage and solid waste services, and park and open space acreage will be available to serve the proposed land use. **See Attachment 1.**

Planning Council staff notes that the amendment site is a non-operational waste-to-energy plant structure that is being utilized as a solid waste transfer station via agreement through July 2023. The amendment site is immediately surrounded by an existing regional solid waste landfill facility currently providing disposal for grit and screenings, sludge from North Broward Regional Wastewater Treatment Plant or other County facilities, other waste as not previously defined such as yard waste and special waste (bulk pick up), construction, demolition and hurricane debris (approximately 90%) and limited household or commercial waste (approximately 10%), as outlined in the agreement between Coconut Creek and Waste Management. **See Attachments 11 and 14.B.** Based on information provided by the applicant, it is anticipated that the existing landfill has approximately 8 to 9 years of capacity remaining.

II. Transportation & Mobility

The proposed amendment from the Electrical Generation Facilities land use category to the Commerce land use category is projected to **increase** the number of p.m. peak hour vehicle trips on the regional transportation network at the long-term planning horizon by approximately 888 p.m. peak hour trips. **See Attachment 2.**

The Broward Metropolitan Planning Organization (MPO) Year 2045 Transportation Plan model analysis distributed the projected additional p.m. peak hour trips to the surrounding regional roadway network. Said Broward MPO Year 2045 Transportation Plan model analysis distribution of the additional p.m. peak hour trips indicates that the proposed amendment is projected to **adversely** impact the following three (3) regional roadway segments:

- An additional **323** projected p.m. peak hour trips on **Wiles Road**, between Lyons Road and Florida's Turnpike, which is projected to operate at an unacceptable level of service (LOS) "F," with or without the addition of the trips generated by the proposed amendment;
- An additional **551** projected p.m. peak hour trips on **Wiles Road**, between Florida's Turnpike and Powerline Road, which is projected to operate at an unacceptable LOS "F," with or without the addition of the trips generated by the proposed amendment; and

REVIEW OF PUBLIC FACILITIES AND SERVICES (continued)

II. Transportation & Mobility (continued)

- An additional **144** projected p.m. peak hour trips on **Northwest 48 Street**, between Powerline Road and Military Trail, which is projected to operate at an unacceptable LOS “F,” with or without the addition of the trips generated by the proposed amendment.

Further, the MPO model analysis indicates that the proposed amendment is projected to **significantly** impact the following three (3) regional roadway segments:

- An additional **126** projected p.m. peak hour trips on **Wiles Road**, between State Road 7/U.S. 441 and Lyons Road, which is projected to operate at an acceptable LOS “D,” with or without the proposed amendment;
- An additional **193** projected p.m. peak hour trips on **Powerline Road**, between Copans Road and Sample Road, which is projected to operate at an acceptable LOS “C,” with or without the proposed amendment; and
- An additional **267** projected p.m. peak hour trips on **Powerline Road**, between Sample Road and Wiles Road, which is projected to operate at an acceptable LOS “D,” with the additional trips generated by the proposed amendment.

See Attachment 2.

Planning Council staff utilizes a “significance” threshold corresponding to additional p.m. peak hour trips in excess of three-percent (3%) of such capacity of a regional roadway link at the long-range planning horizon. Planning Council staff utilizes this significance threshold for several reasons, including a) per Policy 2.14.9 of the BrowardNext – Broward County Land Use Plan, a “significance” threshold corresponding to additional p.m. peak hour trips in excess of three-percent (3%) of such capacity of a regional roadway link at the long-range planning horizon, b) the threshold is also considered a margin of error to recognize that there is a range of potential permitted uses and development scenarios for any given land use plan designation, and c) recognition that all new development, independent of any land use plan amendment traffic analysis, is required to comply with Broward County traffic concurrency mitigation provisions, which is assessed at the plat/site planning stage.

The applicant has submitted a draft Declaration of Restrictive Covenants restricting the proposed amendment site to industrial land uses and zoning regulations of the local government. **See Attachment 3.** Based on the restriction and alternative traffic analysis, the proposed amendment is **projected to not increase** the net number of p.m. peak hour vehicle trips on the regional transportation network. **See Attachment 4.** It is further noted that the alternative traffic analysis provided is consistent with the previous BCLUP map amendment PC 02-13 which changed the future land use from Industrial to Electrical Generation Facilities and utilized General Light Industrial for both the from and to analysis per the Institute of Transportation Engineers “Trip Generation – Sixth Edition” in effect at that time. (See **Section V. Other Pertinent Information** for further details.)

REVIEW OF PUBLIC FACILITIES AND SERVICES (continued)

II. Transportation & Mobility (continued)

The Broward County Transit Division (BCT) report states that there is not current county bus service provided within a quarter mile of the proposed amendment site. However, the BCT report identifies two (2) new planned bus routes along Wiles Road within proximity of the amendment site to be funded via the 30 year, one-cent surtax. Further, the BCT report notes that the needs of any existing or future bus stops located adjacent to or within the amendment site will be addressed during the development review process. **See Attachment 5.**

III. Public Schools

The Broward County School Board staff report states that the amendment as proposed would not generate additional students into Broward County public schools. The site is not located directly adjacent to existing public schools and as proposed, will not have direct physical impact on Broward County public schools. **See Attachment 6.**

SECTION IV
AMENDMENT REPORT
PROPOSED AMENDMENT PC 22-5

REVIEW OF NATURAL RESOURCES

I. Designated Protected/Regulated Areas

The Broward County Resilient Environment Department (RED) report indicates that the proposed amendment site does not contain Natural Resource Areas, Local Areas of Particular Concern, or Urban Wilderness Inventory sites within its boundaries, nor is the amendment adjacent to any such sites. **See Attachment 7.A.**

II. Wetlands

The RED report indicates that the proposed amendment site contains or abuts water bodies or will be creating same, and that excavation or filling of any surface waters, or the construction/repair of in-water structures may require an Environmental Resource License. The RED report indicates that the proposed amendment site does not contain wetlands within its boundaries. Therefore, the proposed land use designation is not expected to have a negative impact on wetland resources. **See Attachment 7.A.**

III. Sea Level Rise

The RED report indicates that 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. **See Attachment 7.A.**

IV. Other Natural Resources

The RED report indicates that the subject site contains mature tree canopy. Development of the site must comply with the Tree Preservation regulations of Broward County. 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 designation is not expected to have a negative impact on upland resources. It is further noted that development of the proposed amendment site should be coordinated with the NatureScape Broward Program for guidance in development of any related landscaping plans. The RED report also notes that invasive exotic vegetation is encouraged to be removed during the development process and a management plan may be necessary to control reinvasion of same, nor should landscape material include any plants considered to be invasive. **See Attachment 7.A.**

REVIEW OF NATURAL RESOURCES (continued)

IV. Other Natural Resources (continued)

The RED report indicates that the proposed amendment would involve a significant percentage of impervious area and that development resulting from the proposed amendment would result in a net decrease in the volume of water available for recharge. Although the change in recharge capacity resulting from the proposed amendment is expected to be minor, RED recommends that the site design include open space or alternatives to maximize availability for water recharge. Open space includes but is not limited to parks, stormwater retention, ponds, drainage easements, landscaped areas and other pervious areas. **See Attachment 7.A.**

The RED report identifies contaminated sites in proximity to the proposed amendment site prohibit dewatering at or within a quarter mile of the contaminated site without approval from the Broward County Environmental Permitting Division. In addition, there are 10 hazardous material/storage tank facilities and two (2) Sara Title III Facilities in proximity to the proposed amendment site. The RED report indicates that five (5) air permitted facilities are located in proximity to the proposed amendment site. Two (2) of said facilities have had air quality complaints. One facility has been issued four (4) air quality complaints within the previous 10 years, all of which have been closed. The other facility is the Monarch Hill Landfill, which includes the proposed amendment site, has been issued 209 air quality complaints, including warnings and notices of violation, in the previous 10 years, all of which have been closed. **See Attachment 7.A.**

The RED report also indicates that the applicant will be required to submit a license/permit modification to the existing RED License (SW-LF00076-21)/Florida Department of Environmental Protection Permit (0051323-033-SC) to construct and operate any proposed expansion to the landfill footprint per State and County requirements. **See Attachment 7.A.**

The RED Environmental Permitting Division (EPD) has provided supplemental information regarding the Semiannual Water Quality Monitoring Report and has stated that the Report is required by the existing Solid Waste License and any application for the expansion of the landfill will require a modification to the existing license. The RED EPD further states that its staff would review the application to ensure that any expansion and/or proposed operational changes will conform to local, state and federal laws, as well as assurance that it will not cause degradation to the environment, whether through the introduction of contamination or spread of existing contamination identified throughout the landfill's history. **See Attachment 7.B.**

The Broward County Water Management Division report identifies that any proposed additions to the landfill will require a modification to existing Broward County license SWM1991-024-9. **See Attachment 8.**

The applicant has acknowledged the above comments and agrees with the agency recommendations. **See Attachment 14.A.**

REVIEW OF NATURAL RESOURCES (continued)

V. Historical/Cultural Resources

The Broward County Urban Planning Division (UPD) report states that the proposed amendment will not have an adverse effect on any known historical or archaeological resources or areas of archaeological or paleontological sensitivity. **See Exhibit A.**

SECTION V
AMENDMENT REPORT
PROPOSED AMENDMENT PC 22-5

OTHER PLANNING CONSIDERATIONS/INFORMATION

I. BrowardNext - Broward County Land Use Plan Policies and Definitions

The proposed amendment is influenced by multiple Broward County Land Use Plan (BCLUP) Policies and Definitions as both the Electrical Generation Facilities land use designation and proposed Commerce use (that could ultimately accommodate an expansion of the landfill pending the appropriate (re)zoning, licensing and permitting applications and approvals) serve the ultimate goal of the provision of the foundation of a regional resource, whether it be electricity or solid waste disposal. Each of these resources provides a valuable facility or service to meet the existing and future needs of the County's residents.

Specific Policies and Definitions related to the proposed amendment include:

- Policy 2.1.1 regarding the provision of essential public services and facilities;
- Policies 2.10.2 and 2.10.3 regarding the compatibility of existing and future uses;
- Policies 2.11.8, 2.11.9 and 2.11.10 regarding public facilities and services;
- Policies 2.20.3, 2.20.13 and 2.20.16 regarding smart growth;
- Recommended Policies 3.4.2 and 3.4.3 regarding siting for public facilities, as well as environmental soundness;
- Definitions including compatibility, electrical power plant, infrastructure, public facilities, solid waste, solid waste facilities and solid waste processing plant; and
- Highlighted Regional Issues: World-Class Natural Resource Protection and Enhancement.

See Attachment 10 for the full text of the referenced policies and definitions.

As previously noted, the former waste-to-energy plant structure located on the amendment site is non-operational as of 2015 and the site no longer meets the minimum qualifications of the BCLUP Electrical Power Plant definition. In addition, the intent of the proposed amendment is to allow for the application of an expansion of the existing landfill footprint that will require (re)zoning, licensing and permitting approvals. Based on information provided by the applicant, the existing landfill footprint is estimated to have 8 to 9 years of capacity remaining, barring any disasters and noting that approximately 90% of the existing landfill intake is for grit and screenings, sludge from North Broward Regional Wastewater Treatment Plant or other County facilities, other waste as not previously defined such as yard waste and special waste (bulk pick up), construction, demolition and hurricane debris and approximately 10% is household or commercial waste. The potential expansion of the landfill footprint is estimated to add 5 to 6 years to the capacity.

OTHER PLANNING CONSIDERATIONS/INFORMATION (continued)

II. Other Pertinent Information

History of the Monarch Hill Land Use Designation

The parcel of land possessed an Industrial designation on the Broward County Land Use Plan (BCLUP) from its initial adoption in 1977, again in 1989 and until 2002, at which time the Broward County Commission redesignated five (5) parcels of various underlying uses to a newly formulated Electrical Generation Facilities (EGF) designation. The intent of the EGF designation was to protect local governments from the harmful and polluting impacts of “peaker plants” that was a trend for electrical energy generation for the production and distribution of electrical energy when demand is peaking thus limiting their use time and also the amount of land necessary to construct these types of facilities. Based on the analysis provided in 2002, “peaker plants” are generated by gas turbine engines, which is one of the loudest noise sources, as well as creating emissions directly discharged into the atmosphere equivalent to 50 to 100 foot-tall, short stacks. The EGF designation is defined for any type of facility which produces 25 megawatts of power or more.

The corresponding BCLUP text amendment, PCT 02-7, created the EGF and excluded electrical power plants as a permitted use from the Agricultural, Commercial, Conservation, Employment Center, Industrial, Mining, Office Park and Utilities Uses.

The EGF land use designation permits the following uses:

- Electrical power plants (meaning an electrical generating facility where electricity is produced for the purpose of supplying 25 megawatts or more to utility power distribution systems, including any associated facility, as referenced in Section 403.503(7), Florida Statutes, that directly supports the operation of the electrical power plant);
- Other uses determined to be ancillary to the primary (electrical generating facility) uses;
- Recreation and open space uses as long as the location of the uses does not preclude or adversely impact the future use of the surrounding areas for electrical generation facilities.

The amendment site no longer operates as a waste-to-energy plant nor produces electrical energy and therefore does not meet the definition of an EGF. Further, the structure on the amendment site is a shell of the former waste-to-energy plant and the amendment site is leased as a solid waste transfer station through July 2023 to move household waste to the south waste-to-energy plant. It is unclear if an extension to the transfer station use will be requested or granted; however, the current transfer station and potential landfill expansion are not permitted by the EGF future land use designation.

OTHER PLANNING CONSIDERATIONS/INFORMATION (continued)

II. Other Pertinent Information (continued)

Transition from Industrial to Commerce Land Use Designation

As previously mentioned, the proposed amendment site enjoyed an Industrial land use designation on the Broward County Land Use Plan prior to the 2002 map and text amendment to Electrical Generation Facilities. As part of the BrowardNext process, the Industrial, Commercial, Office Park and Employment Center land use designations were streamlined into a single category on the BCLUP map and in the text. The streamlined BCLUP land use designation is Commerce. However, many local governments have maintained the individual land use designations formerly known as Industrial, Commercial, Office Park and Employment Center, which is in conformity with the BCLUP, as it is more restrictive. In the case of this proposed land use plan amendment, the BCLUP application is to the Commerce land use designation and the companion Unincorporated Broward County/Broward Municipal Services District application is to the Industrial land use designation. The draft Declaration of Restrictive Covenants states the intent to restrict the development of the amendment site as a landfill, solid waste site or other industrial type uses. **See Attachment 3.**

Broward County Urban Planning Division Amendment Report

As the amendment site is located in Unincorporated Broward County/Broward Municipal Services District, Broward County is the local government for the amendment site and the proposed companion amendment is from Electrical Generation Facilities to Industrial. The Broward County Urban Planning Division has provided the amendment report that was submitted to the Broward County Board of County Commissioners for its consideration of transmittal of the proposed amendment to the Planning Council for review and analysis on December 7, 2021. **See Exhibits A and B.**

Public Comment

As previously stated, the surrounding, existing landfill is a County Regional Facility and considered to be of regional significance; therefore, Planning Council staff provided an email link to the amendment application and solicited comments from each local government in Broward County. Specifically, staff emailed the 31 municipal mayors, managers and planning directors on July 26, 2022, and September 7, 2022, requesting municipal input regarding the proposed amendment. As of this writing, comments have been received from the following municipalities:

- **City of Coconut Creek**
- **City of Deerfield Beach**

Both local governments oppose the proposed amendment. **See Attachments 11** (including corresponding Exhibit C) **and 12.**

In addition to the municipal comments, correspondence has been submitted by a resident. **See Attachment 13.**

OTHER PLANNING CONSIDERATIONS/INFORMATION (continued)

II. Other Pertinent Information (continued)

Update: October 27, 2022: Additional correspondence was received from residents and interested parties regarding the proposed amendment. **See Attachment 16.**

The applicant has provided a response to the municipal comments, as well as background information regarding the settlement agreement with Coconut Creek and global amendment with Broward County. **See Attachments 14.A. and 14.B.**

Planning Council staff also provided a copy of the amendment application to the Broward League of Cities related to the status of the Solid Waste Working Group regarding the development of an integrated solid waste and recycling system for Broward County. While no comments have been received as of this writing, Planning Council staff notes that local governments have recently completed an initial review period of a proposed Interlocal Agreement for solid waste disposal and recyclable materials processing authority for Broward County. Although the draft agreement is not directly related to the proposed land use plan amendment, it is applicable to the complexity of the disposal, recycling and reuse of waste generated in Broward County.

Public Notice Process – Broward County Land Use Plan Amendment

Planning Council staff has and continues to publish all related amendment materials on its website for ease of access by the public, local governments and interested parties. The website identifies the agency contact information for anyone wishing to submit written comments and/or make inquiries regarding the proposed amendment.

Regarding notification to nearby property owners, the *Administrative Rules Document: BrowardNext (Rules)* requires courtesy notification to property owners and those owners within a 300-foot radius of the amendment site. The *Rules* state that the notice must include the time, date, place and purpose of the Planning Council's hearing and be mailed 15 days in advance. Due to the limited property ownership within 300 feet of the amendment site, Broward County Planning Council expanded the notification boundary to the entire landfill site (generally bounded by Wiles Road/Powerline Road/Sample Road/Florida's Turnpike) and included nearby homeowner's and associations. Staff sent approximately 474 courtesy notices to all property owners on October 12, 2022.

In addition:

- A copy of the courtesy notice was provided via email to all municipal mayors, managers and planning directors for additional distribution to interested parties, such as homeowner's associations, as well as all County Commissioners.
- If the contact information was available, a copy of the courtesy notice was provided via either email or USPS to interested parties that previously submitted written comments to the Broward County Urban Planning Division during its

OTHER PLANNING CONSIDERATIONS/INFORMATION (continued)

II. Other Pertinent Information (continued)

review and recommendation to its local planning agency as part of the Unincorporated Broward County/Broward Municipal Services District amendment process.

Further, as required by Florida Statutes, a legal advertisement in the Sun-Sentinel (newspaper of general circulation) was published on October 17, 2022.

See Attachments 15.A. and 15.B. for copies of the foregoing public notices.

An additional courtesy notice will be provided to the same property owners and all local governments prior to any Broward County Board of County Commissioner's public hearing to consider the adoption of the proposed amendment. The proposed amendment qualifies as a small-scale amendment by Florida Statutes, Chapter 163, and requires only one public hearing at the County Commission. If the BCLUP amendment is denied by the County Commission, the same matter or substantially same matter shall not be brought back before the Board for a period of 12 months from the date of the denial. If the BCLUP amendment is approved by the Board, the applicant would be able to submit additional (re)zoning, licensing and permitting applications to the appropriate Broward County agencies.

Potential Future Notification Requirements – (Re)Zoning, Licensing and Permitting

It is noted that if the proposed land use plan amendment is approved and the applicant proceeds with the application to continue the operation of the transfer facility and expand the landfill, additional (re)zoning, licensing and permitting approvals would be required. The Broward County Board of Commissioners has approved specific public notification requirements for modifications regarding the licensing, permitting and/or zoning of a Significant Environmental Impact Facility, which the landfill or any expansion would be required to meet. If the landfill is being considered for modification regarding licensing, permitting and/or zoning, at a minimum, the applicant must provide public notices:

- 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;
 - Board members of condominium and homeowners' associations within Broward County and within a four (4) mile radius of the perimeter of the facility property who sign up with Broward County to receive email notifications; and
 - Any other person who lives or owns property within Broward County and within a four (4) mile radius of the perimeter of the facility property who signs up with Broward County to receive email notifications.

SECTION VI
AMENDMENT REPORT
PROPOSED AMENDMENT PC 22-5

PLANNING ANALYSIS

The proposed BrowardNext – Broward County Land Use Plan (BCLUP) amendment from Electrical Generation Facilities to Commerce is generally consistent with land uses and development patterns in the surrounding area. The existing land uses and development patterns directly adjacent to the proposed amendment site are the existing Monarch Hill landfill to the south, east and west with warehouse and industrial uses to the north, all of which are designated Commerce.

In consideration of the amendment site’s relationship to the existing Monarch Hill landfill, which is a County Regional Facility, the land uses and development patterns were considered for this expanded area as well. The overall Monarch Hill landfill site is surrounded by lands designated Commerce to the north, east and south, as well as Transportation, Conservation and Recreation and Open Space to the west, and Low (5) Residential and Community to the southeast. The development pattern surrounding this expanded area is non-residential and generally comprised of warehouse, industrial and retail, as well as parks, utility, outdoor storage and office uses.

The proposed amendment site is a former waste-to-energy plant that has transitioned to a solid waste transfer station and is surrounded by the existing Monarch Hill landfill on three (3) sides. Additional site and land use history for the proposed amendment area and Monarch Hill landfill can be found in the preceding **Section V, II. Other Pertinent Information, which starts on page V-1 of this report**. If the proposed amendment to the Commerce land use designation is approved by the Broward County Board of County Commissioners, the applicant has indicated that it may consider proceeding with applications to appropriate State and Broward County agencies for the (re)zoning, permits and licenses required to continue with the solid waste transfer station use and potentially expand the footprint of the Monarch Hill landfill, both of which are permitted uses of the proposed Commerce land use designation.

Planning Council staff’s analysis finds that adequate **potable water plant capacity and supply, sanitary sewer, drainage and park acreage** will be available to serve the proposed land use. As the proposed amendment would provide for the application of the potential expansion of the Monarch Hill landfill, it is noted that the remaining **solid waste capacity** for the existing landfill footprint is estimated to be 8 to 9 years. If the proposed amendment and subsequent (re)zoning, permitting and licensing applications required to allow for the expansion of the landfill footprint are approved, there is potential to extend the landfill’s lifespan for an additional 5 to 6 years. **See Attachment 1.**

In addition, Planning Council staff analysis finds that the proposed amendment, as voluntarily restricted to industrial land use and zoning, is not projected to increase the estimated trips on the **regional transportation network**. **See Attachments 2 through 4.**

Further, no adverse impacts to **public schools, historical or cultural resources** were identified. **See Attachment 6 and Exhibit A.**

PLANNING ANALYSIS (continued)

Regarding **natural resources**, the Resilient Environment Department (RED) report identifies that surface disturbing activities may require an Environmental Resource License. The RED report also indicates that the applicant will be required to submit a license/permit modification to the existing RED License/Florida Department of Environmental Protection Permit to construct and operate any proposed expansion to the landfill footprint per State and County requirements. In addition, the Water Management Division report identifies that any proposed additions to the landfill will require a modification to existing Broward County surface water management license. **See Attachments 7.A. and 8.**

The RED Environmental Permitting Division (EPD) has indicated that the Semiannual Water Quality Monitoring Report is required by the existing Solid Waste License and any application for the expansion of the landfill will require a modification to said license. The RED EPD further states that the application will be reviewed to ensure that any expansion and/or proposed operational changes will conform to local, state and federal laws, including assurance that it will not cause degradation to the environment, whether through the introduction of contamination or spread of existing contamination identified throughout the landfill's history. **See Attachment 7.B.**

The RED report also identifies that dewatering of the site requires approval from the EPD since it is in proximity to contaminated sites. Further, RED indicates that hazardous material/storage tank facilities and Sara Title III Facilities are in proximity to the proposed amendment site, as well as air permitted facilities. Said air facilities have had air quality complaints, all of which have been closed. **See Attachment 7.A.**

Conclusion

Planning Council staff finds that the proposed change from the Electrical Generation Facilities (EGF) to the Commerce category is generally consistent with the land use designations and development patterns in the surrounding areas.

If the proposed land use amendment is adopted, the applicant has been very clear in its intent to request an expansion of the footprint of the landfill, which is a permitted use in the Commerce land use designation. However, to achieve such an expansion to the landfill footprint, the applicant will be required to apply to the local government (Unincorporated Broward County) and be approved for the appropriate (re)zoning, permits and licenses. Based on information provided the applicant, the existing landfill has an estimated 8 to 9 years of capacity remaining (barring the unanticipated cleanup from any storm events) and an expansion of the facility could extend the capacity by an additional 5 to 6 years.

The collection, recycling and disposal of solid waste in Broward County presents a complex series of issues as each local government determines its own process and providers. As it is unclear as to the direction that Broward County and its local governments are moving towards related to regional solid waste disposal as part of the Solid Waste Working Group, the proposed land use plan change may be considered premature and create a cascading affect regarding (re)zoning, permitting and licensing applications.

PLANNING ANALYSIS (continued)

If the proposed land use change to Commerce is approved, future electrical power plants would be prohibited on this site as the EGF land use designation is the only BCLUP category that permits such a use that supplies 25 megawatts or more to utility distribution systems. The approval of the land use change would allow for appropriate (re)zoning, permitting and licensing applications to be filed to pursue the expansion of the landfill footprint.

If the proposed land use change to Commerce is not approved or the site is not subsequently (re)zoned, licensed and permitted, the landfill will cease operations at the end of capacity and future solid waste would be required to be disposed at an alternate landfill facility, perhaps out of County.

SECTION VII
AMENDMENT REPORT
PROPOSED AMENDMENT PC 22-5

ATTACHMENTS

1. Broward County Planning Council Supplemental Report of September 2022
2. Broward County Planning Council Traffic Analysis of September 9, 2022
3. Voluntary Restriction Regarding Industrial Land Uses and Zoning
4. Broward County Planning Council Alternate Traffic Analysis of July 1, 2022, as voluntarily restricted to industrial land use and zoning
5. Broward County Transit Division Report of July 7, 2022
6. School Board of Broward County Consistency Review Report of July 7, 2022
7.
 - A. Broward County Resilient Environment Department Report of August 5, 2022
 - B. Email Correspondence from David Vanlandingham, P.E., Director, Environmental Permitting Division, Broward County Resilient Environment Department, to Barbara Blake Boy, Executive Director, Broward County Planning Council, regarding Semiannual Water Quality Monitoring, dated September 27, 2022
8. Broward County Water Management Division Report of July 13, 2022
9. Broward County Parks and Recreation Division Report of July 5, 2022
10. Pertinent BrowardNext – Broward County Land Use Plan Policies and Definitions
11. Correspondence from Karen M. Brooks, City Manager, City of Coconut Creek, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated September 15, 2022 ***(to conserve resources the referenced exhibits are provided only in the digital meeting materials as Exhibit C)***
12. Correspondence from Eric M. Power, AICP, LIAF, Planning and Development Services Director, City of Deerfield Beach, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated September 14, 2022
13. Email from Vicki Denissen, Broward County Resident, dated January 8, 2022

ATTACHMENTS (continued)

- 14. A. Correspondence from C. William Laystrom, Jr., P.A., Doumar, Allsworth, Laystrom, Voigt, Adair & Dishowitz, LLP to Barbara Blake Boy, Executive Director, Broward County Planning Council, regarding background and interested party comments, dated September 30, 2022
- B. Correspondence from C. William Laystrom, Jr., P.A., Doumar, Allsworth, Laystrom, Voigt, Adair & Dishowitz, LLP to Barbara Blake Boy, Executive Director, Broward County Planning Council, regarding historical timeline, Second Amendment to Settlement Agreement and narrative, dated September 30, 2022
- 15. A. Planning Council Courtesy Notice for the October 27, 2022, Planning Council Public Hearing Regarding the Proposed Land Use Change
- B. Planning Council Legal Ad for the October 27, 2022, Planning Council Public Hearing

Update: October 27, 2022:

- 16. Correspondence from Interested Parties Received between 8:00 a.m., October 19, 2022 and 8:00 a.m., October 27, 2022

The following Exhibits are available by contacting the Broward County Planning Council office at 954-357-6695 or by emailing bblakeboy@broward.org or dvonstetina@broward.org.

EXHIBITS

- A. Broward County Urban Planning Division Staff Report for Local Amendment
- B. Broward County Commission Verbatim Minutes Excerpt – December 7, 2021
- C. City of Coconut Creek Exhibits to Attachment 11