



PALM BEACH COUNTY

PRIVATELY INITIATED

BROWNFIELDS DESIGNATION PROCESS

APPLICATION INSTRUCTIONS AND FORMS



CONTENTS
PRIVATELY INITIATED BROWNFIELD AREA DESIGNATION

General Overview-Instructions

Brownfields Designation Introduction..... 3

Pre-Application Meeting..... 3

Application for Brownfield Designation..... 3

Documentation Requirements for Brownfield Site Designation..... 3

Staff Report and Recommendation..... 3

Resolution by the Palm Beach County Board of County Commissioners 4

Filings with Federal and State Agencies 4

Brownfields Site Rehabilitation Agreement..... 4

Application for Brownfields Designation

Application Checklist/Naming Guide..... 5

General Application 6

Consent Form 9

Affidavit of Completeness and Accuracy..... 10

Affidavit of Economic Productivity 11

GENERAL OVERVIEW - INSTRUCTIONS

PRIVATELY INITIATED BROWNFIELD AREA DESIGNATION

Brownfields Designation Introduction

The Palm Beach County Department of Housing and Economic Development (DHED) will provide assistance to Applicants seeking a brownfield area designation pursuant to Florida Statutes (F.S.) 376.80(2)(c), Brownfield Area Designation Proposed by Persons other than a Governmental Entity.

Pre-Application Meeting

The Brownfields Project Sponsor shall meet with or coordinate by telephone and email with County staff and other brownfields interested agencies to discuss the Brownfields Designation Project Application. If you have any questions concerning completion of this application or wish to schedule a Pre-Application Meeting, please call the Brownfields Project Manager at (561) 233-3607, or (561) 233-3600 and ask to speak to the Special Projects Section.

Application for Brownfield Designation

The County will provide assistance to a Brownfields Project Sponsor who completes a Brownfields Designation Project Application (attached) identifying the project site, the scope of the proposed brownfields project, and site/project information. At the time of application submittal, all Brownfields Designation applicants shall pay a processing fee of \$7,000.00, which is deemed non-refundable except in extraordinary circumstances, as determined by staff.

Documentation Requirements for Brownfield Designation

The following documentation shall be required to qualify for designation as a brownfield site:

- **Project application documentation which includes, at a minimum, the following:**

A completed Application for Brownfield Designation, to include all applicable application forms and required documentation indicated in the Application Checklist, such as:

- A justification statement, which includes a brief summary of the request, to an overview of current and historical uses, current conditions, proposed development, etc.
- Letter(s) from the Palm Beach County Department of Planning, Zoning and Building stating that the proposed project is consistent with the local comprehensive plan and is a permissible use under the applicable local land development regulations.
- A reasonable assurance statement that sufficient resources are available to the applicant to implement and complete a rehabilitation and redevelopment plan.

- **Documentation of public notice**

The Brownfields Project Sponsor must meet the requirements of the Florida Brownfields Redevelopment Act regarding public notification. Specifically, notice of the proposed rehabilitation of the brownfields area must be made in a newspaper of general circulation in the area and notice must be posted in the affected area located proximate to the brownfields site. The email address of the County's Brownfield Project Manager shall be included in the notifications so that interested parties may provide comment to the County on the proposed application. Said notifications shall be posted within 5 working days from the notification that the Brownfields Site Application has been deemed sufficient and project sponsor/applicant has been notified of such by Palm Beach County. A copy of the newspaper advertisement and a photo of the posted notification(s) shall be provided to the County by the applicant.

Staff Report and Recommendation

County staff will review the Brownfields Project Sponsor's Application and consult with any Federal, State and local agencies as to any brownfields requirements, which may be part of the approval of the Brownfields Project. Upon

establishing that the Brownfields Project Sponsor has an application with sufficient information required to qualify for a brownfields designation, County staff will schedule an agenda item with the Board of County Commissioners and prepare a staff report with its recommendation of the Brownfields Project Sponsor's Application. The agenda item is typically submitted for internal County review within 30 days of the determination of application sufficiency. Public hearing dates are approximately 2 months following internal County review date.

Resolution by the Palm Beach County Board of County Commissioners

At the public hearing consideration of the Brownfields Designation request, the Palm Beach County Board of County Commissioners may pass a resolution designating the proposed site a Brownfields site under the Florida Brownfields Redevelopment Act.

Filings with Federal and State Agencies

Board actions for a brownfields designation under the Florida Brownfields Redevelopment Act shall be filed with the Florida Department of Environmental Protection in compliance with the Florida Brownfields Redevelopment Act.

Brownfields Site Rehabilitation Agreement

The designation of a brownfield area by the County entitles the applicant to negotiate a Brownfields Site Rehabilitation Agreement (BSRA) with the Florida Department of Environmental Protection or an approved local pollution control program. The specific requirements of the agreement are outlined in s. 376.80(5) Florida Statutes and s. 62-785 Florida Administrative Code.

**APPLICATION CHECKLIST/NAMING GUIDE
PRIVATELY INITIATED BROWNFIELD DESIGNATION**

Applicants are required to complete the following checklist when submitting an application for a privately initiated brownfield designation. In the case of consolidated submittals, the Naming Guide shall be used to label respective documents, as applicable. Alternatively, any forms or documents submitted individually shall utilize the identified file names. If there are multiple documents of a same type (i.e. multiple deeds), include last name, corporate name or other identifier to distinguish each.

REQUIRED FORMS:

✓ **FORM/FILE NAME**

- ☐ 1 Application Checklist
- ☐ 2 General Application
- ☐ 3 Consent Form(s)
- ☐ 4 Affidavit(s) of Completeness and Accuracy
- ☐ 5 Affidavit of Proposed Economic Productivity

REQUIRED DOCUMENTS:

✓ DOCUMENT NAME	FILE NAME
☐ Brownfield Designation Justification Statement	Justification Statement
☐ Location/Vicinity Map	Location Map
☐ Current Aerial	Aerial
☐ Legal Description	Legal Description
☐ Warranty Deed	Warranty Deed
☐ Letter(s) from the Palm Beach County Department of Planning, Zoning and Building stating that the proposed project is consistent with the local comprehensive plan and is a permissible use under the applicable local land development regulations.	PZB Consistency
☐ Reasonable Assurance Applicant has sufficient financial resources to implement and complete rehabilitation and redevelopment	Financial Assurance
☐ Required Public Notice and Opportunity for Comments/Suggestions: Applicant acknowledges that additional documentation demonstrating compliance with F.S. 376.80(2)(c)4 will be required for application processing after initial sufficiency is confirmed.	Public Notice(s) Meeting Agenda(s) Summary Comments-Suggestions

ADDITIONAL DOCUMENTS (if applicable):

✓ One	DOCUMENTS	FILE NAME
☐	N/A ☐ Consent Letter (Company Authorization)	Consent Letter
☐	N/A ☐ Affidavit of Incorporation	Affidavit of Incorporation
☐	N/A ☐ Articles of Incorporation	Articles of Incorporation
☐	N/A ☐ Phase I or II Environmental Report(s)	Phase I or Phase II Environmental
☐	N/A ☐ FDEP Documentation	FDEP Documentation
☐	N/A ☐ Boundary Survey	Boundary Survey

Other, specify:



**PALM BEACH COUNTY
DEPARTMENT OF HOUSING AND ECONOMIC DEVELOPMENT**

**GENERAL APPLICATION
PRIVATELY INITIATED BROWNFIELD AREA DESIGNATION**

Attach additional pages if needed.

1. APPLICANT INFORMATION

- A. Current Parcel Owner(s):** _____
Address: _____ City: _____
State: _____ Zip Code: _____
Phone: _____ Cell Phone: _____
Email Address: _____
- B. Applicant Name(s):** _____ ☐ *Same as owner*
Address: _____ City: _____
State: _____ Zip Code: _____
Phone: _____ Cell Phone: _____
Email Address: _____
Yes ☐ No ☐ *Is the applicant a contract purchaser? If yes, consent will be required (attach consent form).*
Yes ☐ No ☐ *Is any portion of the site under common ownership or subject to a Homeowners Association (HOA),
Property Owners Association (POA), or similar? If yes, consent may be required.*
- C. Agent Name(s):** _____ ☐ *Same as owner*
Address: _____ City: _____
State: _____ Zip Code: _____
Phone: _____ Cell Phone: _____
Email Address: _____

2. SITE INFORMATION

- A. Application Name ⁽¹⁾:** _____
B. Subject Site Name or Area ⁽²⁾: _____
C. Location ⁽³⁾: _____
D. Address: _____
E. Parcel Number(s): _____
F. Gross Acreage: _____

Notes:

1. The application name will be the title of the brownfield area designation; however, note that per F.S. 376.80(12), the term "brownfield area" is not required within the name.
2. If applicable, use name of development order, historical name, or other similar, if different from Application Name.
3. Proximity to closest major intersection/road (*example – east side of Jones Farm Road, approximately 500 feet north of Big Trail*)

This space intentionally left blank.

3. SUBJECT SITE DESCRIPTION/CONDITIONS

A. Briefly Describe Subject Site Conditions (vacant land, unoccupied, etc.):

- ☐ Yes ☐ No Does the subject site have frontage and/or legal access to a public street?
- ☐ Yes ☐ No ☐ Unknown Is the subject site an existing legal lot of record? If no, include explanation in Justification Statement as to how subject site will be brought into compliance.
- ☐ Yes ☐ No Water/sewer service? If yes, provider(s)? _____
- ☐ Yes ☐ No Is the subject site located in a floodplain area? If yes: ☐ 100 yr? ☐ 25 yr?

B. Future Land Use (FLU) designation: _____

C. Zoning District: _____

- ☐ Yes ☐ No ☐ Unknown ☐ Is the Zoning district consistent with the FLU designation?
- ☐ Yes ☐ No If no to above, has Applicant filed for a FLU Atlas amendment and/or rezoning? If yes, provide details in Justification Statement.

D. Is the subject site located within one of the following?

- ☐ Yes ☐ No Westgate Community Redevelopment Area (CRA).
- ☐ Yes ☐ No Opportunity Zone.
#: _____
- ☐ Yes ☐ No Countywide Community Revitalization Team (CCRT) Target Area (also applicable if parcel is adjacent).
Name: _____

E. Liens and Fines

1. Briefly describe any outstanding property taxes due and/or liens applicable to the subject site, if applicable.

F. Environmental Status

1. Provide a brief description of the nature and geographical extent of contamination by hazardous substances and/or pollutants, if known.

2. Provide a brief description of any previous or current remedial actions:

This space intentionally left blank.

4. BROWNFIELD AREA DESIGNATION PROPOSED BY PERSONS OTHER THAN A GOVERNMENTAL ENTITY

- ☐ Yes ☐ No *If remediation is needed, will the owner and/or applicant agree to enter into a Brownfields Site Rehabilitation Agreement (BSRA) with the Florida Department of Environmental Protection (or authorized designee)?*

A. Pursuant to F.S. 376.80(2)(c), Brownfield Area Designation by Persons Other Than a Governmental Entity, will the Applicant establish the following?

- ☐ **Yes** 1. Agree to rehabilitate and redevelop the brownfield site.
- ☐ **Yes** 2. Rehabilitation and redevelopment of the brownfield site will result in economic productivity of the area.
Select one:
- ☐ Along with the creation of at least 5 new permanent jobs at the brownfield site as defined pursuant to F.S. 376.80(2)(c)2.
- ☐ Proposed redevelopment will provide affordable housing as defined under F.S. 420.0004, or the creation of recreation areas, conservation areas, or parks.
- ☐ **Yes** 3. Redevelopment of the proposed brownfield site is consistent with the local comprehensive plan, and a permissible use under the applicable local land development regulations.
- ☐ **Yes** 4. Notice of the proposed rehabilitation of the brownfield area will be provided to neighbors and nearby residents of the proposed area to be designated, and opportunity for comments and suggestions on the proposed rehabilitation will be afforded.
- ☐ **Yes** 5. Reasonable assurance that the Applicant has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the brownfield site.

5. PROPOSED REDEVELOPMENT PLAN

- A. Provide a general description of the proposed redevelopment to include site remediation, demolition, reconstruction, new construction, no. of buildings, uses, square footage, etc.).**

This space intentionally left blank.



**PALM BEACH COUNTY
DEPARTMENT OF HOUSING AND ECONOMIC DEVELOPMENT**

**CONSENT FORM
PRIVATELY INITIATED BROWNFIELD DESIGNATION**

INSTRUCTIONS: Consent to an agent is required from the parcel owner(s), and contract purchaser(s) as applicable, if the owner(s) or contract purchaser(s) do not intend to attend all meetings and public hearings, or submit all material pertaining to the application. A separate form is required from each owner/contract purchaser. Consent to a firm shall be deemed consent for the entire firm, unless specified otherwise. Consent is valid for one year from date of notary, unless otherwise specified. Attach a copy of last recorded warranty deed for the subject site.

Application Name: _____ Submittal Date: _____

I hereby give CONSENT to _____ *(full name of agent or firm)* to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions, which may arise as part of the approval of this application.

I hereby certify I have full knowledge of the parcel(s) and I have an ownership interest in the subject parcel(s) of this application. I further certify the statements or information made in any document(s) submitted herewith are true and correct to the best of my knowledge. I understand, this application, related material and all documents submitted become official records of the Palm Beach County Department of Housing and Economic Development, and will not be returned. I understand that any false, inaccurate or incomplete information provided by me or my agent may result in the denial, revocation or administrative withdrawal of this application. I acknowledge that additional information may be required to process this application. I further consent to Palm Beach County to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

OWNER/CONTRACT PURCHASER: I am the (✓one) ☐ Owner ☐ Contract Purchaser

(Name – type, stamp or print clearly)

(Signature)

(Address)

(City, State and Zip)

AGENT: _____

(Name – type, stamp or print clearly)

(Signature)

(Address)

(City, State and Zip)

NOTARY PUBLIC INFORMATION:

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this ____ day of _____ 20 ____ by: _____ *(name of person acknowledging)*
He/she is personally known to me or has produced _____ *(type)* as identification.

(Name – type, stamp or print clearly)

(Signature)

My Commission Expires on: _____

NOTARY'S SEAL OR STAMP



**PALM BEACH COUNTY
DEPARTMENT OF HOUSING AND ECONOMIC DEVELOPMENT**

**AFFIDAVIT OF COMPLETENESS AND ACCURACY
PRIVATELY INITIATED BROWNFIELD DESIGNATION**

INSTRUCTIONS: To be completed by individual submitting application (parcel owner, applicant with owner's consent, or authorized agent).

Application Name: _____ Submittal Date: _____

STATEMENT OF COMPLETENESS AND ACCURACY

I hereby certify all parcel owners have full knowledge the parcels they own are the subject of this application. I hereby certify that all owners have been provided a complete copy of all material, attachments, and documents submitted to Palm Beach County relating to this application. I further certify the statements or information made in any application materials submitted herewith are true and correct to the best of my knowledge. I understand this application, related application material and all documents become official records of the Palm Beach County Department of Housing and Economic Development, and will not be returned. I understand that any knowingly false, inaccurate, or incomplete information provided by me may result in the denial, revocation, or administrative withdrawal of this application. I acknowledge that additional information may be required to process this application. I consent to Palm Beach County to publish, copy or reproduce any copyrighted documents submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as a part of the approval of this application.

I am the (✓one): ☐ Parcel Owner ☐ Applicant ☐ Agent

(Name – type, stamp or print clearly)

(Signature)

(Name of Firm)

(Address)

(City, State and Zip)

NOTARY PUBLIC INFORMATION:

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this ____ day of _____ 20 ____ by: _____ (name of person acknowledging)
He/she is personally known to me or has produced _____ (type) as identification.

(Name – type, stamp or print clearly)

(Signature)

My Commission Expires on: _____

NOTARY'S SEAL OR STAMP



**PALM BEACH COUNTY
DEPARTMENT OF HOUSING AND ECONOMIC DEVELOPMENT
PRIVATELY INITIATED BROWNFIELD DESIGNATION**

AFFIDAVIT OF PROPOSED ECONOMIC PRODUCTIVITY

INSTRUCTIONS: To be completed by the person requesting brownfield area designation (i.e. parcel owner or applicant with owner's consent).

Proposed Brownfield Name: _____

Address: _____

☐

STATEMENT OF PROPOSED ECONOMIC PRODUCTIVITY

In accordance with the provisions of Florida Statutes (F.S.) §376.80(2)(c)2), I the undersigned, do hereby acknowledge and attest to the following (Select ☒ one, or both if applicable):

Yes ☐ N/A ☐ *The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least 5 new permanent jobs at the brownfield site that are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement and that are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the proposed brownfield site or area.*

Yes ☐ N/A ☐ *Rehabilitation and redevelopment of the proposed brownfield site will provide affordable housing as defined in F.S. §420.0004, or the creation of recreational areas, conservation areas, or parks*

PERSON REQUESTING BROWNFIELD AREA DESIGNATION (☒ one): ☐ Parcel Owner ☐ Applicant

<i>Name, and title if applicable (type, stamp or print clearly)</i> Address: _____ State: _____ Phone: _____ Email Address: _____	<i>(Signature)</i> City: _____ Zip Code: _____ Cell Phone: _____
--	--

NOTARY PUBLIC INFORMATION:

The foregoing instrument was acknowledged before me by means of, ☐ physical presence or ☐ online notarization this _____ day of _____ 20 _____ by: _____

(name of person acknowledging)

He/she is personally known to me or has produced _____ as identification.
(type of identification)

<i>(Name – type, stamp or print clearly)</i> My Commission Expires on: _____	<i>(Signature)</i> NOTARY'S SEAL OR STAMP
--	--