

ITEM #57

ADDITIONAL MATERIAL
Public Hearing

JANUARY 28, 2025

SUBMITTED AT THE REQUEST OF
MAYOR BEAM FURR

Submitted by Mayor Beam Furr: Amended Motion Statement and
Legislative Findings

When this item is before the Board for consideration, I intend to move the item based on the below-stated motion statement and intend to move the ordinance as amended by the below-stated legislative findings/recitals:

Amended Motion Statement: MOTION TO APPROVE Ordinance adopting Small-Scale amendment PC 22-5 as read by the Reading Clerk, as amended to incorporate the legislative findings and other recitals stated in Exhibit 29 to the agenda report, with the effectiveness of the underlying Land Use Plan amendment being subject to Waste Management Inc. of Florida's (Waste Management) execution and the subsequent recordation in the Official Records of the County of the Declaration of Restrictive Covenants (DRC) attached as Exhibit 31, and further subject to the execution of the Agreement between Waste Management and Broward County (Agreement) attached as Exhibit 32, the form of which documents having been reviewed and approved in writing by the Office of the County Attorney, incorporating for purposes of legal enforceability the voluntary commitments proffered by Waste Management in its letter dated January 14, 2025, attached as Exhibit 30 (Letter), as an inducement to the Board to approve its application; and authorizing the Mayor to execute the Agreement.

Legislative findings to be incorporated into Ordinance:

WHEREAS, landfills provide a necessary public health function and a convenient solid waste disposal location, the benefits of which are diffused across multiple communities throughout the region;

WHEREAS, landfills can also impose negative externalities on a host community due to, among other potential impacts, additional noise, odors, increased traffic, and stigma;

WHEREAS, most local landfills have been replaced with larger, regional landfills, which further diffuse the benefits of the landfill across an even larger population throughout the region and further concentrate the detrimental impacts on a host community;

WHEREAS, the Waste Management property includes one such regional landfill, which will be enlarged by the proposed additional development;

WHEREAS, the proposed additional development of the Waste Management property will impact the provision of solid waste disposal and other services by the County, and will create operational impacts for Broward County properties including the Broward County Landfill;

WHEREAS, the proposed additional development of the Waste Management property will provide Waste Management with economies of scale;

WHEREAS, Waste Management has undertaken several voluntary commitments, including a voluntary commitment to pay the County a host charge, which voluntary commitments will be contained in a restrictive covenant that will run with the land and encumber the property and, as determined appropriate, will be stated in a separate contractual document incorporated into the declaration containing the applicable restrictive covenants;

WHEREAS, the Board will dedicate the proceeds of the host charge to help mitigate potential negative externalities and impacts, known and unknown, resulting from the applicable land use plan amendment and subsequent additional development of the Waste Management property, including, without limitation, and to the extent Waste Management is not primarily or otherwise legally obligated to do so, to: offset or otherwise address potential environmental impacts of the regional landfill, whether presently known or unknown; offset presently known or unknown direct and indirect impacts to the County-owned landfill and other elements of the current system for recycling and disposal of solid waste within Broward County; offset additional costs the County may incur to transport municipal solid waste to alternate disposal facilities; repair damage to roads and highways affected by the presence and use of the Waste Management property; offset costs not legally borne by other parties, including Waste Management, related to remediation and monitoring of closed or abandoned facilities located within the Waste Management property now or in the future; and offset potential costs of infrastructure improvements necessitated by the presence and use of the Waste Management property;

WHEREAS, the Board will utilize the host charge only to address such impacts and otherwise, as determined by the Board, to benefit the County's residents and businesses in connection with solid waste disposal including, without limitation, to: offset the costs of recycling and solid waste management; enhance litter control programs; expand public education efforts for solid waste management, recyclable materials management, hazardous waste management, and litter control; if necessary, acquire property and interests in property adjacent to or in reasonable proximity to the Waste Management property upon a determination by the County that such acquisition will serve beautification, environmental, buffering, or recreational purposes such as will ameliorate the impact of the Waste Management property; administer and implement regional solid waste planning; and allocate funds received in any fiscal year from the host charge to a reserve fund designated for use for the above purposes in future fiscal years;

WHEREAS, although not a requirement of this land use amendment, the voluntarily offered host charge has a direct and substantial relationship with Waste Management's proposed development and the Board finds it is roughly proportional to the impact of that development.