

Name of Agency: South Florida Water Management District  
Review Coordinator: Curt Thompson (561) 682-6545  
Plan Reviewed: Broward County, DCA #07-1  
SFWMD Response Date: December 22, 2006

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**SUMMARY AND CONCLUSION:**

The City of Weston approved its initial Comprehensive Plan on September 22, 1999. At that time, the plan included a provision that the City would end SW 36<sup>th</sup> Street west of the U.S. Nature Center and support vacation of the remaining right-of-way within the C-11 Impoundment should the South Florida Water Management District (SFWMD) acquire all the land in the Basin II area east of U.S. 27 and west of the U.S. Nature Culture Center.

The City is now proposing a text amendment to its Comprehensive Plan that would allow the City to re-assess its earlier position if the City were to determine that the vacation of SW 36<sup>th</sup> Street west of the U.S. Nature Culture Center might not be in the best interest of the City. It is staff's understanding that this is due to access requirements associated with the possible construction of a new high school on the south side of SW 36<sup>th</sup> Street between the U.S. Nature Culture Center and the residential development to the east.

District staff objects to this text amendment because it would have serious impacts on the design, construction and operation of the C-11 Impoundment, a major component of the Comprehensive Everglades Restoration Plan (CERP). Since the current design is based on the removal of S.W. 36<sup>th</sup> Street within the boundaries of the Impoundment, the entire project would need to be redesigned, resulting in a delay in the implementation of this project, a significant increase in the cost of the project, a reduction in the project's effectiveness, and additional adverse environmental impacts.

**BACKGROUND:**

The SFWMD staff has completed its review of the proposed amendment to the City of Weston Comprehensive Plan (DCA #07-1). This request contains a text amendment to Policy 8.1.4, Chapter 8, "Transportation Element," of the City's Comprehensive Plan. The Policy and proposed text amendment (in bold underline) reads as follows:

"Should the South Florida Water Management District acquire all land in Basin II east of U.S. 27 and west of U.S. Nature Center, the City will end (cul-de-sac, hammerhead, etc.) SW 36<sup>th</sup> Street west of the U.S. Nature Center and will support vacation of the remaining right-of-way within the impoundment area, **unless the City finds retaining such right-of-way to be in the public interest.** In addition, should the South Florida Water Management District acquire all land in Basin II, the City will support vacation of the right-of-way of SW 26<sup>th</sup> Street within the impoundment area."

## SFWMD COMMENTS:

Southwest 36<sup>th</sup> Street is located in the southern portion of the C-11 Impoundment area between U.S. 27 (on the west) and South Post Road (on the east). There is an existing Elementary School, the Manatee Isles (Gulfstream) residential neighborhood, several vacant parcels, a Broward County mitigation area, and the U.S. Nature Culture Center located on the south side of S.W. 36<sup>th</sup> Street between South Post Road and the eastern boundary of the C-11 Impoundment.

The City of Weston received an Environmental Resource Permit (ERP) from the District in October 2000, ERP Permit # 06-03067-P (attached). This Permit authorized the extension of SW 36<sup>th</sup> Street from South Post Road west to connect to the existing two-lane section of 36<sup>th</sup> Street that then extended west to U.S. 27. The road extension was designed provide to access to a then-proposed residential development known as Gulfstream as well as to the existing U.S. Nature Culture Center. The Permit did not authorize the widening or improvement of the existing road to the west past the eastern boundary of the C-11 Impoundment. In the permitting process with the District, the City of Weston specifically relied on the current language in its Comprehensive Plan, stating the City's intention to vacate SW 36<sup>th</sup> west of the U.S. Nature Culture Center when the District acquired the lands within the C-11 Impoundment. (See, attached letter, Exhibit 14 of the Permit, signed by the current City Manager, emphasizing the City's intent to vacate the road).

Furthermore, the City relied on its Comprehensive Plan language to avoid having to address any additional mitigation requirements for direct or secondary wetland impacts associated with any potential widening of the road. In order to provide the District with reasonable assurances that the road would be vacated and the potential for secondary impacts would be eliminated, the City agreed to two Special Conditions in its Permit, again emphasizing their commitment to vacate this road. The Special Conditions stated as follows:

### **Special Condition #10** (Bold added for emphasis):

"The (City) acknowledges that upon completion of the District acquisition of lands or interest in lands currently requiring access to SW 36<sup>th</sup> Street within the boundaries of the Water Preserve Area ..., the (City) **shall have the affirmative obligation to vacate SW 36<sup>th</sup> Street from U.S. 27 to the U.S. Nature Culture Center** and to construct a cul-de-sac or other restrictive access mechanism preventing continued access to the SW 36<sup>th</sup> street west of the US Nature Culture Center, as indicated in Exhibit 14. The restrictive access of the road shall be accomplished in conjunction with and prior to the commencement of construction of the Water Preserve Area plan for this area (Cell 11)."

**Special Condition #14:**

“Failure to vacate 36<sup>th</sup> Street, as required by special condition 10, may result in enforcement action by the District.”

These special conditions were acceptable to the City and compatible with their stated intentions to vacate the road as provided in their Comprehensive Plan language.

It is also worth noting that the District has maintained long standing discussions with the City to ensure successful implementation of the C-11 Impoundment project. For example, in late 2004 and early 2005 District staff worked closely with the City of Weston and the Broward County Planning Council to amend the Broward County Thoroughfare Plan to delete SW 36<sup>th</sup> Street and SW 26<sup>th</sup> Street from the Thoroughfare Plan. The plan amendment was approved in April 2005. This change was deemed the necessary precursor to the City’s vacation of the road.

To date, the District has been operating under the assumption that as the construction date of the Water Preserve Area Project became more imminent, the City would respond positively to the District’s formal request the City to vacate the Road. The District has invested over \$147 million acquiring all land needed for the 1,850-acre C-11 Impoundment project based upon the policies in the City’s Comprehensive Plan.

**C-11 Impoundment History**

The C-11 Impoundment Area is one of 68 components contained in the Comprehensive Everglades Restoration Plan (CERP) to restore and preserve south Florida’s natural ecosystem, while enhancing water supplies and maintaining flood protection. The C-11 component was one of the initial projects authorized by the Water Resources Development Act (WRDA) of 2000.

In October 2001, the District and U.S. Army Corps of Engineers Jacksonville District (USACE) completed a draft Water Preserve Areas (WPA) Feasibility Study which included the C-11 Impoundment component as a part of the Broward County Water Preserve Areas (BCWPA) project. The project description and conceptual design for the component as outlined in the draft WPA Feasibility Study also includes features and characteristics for Water Preserve Areas components other than the C-11 Impoundment.

The Project Management Plan (PMP) for the BCWPA project, which includes the C-11 Impoundment component, has been approved by the USACE and the Draft Project Implementation Report (Draft PIR) is currently under development. The BCWPA is a multi-purpose feature that will provide ecosystem restoration, S-9 diversion storage, urban and environmental water supply, reduce seepage from the Everglades, provide groundwater recharge, stabilize the saltwater/fresh water interface and provide some incidental flood protection.

In October 2003, the South Florida Water Management District decided to pursue a "Dual Track" method for the C-11 Impoundment component in advance of Congressional appropriation. While the multi-agency Project Delivery Team led by the USACE continues to finalize the Draft PIR, the District has proceeded with the design of the C-11 Impoundment. The project is located on a 1,850-acre site owned by the District immediately west of U.S. 27 and north of the C-11 Canal in south central Broward County.

Under the Comprehensive Everglades Restoration Plan, the C-11 Impoundment has a variety of benefits, including the following:

- Reduction of urban stormwater runoff discharged from western Broward County into the Everglades (Water Conservation Area 3) through the S-9 Pump Station
- Reduction of seepage from Water Conservation Area 3 (WCA 3) to the east, thereby reducing the loss of natural system water from the greater Everglades system
- Diversion and treatment of runoff from the western C-11 basin that is presently discharged into WCA- 3

## **OBJECTION**

District staff objects strenuously to the City's proposed amendments to its Comprehensive Plan because they are in direct conflict with the affirmative requirements of their ERP permit. Furthermore, this potential change in the city's commitment to vacate the road will seriously affect, if not prevent, the environmental restoration goals associated with the Water Preserve Area Project and the C-11 Impoundment. If the City does not vacate this road in accordance with its ERP permit, the Everglades Restoration project planned for the C-11 Impoundment will suffer devastating setback, due to the need for a complete redesign of the project, incurring increased costs, and resulting in significantly less environmental benefits than currently expected from the project.

## **RECOMMENDATION**

Based upon the adverse impacts discussed above, District staff recommends that the Governing Board request the City of Weston to withdraw the proposed amendment and to proceed to vacate the road right-of-ways within the C-11 Impoundment Project boundary.