

ITEM #19₍₂₎

ADDITIONAL MATERIAL

REGULAR MEETING

OCTOBER 22, 2024

SUBMITTED AT THE REQUEST OF

RESILIENT ENVIRONMENT

DEPARTMENT



Resilient Environment Department
URBAN PLANNING DIVISION

1 N. University Drive, Box 102 | Plantation, FL 33324 | 954-357-6634 | Fax 954-357-6521

MEMORANDUM

DATE: October 17, 2024
TO: Mayor and Members of the Board of County Commissioners
THRU: Leonard Vialpando, PE, Director, Resilient Environment Dept.
FROM: Josie P. Sesodia, AICP, Director, Urban Planning Division

RE: Zoning Code Amendment 24- Z5 – Landfill Height

Background

On June 18, 2024, the Board directed the Office of the County Attorney to draft an ordinance to increase the maximum allowed height of landfills in the Agricultural-Disposal District (A-6) Zoning District from 125 feet to 325 feet.

On August 14, 2024, the Resilient Environment Department's Local Planning Agency (LPA) held a public hearing on proposed Broward County Zoning Code Amendment 24-Z5. Shortly before the LPA public hearing, the Urban Planning Division received written comments from the cities of Coconut Creek and Deerfield Beach (attached). Representatives from these cities also spoke at the public hearing. The LPA, influenced by the presentations, did not make a finding of consistency with the Broward County Comprehensive Plan.

Staff Recommendation

The cities of Coconut Creek and Deerfield Beach correspondence opposes expansion of Monarch Hill Landfill. However, the information provided by these cities to the LPA does not demonstrate that the proposed Zoning Code amendment is inconsistent with the Broward County Comprehensive Plan. As shown below, many of the issues raised relate to licensing and regulation of future landfill expansion, which are beyond the scope of this Zoning Code amendment. Staff continues to recommend that the proposed ordinance is consistent with the Broward County Comprehensive Plan.

Staff Analysis

The cities' correspondence and presentations to the LPA raised several issues, which are summarized below, along with *staff responses shown in italics*.

A. Height:

1. County did not consider additional requirements associated with height increase.

Response: *The Monarch Hill Landfill site is geographically constrained and must operate within the established footprint. Additional requirements, such as increased setbacks, are not feasible.*

2. Setbacks established in 1965 are based on maximum height of 125 feet; applying the same setbacks of 50 feet for rear and side yards and 75 feet for front yard are only appropriate for 125 feet height. Setbacks must increase as height increases to accommodate increase landfill mass.

Response: *The Monarch Hill Landfill was established in the 1960s and until 1980s was isolated from urban development. The landfill complies with required 100 foot setbacks and additional setbacks are not feasible.*

3. Proposed code almost triples allowed height; maximum of 225 feet should be considered.

Response: *Monarch Hill Landfill is currently approved, by variances, for a height of 225 feet.*

4. Maximization of the site was not considered 60 years ago, was not considered by the first variance request to raise the height to 225 feet, and is not being considered now.

- Wiles/Green Road frontage can be seriously impacted.
- Property currently meets minimum 75 feet for Green and Powerline Road frontage but is only 50 feet for Sample Road and Florida's Turnpike.

Response: *Wiles/Green Road is developed with industrial uses and is designated as I-2 limited heavy industrial on the City of Deerfield Beach Zoning Map. All yards are required to be 100 feet in depth per the Broward County Zoning Code Section 39-463(b) and meet or exceed the depth requirement.*

5. Height increase impacts expansion of existing footprint of Monarch Hill landfill.

Response: *Monarch Hill Landfill footprint is unchanged by the proposed amendment.*

6. Proposed code amendment would allow Monarch Hill to become second tallest point in Florida and the tallest landfill in the state. Staff Report does not provide any backup or comparisons of height restrictions to the A-6 zoned properties and height restrictions of other landfills in the state.

Response: *Height restrictions on other landfills are not relevant to a local policy decision. Notwithstanding, according to the Florida Department of Environmental Protection, the following three landfills have permitted maximum elevations in excess of 225 feet:*

Okeechobee Landfill (Okeechobee County) – 370 feet

Medley Landfill (Miami-Dade County) – 340 feet

J.E.D. Solid Waste Management Facility (Osceola County) – 330 feet

7. Proposed code amendment without analysis or justification of need and is therefore without basis or merit.

Response: The Broward County Code of Ordinances, Chapter 39-Zoning, Article IV. – District and Regulation Changes provides that the Board of County Commissioners may amend the zoning regulations “Whenever the public necessity, convenience, general welfare, or good planning and zoning practice requires.” Broward County is obligated by state statute to ensure the adequacy of solid waste facilities. Accordingly, on June 18, 2024, the Board of County Commissioners directed the Office of the County Attorney to draft an Ordinance amending the Zoning Code to increase the permitted height of landfills in an Agricultural-Disposal District (A-6) up to three hundred twenty-five (325) feet.

8. The City of Deerfield Beach objects to the code change not being considered in context with all other proposed improvements to the Monarch Hill Landfill.

Response: The proposed amendment would apply to all landfills zoned A-6, not just Monarch Hill. Also this code amendment is intended to dovetail with the Board’s consideration of the proposed Land Use Plan Amendment and Future Land Use Map Amendment for the Waste Management site.

9. Raising the landfill height conflicts with the purpose of the A-6 zoning district included in the Broward County Code of Ordinances, Section 39-457 which states: “The A-6 Agricultural-Disposal District is intended to apply to areas appropriate for the disposal of material wherein such disposal will not adversely affect desirable future development.” The code amendment does not consider any changes to setbacks that were created for a landfill with a maximum height of 125 feet. The setbacks must be considered in any change to the maximum height. The zoning code change is made for the specific intent of increasing the height of Monarch Hill landfill, although it will also apply to the Broward County Landfill.

Response: As stated in the Staff Report, raising the allowed height of landfills in the A-6 zoning district is appropriate since large properties are not available to site new landfills. Broward County is obligated by state statute to ensure the adequacy of solid waste facilities. Therefore, increasing the maximum height allowed for landfills would enable existing landfills to potentially increase their capacity to process and dispose of future volumes of solid waste, consistent with adopted level of service standards and the requirements of Florida Statutes.

B. Comprehensive Plan Consistency:

1. Amendment is inconsistent with Broward County Comprehensive Plan Policies 2.11.9: Broward County shall encourage power generation facilities and power transmission infrastructure be sited and designed in a manner which takes into consideration impacts from climate change, including increasing winds, storm surge, ambient temperatures and sea level rise.

Response: This amendment relates to the height of landfills and does not relate to Electrical Generation Facilities land use. As such, this amendment is not inconsistent with encouraging power generation facilities, nor does it discourage such use.

2. Amendment is inconsistent with Broward County Comprehensive Plan Policies and Policy 2.11.10: Broward County shall coordinate land use plan amendment proposals to designate sites to the Electrical Generation Facility land use category with the Florida Electrical Power Plant Siting Act, as amended, and ensure such amendments are consistent with the Act.

Response: This amendment does not relate to Electrical Generation Facilities land use, nor does it discourage such use.

3. Broward County should not consider code amendment until the Solid Waste Element has been updated and a determination made that no conflict exists between the need for electrical generation facilities and landfills.

Response: This amendment does not relate to Electrical Generation Facilities land use, nor does it discourage such use.

4. Staff Report does not reference Broward County Land Use Plan Solid Waste Policy 2.11.8: Landfills and resource recovery facilities shall be planned to minimize impacts to adjacent existing or planned land uses.

Response: The height increase would allow continued use of an existing facility.

5. Broward County Land Use Plan Policy 2.5.1 requires the provision of three (3) acres of regional park per thousand existing and projected residents. Potential conversion of the Monarch Hill Landfill into the County regional park system should be considered, including how the current configuration and slope of the landfill may prohibit future park use.

Response: Monarch Hill Landfill is a privately owned facility and, consistent with Policy 1.1.1 of the Private Property Rights Element, the owner has the right to use, maintain, develop and improve this property.

6. Solid Waste Element appears to conflict with the Element's stated need for waste-to-energy facilities in Solid Waste Element Policy 6.3.4 because it would expand the footprint of Monarch Hill Landfill.

Response: The proposed zoning code amendment is consistent with this policy because it would not expand the footprint of Monarch Hill Landfill. This is not a site plan application to change Monarch Hill Landfill; it is an amendment to the Zoning Code regulations for landfill height. Also, the composition of solid waste is regulated by licensing and other County Ordinances, not by zoning regulations. Limitations on types of waste are not applicable to this proposed Zoning Code amendment.

7. County abandoning own policies if code amendment is approved because entirety of the proposed improvements to Monarch Hill landfill should be considered, not just height increase without review of any justification or plan to minimize impacts on adjacent existing and planned land uses.

Response: Broward Municipal Services District Element Policy 1.2.2 provides for availability and capacity of public facilities, including solid waste, as required by Chapter 163.3180, Florida Statutes. The proposed zoning code amendment is consistent with this policy because it provides future capacity for solid waste facilities to support growth and development.

8. Code amendment is not consistent Intergovernmental Coordination Element Policy 8.2: Broward County will coordinate with local governments and contracted solid waste removal and disposal providers to ensure a safe, efficient, and comprehensive waste management system.

Response: Broward County and its municipalities are party to an interlocal agreement (ILA) that established the Solid Waste Disposal and Recyclables Materials Processing Authority of Broward County. The first meeting of its governing board was held on October 11, 2023. On May 10, 2024, the Authority hired consultants to prepare a Regional Solid Waste and Recycling Master Plan. The proposed Zoning Code amendment does not expand any existing landfill, but provides potential for height increase.

C. Other Issues:

1. How will three to one slope ratio that is required by Solid Waste Element Policy 6.3.4(b) be maintained or impacted by height increase?

Response: The three to one slope ratio remains unchanged.

2. Accept only Broward County waste.

Response: Pursuant to Section 403.713 Florida Statutes, the free flow of solid waste across municipal or county boundaries may not be limited.

3. Process construction and demolition (C and D) debris through a separate licensed C & D resource recovery plant prior to acceptance for disposal.

Response: As noted in the Staff Report, the composition and origin of solid waste are not regulated by the Zoning Code.

4. Do not accept source separated yard waste, including disaster debris.

Response: As noted in the Staff Report, the composition and origin of solid waste are not regulated by the Zoning Code. Additionally, another concern of the County to ensure sufficient capacity to handle the debris resulting from a storm or other related disaster.

5. Bring nonconforming sections or cells of existing landfill into full conformity with applicable state and federal environmental requirements at time of expansion, including:

- New groundwater discharge permit from the Florida Department of Environmental Protection.
- Vertical expansion must not lead to leachate leakage, objectionable odors, or adverse impact on closure design of any existing cell in accordance with Chapter 62.701, Florida Administrative Code.
- Conduct a comprehensive hydrogeological study to determine placement of monitoring wells for submittal and approval by the Florida Department of Environmental Protection.
- Adhere to secondary water quality standards beyond the discharge zone as required by Chapter 62-520, Florida Administrative Code.

Response: These are issues that are addressed through regulations outside the jurisdiction of Broward County Zoning Code. Landfills must comply with Florida Administrative Code, Section 62-701.340 which states "A landfill shall be designed, constructed, operated, maintained, closed, and monitored throughout its design period to control the movement of waste and waste constituents into the environment so that water quality standards and criteria and air quality standards will not be violated."

6. There is no precedent for understanding how the height increase impacts environmental concerns or the existing monitoring footprint.

Response: Environmental compliance and monitoring are not zoning issues; however, the landfill will continue be monitored for environmental concerns, including air and water quality.

7. Require additional landscape coverage and buffers.

Response: Adequate landscaping and buffers are already established in the Zoning Code.

8. Evaluate the impacts to surrounding uses and trafficways and require improvements and maintenance to adjacent roadways.

Response: The height increase allows continued use of an existing facility. Permitted uses are not changing. The volume of truck traffic is not expected to change. Therefore, no additional impacts to traffic and surrounding uses are expected. Additionally, NW 48th Street and Powerline Road carry a high volume of truck traffic due to the heavy commercial and industrial uses located in the City of Deerfield Beach.

9. Require increased air, water, dust, and debris monitoring and odor control measures.

Response: Compliance with applicable state and federal regulations is outside the jurisdiction of Broward County's Zoning Code.

10. Allowing height increase by right instead of by variance denies county staff the ability to identify these impacts and request compliance with addressing these needs. Removal of the variance process for a landfill height increase is an error and disservice to the Broward Next Plan and County's development regulations.

Response: The amendment relates to the height of landfills. The variance process is not being amended.

11. This Code amendment should be coordinated through Broward County Solid Waste and Recyclable Materials Processing Authority (Authority) and justified through Master Plan.

Response: Zoning regulations for the unincorporated area are the responsibility of the Board of County Commissioners, which directed staff to process this amendment. Furthermore, the Regional Solid Waste and Recycling Master Plan is unlikely to specifically address height of landfills.

12. Changes should not be made to Monarch Hill Landfill, including changes to the A-6 zoning district, before the Solid Waste Authority develops its Regional Solid Waste and Recycling Master Plan. Broward County authorities have stated they are awaiting the findings of the Solid Waste Authority before making a decision on the proposed Land Use Amendment; the same decision should be made regarding changes to the permitted height of a landfill. The proposed landfill height increase provides a short-term solution, but it does not resolve long-term planning needs.

Response: Broward County and its municipalities are party to an interlocal agreement (ILA) that established the Solid Waste Disposal and Recyclables Materials Processing Authority of Broward County. On May 10, 2024, the Authority hired consultants to prepare a Regional Solid Waste and Recycling Master Plan. The proposed Zoning Code amendment does not expand any existing landfill. It provides potential for height to be increased up to 325 feet NGVD.

Attachments(2):

Letter from City of Deerfield Beach, August 12, 2024

Letter from City of Coconut Creek, August 14, 2024

SCOTT STOUDENMIRE
DEPUTY CITY MANAGER

August 14, 2024

Ms. Josie P. Sesodia, AICP
Director, Urban Planning Division
Broward County
1 North University Drive
Plantation, FL 33324

RE: Amendment 24-Z5: Landfill Height - City of Coconut Creek Comments

Dear Ms. Sesodia:

As you know, the County Attorney's office was directed to draft an amendment to Section 39-464 of the Broward County Zoning Code related to the height limitations for landfills within the A-6 zoning district. When that direction was given by the County Commission, the City of Coconut Creek requested that our staff be involved with the drafting of the amendment. While the City did receive a draft ordinance from the County Attorney's office on July 23rd for review and comment, we were also provided the already established timeline for formal review and approval and we were not included in meetings to discuss. We had requested to have a seat at the drafting table to be a part of the process to develop the ordinance, not a mere courtesy notice after the fact. Further, it is clear that the strategy was to take a very bare bones approach, giving no consideration to additional requirements associated with the proposed height increase. It is critical that the LPA recognize that there are only two locations in Broward County zoned A-6. The current code limits the height of landfills to one hundred and twenty-five feet (125'), almost tripling the height to three hundred and twenty-five feet (325') is unconscionable. A maximum height of two hundred and twenty-five feet (225') should be considered.

City staff has had the opportunity to not only review the draft, but to evaluate the potential impacts such a dramatic code amendment would have. The City firmly believes that at a minimum, the following issues/concerns should be given consideration as part of the amendment review process:

- Waste should be limited to the following:
 - Only waste generated within Broward County be accepted.
 - Construction and Demolition debris should be processed through a licensed Construction and Demolition Resource Recovery plant prior to acceptance for disposal.

- No source separated yard waste should be accepted for disposal including disaster debris.
- Prior to any expansion of a landfill, nonconforming sections or cells of the existing landfill operation should be brought in full conformity with any applicable state and federal environmental requirements at the time of expansion, including the following actions:
 - A new ground water discharge permit must be submitted and approved by FDEP before any vertical expansion above the previously approved maximum landfill height is allowed.
 - Vertical expansion above the previously approved maximum landfill height of two hundred and twelve feet (212') must not lead to leachate leakage, objectionable odors, or adverse impacts on the closure design of any existing cell, per Chapter 20.701 of the Florida Administrative Code.
 - A comprehensive hydrogeological study must be performed to determine proper monitoring well placement based on available data and an updated groundwater monitoring plan must be submitted and approved by the Florida Department of Environmental Protection to ensure adequate coverage is required for vertical expansion above previously approved landfill height of two hundred and twelve feet (212').
 - The landfill must adhere to secondary water quality standards beyond the Discharge Zone, per Chapter 62-520 Florida Administrative Code.
- The proposed amendment lacks a comprehensive evaluation of related zoning criteria and should consider the following:
 - How an increase in height impacts other regulations. The current setbacks in the Broward County Code were created based on a significantly lower profile when the Monarch Hill landfill was first developed in 1965. Since the original site was only permitted to be one hundred and twenty-five feet (125') tall based on relevant zoning/land use guidelines, applying the same setback, while increasing the height from one hundred and twenty-five feet (125') to three hundred and twenty-five feet (325') is inappropriate. The current County Code requirements for

rear and side yards as fifty feet (50') and the front yard as seventy-five feet (75'), is only appropriate for the original one hundred and twenty-five foot (125') height. If the height of the landfill is going to increase, the setbacks must increase as well to accommodate for the increased mass.

- The increase in height will expand the life expectancy of the landfill. However, what improvements are made by the property owner for this additional impact to the surrounding uses and trafficways? Allowing the height increase by right instead of through a variance process denies County staff the ability to seek these answers and request the applicant's compliance with addressing these needs. At the very least, additional landscape coverage and buffers, improvements and continued maintenance to adjacent roadways, and odor control measures should be conditions to an increase in height, as well as increased air, water, dust, and debris monitoring. These are reasonable considerations since Monarch Hill will be the tallest landfill in the State with no precedent to look to, as County staff will need to ascertain how this increase in height will impact existing environmental concerns or if this increase in height will require expansion of the Monarch Hill existing monitoring footprint.
- The proposed amendment is inconsistent with Broward Next and the Broward County Land Use Plan
 - While this item is solely related to the height increase for A-6 zoning categories, it is important to understand the cause for the request as one was not provided at the County Commission Meeting on June 18, 2024, when the Broward County Commission directed the Office of the County Attorney to draft an ordinance to increase the height of landfills up to three hundred and twenty-five feet (325') in the A-6 zoning. Waste Management has sought to increase the Monarch Hill landfill's size by seeking a Land Use Plan Amendment for the former site of the North Broward Waste to Energy Facility for the past several years. This amendment request and the work currently underway at the adjacent properties show that Waste Management is solely focused on making the Monarch Hill landfill the largest and tallest landfill in the State of Florida. This desire to change the use conflicts with Broward County Comprehensive Plan Policies 2.11.9 and 2.11.10 which are:

Electrical Generation Facilities:

POLICY 2.11.9 Broward County shall encourage power generation facilities and power transmission infrastructure be sited and designed in a manner which takes into consideration impacts from climate change, including increasing winds, storm surge, ambient temperatures and sea level rise.

POLICY 2.11.10 Broward County shall coordinate land use plan amendment proposals to designate sites to the Electrical Generation Facility land use category with the Florida Electrical Power Plant Siting Act, as amended, and ensure such amendments are consistent with the Act.

- Further, a conflict appears to exist as the County is in the process of updating the Solid Waste Element of the Comprehensive Plan. This code amendment to the A-6 zoning district should not be considered until the Solid Waste Element has been updated and it has been determined that no conflicts exist between the need for electrical generation facilities and landfills. By allowing a change to the increase in the height of landfills within A-6 zoned properties, the County is complicit in abandoning its own Future Land Use policies as the entirety of the proposed improvements to the Monarch Hill landfill should be taken into consideration and not just the face value request to increase the height of landfills without review of any justification or plan to minimize impacts on adjacent and existing or planned uses. Therefore, this proposed amendment is not consistent with the Comprehensive Plan as stated in the staff report.
- The proposed amendment has not been coordinated through the Broward County Solid Waste and Recyclable Materials Processing Authority:
 - The City firmly believes that no changes to any landfill in Broward County should be made until the Solid Waste Authority has developed its Regional Solid Waste and Recycling Master Plan. This should include the proposed Code amendment to increase the height of landfills in A-6 zoning districts. The Master Plan should be the document in which County staff justifies any proposed increase in height and this proposed Code amendment should be tabled until such time. Broward County authorities have stated that they are awaiting the findings of the Solid Waste Authority before making further decisions regarding the Land Use

Ms. Josie Sesodia, AICP
August 14, 2024

Page 5

Plan Amendment for the former site of the North Broward Waste to Energy Facility. Again, the City firmly believes that the same decision should be made regarding any change to the permitted height of a landfill.

The City looks forward to working with the County on this extremely sensitive zoning code amendment and we appreciate the opportunity to express our concerns with regard to the substance of the proposed ordinance.

Sincerely,



SCOTT STOUDENMIRE, AICP
Deputy City Manager

cc: Broward County Board of County Commissioners
Coconut Creek City Commission
Sheila Rose, City Manager
Terrill C. Pyburn, City Attorney



August 12, 2024

Josie P. Sesodia, AICP, Director Urban Planning Division
1 North University Drive,
Plantation, Florida 33324

Response to Code Amendment 24-Z5 Landfill Height

Mrs. Sesodia,

The City of Deerfield Beach continues to stand in opposition to any proposed future expansion of the Monarch Hill landfill. The proposed amendment to Section 39-464 of the Broward County Code of Ordinances increasing the maximum height of a landfill from 125 feet above adjacent ground level to 325 feet NGVD should be denied for the following reasons:

Height Comparison

The County has not provided in the staff report any backup or comparisons to the A-6 zoned properties and other landfills statewide and their height restrictions. The City of Deerfield Beach has conducted this research and in review of other landfills that are in South Florida, the Medley landfill located at 9350 NW 89th Avenue, Medley Florida is believed to be the tallest landfill in the State. This landfill, which is located in Miami-Dade County is currently capped at a maximum height of 250 feet per Section 62-90 of the Medley Land Development Code. The City of Deerfield Beach could not find any other County or Municipal code in the State of Florida which permits landfills higher than 250 feet. Amending Section 62-90 to permit by right a height extension of either A-6 zoned landfill to 325 feet without analysis or justification to the need for the height is without basis or merit. This code change could give Monarch Hill the title of tallest landfill in the State of Florida and 2nd tallest point in the State of Florida as the tallest point is Britton Hill at a height of 345 feet. Britton Hill which borders the Florida/Alabama state line is more than 580 miles northwest of the Monarch Hill landfill and is part of a series of natural rolling hills that are throughout this area. The Monarch Hill landfill stands on its own, with no connecting or similar structures anywhere within view.

No Change to Current Setbacks or Other Regulations Proposed

No consideration to other regulations for landfills how an increase in height impacts these other regulations, is contemplated. The current setbacks in the Broward County code were created based on the maximum height of 125 feet, when the Monarch Hill landfill was first developed in 1965. Since, the original site was only permitted to be 125 feet tall based on relevant zoning/land use guidelines, applying the same setback, while increasing the height from 100 feet to 325 feet is inappropriate. The current County code requirements for rear and side yards as 50 feet and the front yard as 75 feet, is only appropriate for the original 125 foot height. If the height of the landfill is going to increase, the setbacks must increase as well to accommodate for the increased mass. Additionally, over the years, the Monarch Hill landfill site has expanded northward to Wiles/Green Road. Currently the applicant, Waste Management is seeking approval to amend the land use of the parcel located at 3140 NW 48th Street from PUD/M-4 to A-6 as well. Additionally, Waste Management already is in the process of, or plans to incorporate the other A-6 zoned parcels along the north property line into the existing landfill. This maximization of the site was not considered 60 years ago nor was it considered in the first variance request to raise the height to the current 225 feet and it is not being considered now. This can seriously impact the Wiles/Green Road frontage. Currently, the property meets the minimum 75 feet for Green and Powerline Road but is only 50 feet for Sample and the Turnpike. Additionally, Solid Waste Element Policy 6.3.4(b) maintains that a three to one slope must be maintained. How will this slope ratio be impacted with the height increase?

The increase in height will expand the life expectancy of the landfill. However, what improvements are made by the property owner for this additional impact to the surrounding uses and trafficways? Allowing the height increase by right instead of through a variance process denies County staff the ability to seek these answers and request the applicant's compliance to addressing these needs. At the very least, additional landscape coverage and buffers, improvements and continued maintenance to adjacent roadways and odor control measures should be conditions to an increase in height, as well as increased air, water, and dust and debris monitoring. These are reasonable considerations, since Monarch Hill would be the tallest landfill in the State with no precedent to look to, to be able to understand how this increased height impacts existing

environmental concerns or if this increased height expands the Monarch Hills existing monitoring footprint.

What will Final Maximum Capacity Be?

In review of the United States Environmental Protection Agency's website regarding municipal solid waste landfills, and its tabular data documenting operational landfills in the United States, the Monarch Hill landfill is currently the largest landfill in the State of Florida in capacity of "waste in place per tons" with 77,055,682 tons of waste already in the landfill. The next closest landfill in the State of Florida is the Okeechobee landfill located at 10800 NE 128th Avenue, Okeechobee Florida with a waste in place per tons of 37,538,675. The Medley landfill has a current capacity of 35,560,166 tons. The Monarch Hill landfill is already the largest landfill in the State of Florida per waste in tons, this height increase will increase the tonnage capacity to an unknown amount with the additional 100-foot increase. In addition to the Monarch Hill landfill already being the largest landfill in the State of Florida per tons, now Monarch Hill could be the tallest landfill in the State.

Landfill Closure Year

The largest landfill in the State of Florida by design capacity is the Okeechobee landfill with an end of life proposed capacity of 241 million tons. The site, which is already the 2nd largest site in the State of Florida, behind Monarch Hill was opened in 1981 and has a projected closure date of 2078. In contrast the Monarch Hill landfill had an opening date of 1965 and has a projected close out date of 2030. More research is needed to understand what the extension to life for the Monarch Hill landfill will do to the site, the environment and the surrounding area. These decisions should be made through the necessary EPA permits for landfill extensions and not through the Land Development Code.

Future Use of a Closed Landfill

There are currently 56 open and operating landfills in the State of Florida. There are 52 landfills which are now permanently closed. These closed landfills, over time regain their usefulness to the public in the form of park and open space. A local example of this is the Davie Landfill Superfund Site now known as Vista View Park located at 4001 SW 142 Avenue, Davie Florida. This 270-

acre park has a maximum plateau of 65 feet. It took 25 years for the site to be deemed safe for the public and since its opening in 2003, the County Park now offers trails, playgrounds, sport courts and wildlife habitat. Vista View Park is a perfect example of what the normal course of life is supposed to be for a landfill and how end of use planning for landfills is necessary. Landfills do get repurposed and should be seen as future public amenities to meet our ever-growing population. In the 2017 EPA article “Sites in Reuse Davie Landfill Superfund Site” (attached), the EPA projected that the park generates over \$240,000 in Broward County revenue and that the park helps contribute to the local tax base following its development for new adjacent residential use. Unfortunately, at 225 feet and with its current minimal setbacks and high 3 to 1 slopes, Monarch Hill may already be too tall to be able to provide the same park experience in the future that Vista View Park provides. It would be nearly impossible to imagine what use, if any Monarch Hill could offer the general public at 325 feet with its steep inclines and lack of flat area at the surface.

As South Florida continues to grow in population, solid waste disposal is an important issue, but another important issue is the need to provide three (3) acres of regional park for every 1,000 existing and projected permanent residents per policy 2.5.1 of the Broward County Land Use Plan. The potential future conversion of the Monarch Hill landfill into the County regional park system should be seen as a positive attribute of the site and a future benefit and resource to the citizens of Broward County and this should be considered in the current configuration and slope of the landfill which may prohibit the park use in the future.

Conflicts with Broward Next and the Broward County Land Use Plan

While this item is solely related to the height increase for A-6 zoning categories, it is important to understand the cause for the request as one was not provided on June 18, 2024 when the Broward County Commission directed the Office of the County Attorney to draft an ordinance to increase the height of landfills up to 325 feet in the A-6 zoning. Waste Management has for the past several years sought to increase the landfill’s size by seeking a Land Use Amendment for the property located at 3140 NW 48th Street. This amendment request and the work currently underway at the adjacent properties show that Waste Management is solely focused on making the Monarch Hill landfill the largest and tallest landfill in the State of Florida. This desire to change the use conflicts with policies 2.11.9 and 2.11.10 which are:

Electrical Generation Facilities:

POLICY 2.11.9 Broward County shall encourage power generation facilities and power transmission infrastructure be sited and designed in a manner which takes into consideration impacts from climate change, including increasing winds, storm surge, ambient temperatures and sea level rise.

POLICY 2.11.10 Broward County shall coordinate land use plan amendment proposals to designate sites to the Electrical Generation Facility land use category with the Florida Electrical Power Plant Siting Act, as amended, and ensure such amendments are consistent with the Act

The City of Deerfield Beach has consistently opposed a land use change that would replace an environmentally friendly resource facility use (waste to energy) with a use providing for increased landfilling of trash or any other material. A consequence of this action is that utilizing a resource facility to convert waste to energy would reduce the need for an expansion to the landfill. Waste Management has determined that they will not operate this use which not only creates alternative energy, but reduces demand on landfill capacity. It is additionally, important to note that the closure of this resource facility as stated in Policy 6.3.4(c)(i) is stated in order for the landfill to increase in height. The current Solid Waste Element appears to conflict with the Element's stated need to have waste to energy facilities as stated here:

(c) On or after January 1, 2018, the County may approve an application for a solid waste license or a zoning approval which would allow the CDSL to exceed a maximum vertical height of 225 feet NGVD with three to one slopes, as set forth in (b) above, only if said approval restricts the waste to be accepted at CDSL to Summit Waste, as defined in (d) below, except in the following limited circumstances:

(i) The North Waste-to-Energy facilities located at 2600 Wiles Road, Pompano Beach, FL and/or the South Waste-to-Energy facilities located at 4400 South State Road 7, Fort Lauderdale FL are not operational;

A conflict appears to exist and as the County is in the process of updating the Solid Waste Element, this code amendment should not be considered until the Solid Waste Element has been updated and that no conflicts exist between the need for electrical generation facilities and landfills.

Additionally, the staff report does not reference policy 2.11.8 which states:

Solid Waste POLICY 2.11.8 Landfills and resource recovery facilities shall be planned to minimize impacts on adjacent existing or planned uses.

The existing and planned adjacent use is the resource facility. The expansion of the landfill in height, impacts the resource facility use as it is required to be closed in order to meet the conditions of 6.3.4(c).

The City of Deerfield Beach objects to the notion that this code amendment is consistent with Broward Municipal Services District Element Policy 1.2.2 as no research or study has been provided to determine the impacts of this height increase in relation to drainage and parks and recreation facilities. Only through an analysis of the height increase could this occur and it is premature for staff to make this assertion when no analysis was provided.

The City of Deerfield Beach objects to the notion that that code amendment is consistent with the Intergovernmental Coordination Element Policy 8.2 as the policy states:

Broward County will coordinate with local governments and contracted solid waste removal and disposal providers to ensure a safe, efficient, and comprehensive waste management system.

The City of Deerfield Beach does not believe that this will occur until the Solid Waste Authority has completed their Regional Solid Waste and Recycling Master Plan and Broward County has adopted an updated Solid Waste Element. This code amendment, which was drafted at the request of the Broward County Commission, is in direct conflict with Policy 8.2 as the 325-foot height limit is an existing and documented request from Waste Management.

While the City recognizes that Policy 6.3.4 can permit an increase in height above the existing 225 feet with certain conditions, the City still objects to an amendment to the Broward County Code of Ordinances for a specific height of 325 feet NVAD. The conditions set forth in policy 6.3.4 should be the guiding document and not the code of ordinances given that conditions for approval to a height increase exist in the Solid Waste Element which do not exist in the Broward County Code of Ordinances creating a possible improvement that is not by right. For this reason alone, the stated proposed language should not be approved as is.

The City of Deerfield Beach requests to know the current standing to Policy 6.3.5 related to a bi-annual analysis of solid waste demand and disposal facilities. When was this study last conducted and what were the findings?

By allowing a change to the increase in the height of landfills within A-6 zoned properties, the County is complicit in abandoning its own Future Land Use policies as the entirety of the proposed improvements to the Monarch Hill landfill should be taken into consideration and not just the face value request to increase height without review of any justification or plan to minimize its impacts on adjacent and existing or planned uses. Therefore, this amendment is not consistent with the comprehensive plan as stated in the staff report.

Conflicts with Article XXX – Agricultural-Disposal A-6 District

The Broward County Code of Ordinances Section 39-457 - Purpose of District, reads:

The A-6 Agricultural-Disposal District is intended to apply to areas appropriate for the disposal of materials wherein such disposal will not adversely affect desirable future development.

This letter has already expressed in detail how this change to permitted height will adversely affect desirable future development. Particularly, the existing use of the property located at 3140 NW 48th Street in which the waste to energy station has already been demolished. Additionally, this proposed code amendment has not considered any amendments to Section 39-463 – Yards, in which the existing setbacks were created for a maximum height of a landfill at 125 feet. The setbacks for this property must be considered in any change to the existing maximum height. Raising the height of the landfill to 325 feet is in direct conflict with the purpose of the A-6 zoning district and the desirable future development of waste to energy facilities.

A-6 Site Comparison and Conflicts

While there are two properties in Broward County that are impacted by a proposed height increase, the City of Deerfield Beach believes that only the Monarch Hill site will be impacted by this change. While the proposed amendment to Chapter 39 of the County Code for the A-6 Agricultural Disposal District impacts both the Monarch Hill landfill and the Broward County landfill, the two

sites are vastly different. The Monarch Hill site is currently the largest landfill in the state by waste in place at 77,055,682 tons and the Broward County landfill currently shows its waste in place at 2,583,613 tons. While it may seem that the Broward County landfill has some catching up to do to Monarch Hill, the sites landfill closure year is listed as 2028, two years before Monarch Hills closure date of 2030. It is certainly conceivable that Broward County will seek an extension to the closure date of the Broward County landfill, but the matter before the County Commission presently is the Monarch Hill expansion and not the Broward County landfill expansion. Currently the Broward County landfill is at a height of 135 feet NGVD, whereas the Monarch Hill landfill has already received a variance to increase its height to 225 feet. Finally, the size of the Monarch Hill landfill is approximately 480 acres in size (all properties combined) whereas the Broward County landfill site is only approximately 192 acres in size. Monarch Hill is more than twice the size in area and almost twice the size in height to the Broward County landfill. While the entirety of the A-6 zoning district is impacted by this proposed code change, the City of Deerfield Beach objects to any notion that this code change is not made for the specific and express intent of an immediate increase in height and capacity for the Monarch Hill landfill.

Solid Waste Authority

The City of Deerfield Beach has repeatedly stated to the Broward County Commission that no changes to the Monarch Hill landfill should be made until the Solid Waste Authority has developed its Regional Solid Waste and Recycling Master Plan. This should include the proposed code amendment to increase the height of landfills in A-6 zoning districts. The Master Plan should be the document in which County staff justifies any proposed increase in height and this proposed code amendment should be tabled until such time. Broward County authorities have stated that they are awaiting the findings of the Solid Waste Authority before making further decisions regarding the Land Use Amendment for the 3140 NW 48th Street property. The City of Deerfield Beach believes that the same decision should be made regarding any change to the permitted height of a landfill.

Conclusion

The City of Deerfield Beach recognizes the long term need for solid waste disposal, but believes that the immediate remedy of a landfill height increase only provides for a short-term solution and does not resolve long term planning needs. The reality is, there are no examples in the State of Florida for an existing landfill to reach a height of 325 feet. While the City recognizes that the change to Code Section 39-464 does not expressly grant approval for an increase, it does provide the opportunity and makes the height increase much more likely to occur in the near future. The City of Deerfield Beach objects to any notion that this amendment should only be considered at its face value and not in context with all other proposed improvements for the Monarch Hill landfill. Any future increase to the height of Monarch Hill should be scrutinized for the multiple reasons brought forth in this letter. To remove the variance procedure in the which the applicant would be required to provide site documents, justification and conformance to all of Policy 6.3.4 for the requested need is an error and a disservice to the Broward Next Plan and development regulations of the County Code. The City of Deerfield Beach firmly stands in opposition of this proposed amendment.

Sincerely,



Eric M. Power, AICP, LIAF
Planning & Development Services Director

Enclosed:
EPA Document – Sites in Reuse Davie Landfill Superfund Site

Website Available:
EPA Landfill Methane Outreach Program (LMOP) Data by State - Florida
<https://www.epa.gov/lmop/project-and-landfill-data-state>

CC:
David Santucci, City Manager
Deerfield Beach City Commission
Broward County Commission
Todd Storti, Broward Solid Waste Authority Executive Director