

RESOLUTION NO. R-2002-0009

RESOLUTION APPROVING ZONING PETITION DOA1989-052(C)
DEVELOPMENT ORDER AMENDMENT
PETITION OF PALM BEACH AGGREGATES, INC.
BY GARY BRANDENBURG & JOSEPH J. VERDONE, AGENT
(PALM BEACH AGGREGATES HYDRO STORAGE)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA1989-052(C) was presented to the Board of County Commissioners at a public hearing conducted on January 3, 2002; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA1989-052(C), the petition of Palm Beach Aggregates, Inc., by Gary Brandenburg & Joseph J. Verdone, agent, for a Development Order Amendment to add an access point and modify conditions of approval on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 3, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

The motion was seconded by Commissioner Greene and, upon being put to a vote, the vote was as follows:

Warren H. Newell, Chairman	-	Absent
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Absent
Tony Masilotti	-	Absent
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 3, 2002.

Filed with the Clerk of the Board of County Commissioners on 3 day of January, 2002.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

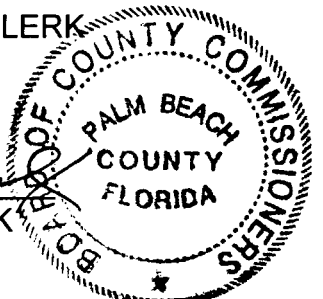


EXHIBIT A
LEGAL DESCRIPTION

Parcel A

IN TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA:
BEING ALL THAT PART OF SECTIONS 17 AND 20 lying West of the West right-of-way
line of Levee L-8;

LESS the East 660 feet of the West 745 feet of Sections 17 and 20 for Florida Power and
Light right-of-way.

LESS a parcel of land lying in Section 20, Township 43 South, Range 40 East. Said parcel
described as being the East 900 feet, of the West 1,645 feet, of the South 761 feet, of said
Section 20, as measured along the South and West lines thereof.

AND ALL THAT PART OF SECTION 29 lying West of the West right-of-way line of Levee
L-8;

LESS the East 660 feet of the West 745 feet of Section 29 for Florida Power and Light right
of way;

LESS a parcel of land lying in Section 29, Township 43 South, Range 40 East. Said parcel
described as being the East 900 feet, of the West 1,645 feet, of the North 589 feet, of said
Section 29, as measure along the North and West lines thereof.

AND THE EAST 24 FEET OF SECTION 30

AND THE EAST 24 FEET OF SECTION 31 lying North of State Road 80.

AND ALL THAT PART OF SECTION 32 lying North of State Road 80 and lying West of the
Levee L-8 right-of-way;

Less the East 660 feet of the West 745 feet of the North 2,501.47 feet AND LESS the East
760 feet of the West 845 feet of the remaining portion of Section 32 (South of the North
2,501.47 feet) lying North of the Northerly right-of-way of State Road 80;

LESS that part of Section 32, Township 43 South, Range 40 East in Palm Beach County,
Florida more particularly described as follows:

Commence at the Southwest corner of said Section 32; thence North 00° 52' 33" East
along the West line of said Section 32 a distance of 1,717.54 feet to a point on the
Baseline of Survey for State Road 80; thence South 88°28' 42" East along said Baseline
of Survey a distance of 843.37 feet; thence North 01° 31' 18" East a distance of 173 feet
to the Point of

Beginning; Thence South 88° 28' 42" East a distance of 3,944.30 feet; thence South 01°

50' 06" West a distance of 98 feet; thence North 88° 28' 42" West a distance of 3,942.80 feet; thence North 00° 57' 33" East a distance of 98 feet to the Point of Beginning.

AND THAT PART OF THE SOUTH 360 FEET OF SECTION 20 lying East of the East right-of-way line of Levee L-8;

LESS the North 240 feet of the South 360 feet of said Section 20, lying East of the South Florida Water Management District's Canal L-8 right-of-way.

AND THE SOUTH 360 FEET OF SECTION 21:

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Less the North 240 feet, of the South 360 feet of said Section 21. Also the North 50 feet, of the South 120 feet, of the East 220 feet, of said Section 21.

AND THE SOUTH 360 FEET OF THE WEST 780 FEET OF SECTION 22;

LESS THE North 290 feet of the South 360 feet of the West 780 feet of said Section 22.

AND THE WEST 780 FEET OF SECTION 27;

LESS a parcel of land lying in Sections 27 and 22, Township 43 South, Range 40 East, being described as a portion of Sections 27 and 22, bounded as follows:

Bounded on the South by the South line of Section 27; bounded on the East by a line being described as lying 780.00 feet East of and parallel to the West line of Section 27; bounded on the North by a line lying 290.00 feet South of and parallel to the South line of the Subdivision "Deer Run" as recorded in Plat Book 35, Pages 34-39 of the Public Records of Palm Beach County, Florida; Bounded on the West by a line lying 2.0 feet West of and parallel with an existing hogwire fence;

Said line being more particularly described as follows: Beginning at a point on the South line of Section 27 lying 146.05 feet Easterly (as measured along the South line of Section 27); thence North $01^{\circ} 27' 30''$ West a distance of 1,748.16 feet; thence North $13^{\circ} 11' 09''$ West a distance of 165.89 feet to a point lying 290.00 feet South of the South line of said Subdivision "Deer Run" and 621.65 feet Westerly of the Northeast corner of the above described parcel of land (said point being the termination of the West line of said Parcel).

AND ALL OF SECTION 28;

AND THAT PART OF SECTION 29 LYING East of the East right-of-way line of Levee L-8;

AND THAT PART OF SECTION 32 North of State Road 80 right-of-way lying East of the East right-of-way line o Levee L-8;

AND ALL OF SECTION 33 lying North of State Road 80 right-of-way;

AND THE WEST 780 FEET OF SECTION 34 lying North of State Road 80 right-of-way;

LESS that part of Sections 33 and 34, Township 43 South, Range 40 East in Palm Beach County, Florida more particularly described as follows:

Commence a the Southwest corner of said Section 33; thence North $01^{\circ} 50' 06''$ East along the West line of said Section 33 a distance of 1,812.38 feet to the Point of Beginning; thence continue North $01^{\circ} 50' 06''$ East a distance of 98 feet; thence South $88^{\circ} 28' 42''$ East a distance of 2,870.68 feet; thence South $88^{\circ} 25' 55''$ East a distance of 2,402.53 feet to a point on the East line of said Section 33; thence continue South $88^{\circ} 25' 55''$ East a distance of 780.04 feet; thence South $00^{\circ} 58' 57''$ West a distance of 98 feet; thence North $88^{\circ} 25' 55''$ West a distance of 780.04 feet to a point on the West line of said Section 34; thence continue North $88^{\circ} 25' 55''$ West a distance of 2,403.49 feet; thence North $88^{\circ} 28' 42''$ West a distance of 2,871.18 feet to the Point of Beginning

Less a parcel of land lying in Section 34, Township 43 South, Range 40 East, being described as a portion of Section 34, bounded as follows:

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Bounded on the South by the North right-of-way line of State Road 80; bounded on the East by a line being described as lying 780.00 feet East of and parallel to the West line of Section 34; bounded on the North by the North line of Section 34; bounded on the West by a line 2.0 feet West of and parallel with an existing hogwire fence; said Northwest corner being described as lying 146.05 feet East of the Northwest corner of Section 34, as measured along the North line of Section 34, the Southwest corner being described as lying 108.72 feet East of the intersection of the West line of Section 34, and the North right-of-way line of State Road 80, as measured along the North right-of-way line of State Road 80.

PARCEL B

Commitment Number: — CM-1-0401-11

A parcel of land lying in Section 34, Township 43 South, Range 40 East, Palm Beach County, Florida, being described as a portion of Section 34, bounded as follows:

Bounded on the South by the North right-of-way line of State Road 80; bounded on the East by a line being described as lying 780.00 feet East of and parallel to the West line of Section 34; bounded on the North by the North line of Section 34; bounded on the West by a line lying 2.0 feet West of and parallel with an existing hogwire fence: said Northwest corner being described as lying 146.05 feet East of the Northwest corner of Section 34, as measured along the North line of Section 34, the Southwest corner being described as lying 108.72 feet East of the Intersection of the West line of Section 34, and the North right-of-way line of State Road 80, as measured along the North right-of-way line of State Road 80.

Together with:

A parcel of land lying in Sections 27 and 22, Township 43 South, Range 40 East, Palm Beach County, Florida, bounded as follows:

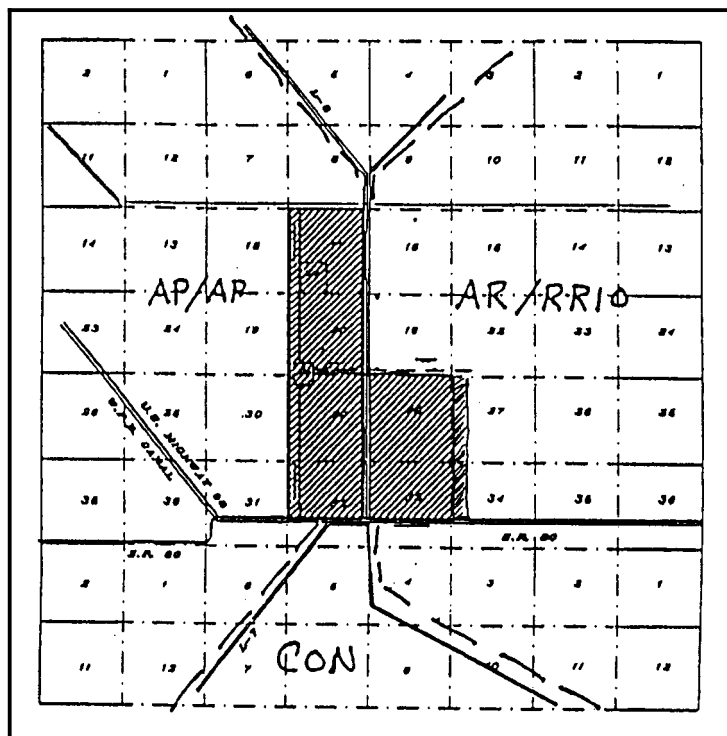
Bounded on the South by the South line of Section 27; bounded on the East by a line being described as lying 780.00 feet East of and parallel to the West line of Section 27; bounded on the North by a line lying 290.00 feet South of and parallel to the South line of the Subdivision "Deer Run" as recorded in Plat Book 35, pages 34-39 of the Public Records of Palm Beach County, Florida; bounded on the West by a line lying 2.0 feet West of and parallel with an existing hogwire fence:

Said line being more particularly described as follows:

Beginning at a point on the South line of Section 27, lying 146.05 feet Easterly (as measured along the South line of Section 27); thence North $01^{\circ} 27' 30''$ West, a distance of 3,443.12 feet; thence North $01^{\circ} 43' 06''$ East, a distance of 165.89 feet to a point lying 290.00 feet South of the South line of said Subdivision "Deer Run" and 621.65 feet Westerly of the Northeast corner of the above described parcel of land (said point of being the termination of the West line of said parcel).

EXHIBIT B
VICINITY SKETCH

LOCATION MAP



DESCRIPTION

A PORTION ON SECTIONS 17, 20, 22, 27, 28, 29, 30, 31, 32, 33, AND 34, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Condition A.1 of Resolution R-2000-1235, Petition DOA89-052(B)) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-97-0248 (Petition **89-052(A)**), and Resolution R-2000-0419 (Petition **89-052(B)**) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-97-0248 (Petition **89-052(A)**), and Resolution R-2000-0419 (Petition **89-052(B)**) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified.

This petition was evaluated upon the representations and analysis this maximum 3,000 megawatt facility will be fueled by natural gas both as the primary and all secondary sources of fuel. No other sources of fuel have been reviewed or evaluated. This approval is therefore limited to the use of natural gas only. In the event that any other source of the fuel is proposed or required by the owner, any governmental agency or any other source, this petition shall be brought back to the BCC for further review and evaluation at which time the BCC may take any and all actions available to it under the ULDC as if this were a new petition being reviewed for the first time. (ONGOING: MONITORING-Zoning)

2. Condition A.2 of Resolution R-2000-1235, Petition DOA89-052(B) which currently states:

Development of the subject property is limited to the uses, site design, landscape buffers, setbacks, separations, reclaimed areas and details presented to the Board of County Commissioners, as indicated on the plans dated November 22, 1996. All modifications must be approved by the Board of County Commissioners unless the changes are required to meet conditions of approval or the ULDC. (ONGOING: ZONING)

Is hereby amended to read:

Development of the subject property is limited to the uses, site design, landscape buffers, setbacks, separations, reclaimed areas and details presented to the Board of County Commissioners, as indicated on the plans dated October 25, 2001. All modifications must be approved by the Board of County Commissioners unless the changes are required to meet conditions of approval or the ULDC. (ONGOING: ZONING)

3. Condition A.3 of Resolution R-2000-1235, Petition DOA89-052(B) which currently states:

All plans submitted dated November 22, 1996 shall receive certification by the Development Review Committee (DRC). All modifications must be approved by the Board of County Commissioners unless the changes are required to meet conditions of approval or are permitted by the ULDC. (DRC: ZONING)

Is hereby amended to read:

All plans submitted dated October 25, 2001 shall receive certification by the Development Review Committee (DRC). All modifications must be approved by the Board of County Commissioners unless the changes are required to meet conditions of approval or are permitted by the ULDC. (DRC: ZONING)

4. Prior to DRC certification of the Final Excavation Plan, the petitioner shall amend all pertinent plans to ensure compliance with the ULDC and the conditions in this resolution. The plans shall also be amended to clarify setback, separation, reclamation and buffering requirements by further graphic delineation and plan notes. (DRC: ZONING) (Previously Condition A.4 of Resolution R-2000-1235, Petition DOA89-052(B))
5. Resolution R-89-2225 is hereby repealed. (Previously Condition A.5 of Resolution R-2000-1235, Petition DOA89-052(B))
6. This Class A Conditional Use approval is only for a power generating facility requiring approval of the Governor and Cabinet sitting as the Power Plant Siting Board. Construction of any power generating facility not requiring approval of the Siting Board shall require modification of this condition.

B. ACCESS AND INTERNAL CIRCULATION

1. Access for all hauling activity associated with excavation activity on the site shall be limited to one (1) point at any time to SR 80. (ONGOING: DRC) (Previously Condition B.1 of Resolution R-2000-1235, Petition DOA89-052(B))
2. Internal traffic and vehicular circulation shall be in a forward motion with warning signals on all vehicles reduced to the minimum sound level allowed by OSHA standards. (ONGOING: ENG-Zoning) (Previously Condition B.2 of Resolution R-2000-1235, Petition DOA89-052(B))

C. BLASTING

1. The petitioner shall abide by and implement the best management practice, techniques and methods for blasting to reduce noise and vibration and all recommendations in the report by D. E. Siskind & Associates dated December 13, 1996 and June 27, 2000, as may be amended. In cases of conflict with the ULDC or conditions of approval, the more strict requirement shall apply. (ONGOING: CODE ENF) (Previously Condition C.1 of Resolution R-2000-1235, Petition DOA89-052(B))

2. The petitioner shall comply with the following blasting regulations:
BLASTING REGULATIONS

PARAMETER PARAMETER	INSTRUMENT REQUIREMENTS	PERFORMANCE REQUIREMENTS
G r o u n d vibrations	Seismographs: peak values of particle velocity for all three components of motion	Maximum of 0.20 in/sec peak at all frequencies for all components of motion (R,V,T)
G r o u n d vibrations Non-monitoring alternative	Scaled distance	Minimum square root scaled distance of 200 ft/lb ^{1/2} , or 1320 feet to closest residence, whichever is greater
Airblast	Monitor with low frequency roll off of 2 Hz	133 dB Linear peak (equates to approximately 90 - 110 dBA)
Airblast	Monitor with low frequency roll off of 5 or 6 Hz	129 dB Linear peak
Airblast	Non-monitoring alternative	Minimum cube root scaled distance of 500 ft/lb ^{1/3}
Flyrock	Visual observations	Not more than half the distance from the blast site to the property line
P r e b l a s t inspections	Documented inspection reports for operator and requestor	Upon request by any property owner within 1/2 mile of property line or a government official.
Record keeping/ monitoring	Blast and seismograph records	Copies maintained by operator for at least three years, available for agency and public inspection on request

(Previously Condition C.2 of Resolution R-2000-1235, Petition DOA89-052(B))

3. The petitioner shall comply with the following blasting standards:
BLASTING STANDARDS

Schedule	Max. one (1) blast per day, M-F only
Time	Between 10:00 am - 4:30 p.m. only
Charges	Max. 200 timed delayed charges/blast
Explosives	Max. 160 lbs/8 millisecond delay
Holes	Max. 200 holes/blast

(Previously Condition C.3 of Resolution R-2000-1235, Petition DOA89-052(B))

4. No blast shall be detonated within the required separation areas set forth in Condition N.I.(ONGOING: CODE ENF) (Previously Condition C.4 of Resolution R-2000-1235, Petition DOA89-052(B))
5. All use of explosives for blasting rock shall adhere to the following criteria:
 - a. Blasting shall be done with the existing overburden (e.g. fill) in place;
 - b. Blasting charges shall be set to minimize multiple charge detonations:
 - c. Blasting in areas where the overburden has been previously removed, or is insufficient to control air blast, shall be subject to best management practices for blasting and shall make all effort to control air blast. (ONGOING: CODE ENF) (Previously Condition C.5 of Resolution R-2000-1235, Petition DOA89-052(B))
6. The petitioner shall install a temporary fence indicating the required separation (see Condition N.I) for all blasting activity prior to commencement of excavation in any subphase. The location of the fence shall be verified by a registered surveyor and submitted to the DRC. (ONGOING: DRC) (Previously Condition C.6 of Resolution R-2000-1235, Petition DOA89-052(B))
7. All seismographs shall measure all ground vibration in excess of 0.10 in/sec. and all air blast in excess of 125 dBL linear peak. (ONGOING: DRC)(Previously Condition C.7 of Resolution R-2000-1235, Petition DOA89-052(B))
8. A minimum of two (2) seismographs shall be located on the subject site. One seismograph shall have a permanent location, as indicated on the approved site plan which may be amended as needed. The second seismograph may be permanent or mobile and located at the closest abutting residential property line that faces the blasting activity. (ONGOING: CODE ENF) (Previously Condition C.8 of Resolution R-2000-1235, Petition DOA89-052(B))
9. The petitioner shall ensure that the seismograph instruments are recalibrated in accordance with standard industry practices at least once per year. (ONGOING: CODE ENF) (Previously Condition C.9 of Resolution R-2000-1235, Petition DOA89-052(B))

D. DRI

1. No subphase shall exceed eighty (80) acres of removal or disturbance of solid minerals or overburden per year. (ONGOING: DRC) (Previously Condition D.1 of Resolution R-2000-1235, Petition DOA89-052(B))
2. Condition D.2 of Resolution R-2000-1235, Petition DOA89-052(B)) which currently states:

Daily water consumption shall not exceed 1.5 million gallons per day (mgd). (ONGOING: SFWMD)

Is hereby amended to read:

Daily water consumption for the mine shall not exceed 1.5 million gallons per day (mgd). (ONGOING: SFWMD)

3. Prior to commencement of excavation activity within the next subphase, or January 30, 1998, whichever occurs first, the petitioner shall obtain a development of regional impact (DRI) clearance letter from the Florida Department of Community Affairs (DCA). (DATE: MONITORING - Zoning) (Previously Condition D.3 of Resolution R-2000-1235, Petition DOA89-052(B))

E. ENGINEERING

1. Prior to certification of the master plan/site plan by the DRC, the plans shall be amended to reflect the Okeechobee Road right-of-way. This right-of-way corridor shall be through an alignment acceptable to the County Engineer. (DRC: ENG) (Previously Condition E.1 of Resolution R-2000-1235, Petition DOA89-052(B))
2.
 - a. The property owner shall convey to Palm Beach County 200 feet of road right of way for Okeechobee Boulevard from the east property line to the L-8 Canal within 90 days of a determination that the right of way is required. (ONGOING: ENG) (Previously Condition E.2.a of Resolution R-2000-1235, Petition DOA89-052(B))
 - b. West of the L-8 Canal, the property owner shall convey to Palm Beach County 200 feet of road right of way for Okeechobee Boulevard. The alignment, which crosses the FP&I easement, shall be approved by the County Engineer. This right of way shall be conveyed to Palm Beach County within 90 days notice by the County Engineer that this additional right of way is required for Okeechobee Boulevard or prior to the cessation of the mining activity, whichever shall first occur. (ONGOING: ENG) (Previously Condition E.2.b of Resolution R-2000-1235, Petition DOA89-052(B))
3. The property owner shall construct a left turn lane west approach and a separate right turn lane east approach at the project entrance and SR80.
 - a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. (DRAINAGE REVIEW: ENG) (Previously Condition E.3.a of Resolution R-2000-1235, Petition DOA89-052(B))
 - b. Permits required by Palm Beach County for this construction shall be obtained prior to May 1, 1997. (DATE: MONITORING - Eng) (Previously Condition E.3.b of Resolution R-2000-1235, Petition DOA89-052(B))
 - c. Construction shall be completed prior to July 1, 1997. (DATE: MONITORING - Eng) (Previously Condition E.3.c of Resolution R-

2000-1235, Petition DOA89-052(B))

4. The property owner shall be responsible for maintaining all turnouts, acceleration lanes, and median openings within the SR 80 road right of way for the duration of the mining operation. Within 60 days of notice from the FDOT, the property owner shall perform the required maintenance to correct any and all defects. This property owner will be responsible for obtaining all permits from FDOT for this maintenance or repair work. (ONGOING: ENG) (Previously Condition E.4 of Resolution R-2000-1235, Petition DOA89-052(B))
5. The property owner shall convey to Palm Beach County sufficient road drainage **easement(s)** through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Okeechobee Boulevard along the property frontage; and a maximum 800 feet of these adjacent **roadway(s)**. Conveyance of these drainage easements shall be concurrent with the right of way dedication of Okeechobee Boulevard as provided for in E2 above. The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall.

The drainage system within the project shall have sufficient **retention/detention** and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road **Section(s)** of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate **wingwall** or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this **fill** material. (DATE: MONITORING - Eng) (Previously Condition E.5 of Resolution R-2000-1235, Petition DOA89-052(B))

6. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, to be paid at time of issuance of the next building permit, presently is **\$77,110 (1402 trips X \$55.00 per trip)**. (BLDG PERMIT: ACCOUNTING - Eng) (Previously Condition E.6 of Resolution R-2000-1235, Petition DOA89-052(B))
7. **LANDSCAPE WITHIN MEDIAN OF SOUTHERN BOULEVARD**
 - a. Condition E.7.a of Resolution R-2000-1235, Petition DOA89-052(B) which currently states:

Prior to July 1, 2000 the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Southern Boulevard Right-of-way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards.

The property owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

Is hereby amended to read:

Prior to May 1, 2002 the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Southern Boulevard Right-of-Way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards.

The property owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its

successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners.

All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before August 1, 2000. (CO: MONITORING-Eng) (Previously Condition E.7.b of Resolution R-2000-1235, Petition DOA89-052(B))

- c. If the County does not assume maintenance responsibility, the property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to July 1, 2000. (BLDG PERMIT: MONITORING-Eng) (DATE: MONITORING - Eng) (Previously Condition E.7.c of Resolution R-2000-1235, Petition DOA89-052(B))
8. In order to comply with the mandatory Traffic Performance Standards, excavation shall be limited to seventy-six (76) acres per year or an equivalent acreage based upon a revised traffic study. This revised traffic study will be required to be submitted and approved by the Palm Beach County Traffic Division. An approved phasing plan shall be submitted to the DRC and shall be updated as required. (ONGOING: ENG)(PreviouslyCondition E.8 of Resolution R-2000-1235, Petition DOA89-052(B))
 9.
 - A. On or before April 24, 2004 the Property Owner shall commence construction of an eastbound turn lane, plus appropriate tapers, on Southern Boulevard at intersection with Forest Hill Boulevard (an add/drop lane of a half lane under the ART-PLAN). The timing of the completion of this construction shall coincide with the completion of the widening of Southern Boulevard, east of Forest Hill Boulevard by FDOT. The design of this thru lane shall be consistent with the FDOT design of Southern Boulevard east of Forest Hill Boulevard. If the construction of this thru lane has not commenced by April 24, 2004, as determined by the County Engineer, the County at its option, may draw from the posted surety and construct this thru lane at the Property Owners expense. Should the posted surety not be adequate to cover the County's costs in constructing this thru lane, the Property Owner shall fund any shortfall within 60 days notification from the County Engineer. (DATE: MONITORING/ENG.)
 - B. The Property Owner shall prepare the construction plans for the construction of an eastbound thru lane on Southern Boulevard at the intersection with Forest Hill Boulevard. The preparation of these plans shall commence on or before April 24, 2003. If plan preparation has not commenced by December 15, 2003 as determined by the County Engineer, the County, at its option, may draw from the posted

surety and have the construction plans prepared at the Property Owner's expense. (DATE: MONITORING/ENG).

- C. Acceptable surety for the design, construction, utility relocation, review fees, permit fees, construction administration, testing, surveying and project close out of this thru lane shall be posted with the Office of the Land Development Division on or before July 1, 2002. The amount of surety posted shall be 110% of a Certified Cost Estimate provided by a Professional Engineer hired by the Property Owner. This Certified Cost Estimate shall be approved by the County Engineer prior to surety being posted. (DATE: MONITORING/ENG.)
10. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
- a) No Building Permits for the proposed power plant shall be issued until construction commences for intersection improvements of an add/drop lane required to meet FDOT guidelines for the addition of a half lane under the ART-PLAN on Southern Boulevard at Forest Hill Boulevard plus the appropriate paved tapers. Construction commences is defined as awarding the contract for the construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDG PERMIT: MONITORING-Eng)
11. The applicant is required to reserve at least one (1) billion gallons of storage for Indian Trail Improvement District to use for flood control purposes for a period of ten (10) years. The applicant agrees to coordinate the operation of the storage facility with Indian Trail Improvement District and South Florida Water Management District so that the one billion gallons of storage is available during major storm events. (ONGOING: ENG)

F. ERM

- 1. A Chloride and Mercury Monitoring Plan addressing the time between site plan certification and the time at which chlorides are to be channeled around the property (Plan 1) and the time after which chlorides are no longer channeled around the property and placed into open pits (Plan 2) shall be submitted to the Department of Environmental Resources Management for review and approval prior to DRC Site Plan certification. (DRC: ERM) (Previously Condition F.1 of Resolution R-2000-1235, Petition DOA89-052(B))
- 2. A minimum 400 foot wide wildlife corridor, except adjacent to the south one half of the east border of Section 20 which may be reduced to 200 feet, shall be established along the western border of the L-8 canal for the entire length of the property. A maximum 92 foot wide littoral shelf may encroach the 400 foot corridor. No littoral shelf shall be permitted to encroach the 200 foot wide segment. The wildlife corridor shall be shown with the proposed Okeechobee Road right-of-way on the Final Excavation Plan and all applicable site plans prior to DRC certification. (DRC: ERM) (Previously Condition F.2 of Resolution R-2000-1235, Petition DOA89-052(B))
- 3. A Landscape Plan which details the planting of the wildlife corridor, dedication of the corridor to Palm Beach County, and the long-term

maintenance of the corridor vegetation shall be submitted to the Department of Environmental Resources Management for review and approval prior to DRC site plan certification. (DRC: ERM) (Previously Condition F.3 of Resolution R-2000-1235, Petition DOA89-052(B))

4. Maximum depth of all excavation shall be -50 feet from OWL. (ONGOING: ERM) (Previously Condition F.4 of Resolution R-2000-1235, Petition DOA89-052(B))
5. Prior to final site plan approval an agreement shall be signed and executed determining the timing of conveyance of the wildlife corridor, reconstruction of the encroached areas of the corridor, timing of planting, maintenance of planting and grading of corridor. (DRC: ERM)
6. An application for modification to the existing Restrictive Covenant Agreement shall be submitted by final site plan addressing any variations from the original approved agreement. (DRC: ERM)

G. HEALTH

1. Application and engineering plans to construct a non-transient non-community well in accordance with Rule 62-555 FAC and Palm Beach County ECR-II must be submitted to the Palm Beach County Health Department prior to final site plan approval. (DRC: HEALTH)

2. Application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 64E-6 FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Health Department prior to final site plan approval. (DRC: HEALTH)

3. In accordance with Chapters 62-4, 62-17, 62-210, 62-212, and 62-213, of the Florida Administrative Code, the applicant shall apply for and obtain all federal/state air pollution construction permits and/or certifications prior to commencement of construction. Copies of each application shall be submitted to the Palm Beach County Health Department's Air Pollution Control Section at 901 Evernia Street, West Palm Beach, Florida 33401 at time such applications are submitted to the permitting authority. (HEALTH)

H. HOURS OF OPERATION

1. Excavation, loading and hauling activity shall occur only between the hours of 6:00 a.m. to 10:00 p.m. Monday through Friday, and 7:00 a.m. to 5:00 p.m. on Saturday. No excavation shall be permitted after 10:00 p.m. (ONGOING: CODE ENF) (Previously Condition G.1 of Resolution R-2000-1235, Petition DOA89-052(B))
2. Loading and hauling only may occur between the hours of 10:00 p.m. and 6:00 a.m. Monday through Friday provided all of the following conditions are satisfied:
 - a. The work is required by a written government contract, a copy of the government contract and the property owner's contract to do the work, will be provided to the County within ten (10) days of execution;
 - b. The property owner provides the County and the neighboring Property Owner's Associations of the dates and times that such

work will occur in order to provide sufficient time to set up a program to monitor the work;

- c. The noise associated with the activity shall not exceed 45 dBA as measured in the performance standards of the ULDC Section 7.8;
- d. No loading or hauling activity is done within **2,500** feet of a residential property line; and,
- e. No rock crushing, grinding or processing of any nature shall be permitted after **10:00 p.m.** (ONGOING: CODE ENF - Zoning) (Previously Condition G.2 of Resolution R-2000-1235, Petition DOA89-052(B))

- 3. Condition G.3 of Resolution R-2000-1235, Petition DOA89-052(B) which currently states:

Noise associated with excavation, loading and hauling activity from **7:00 p.m. to 10:00 p.m.** Monday to Friday and **7:00 a.m. to 9:00 a.m.** Saturday, shall not exceed 45 dBA as measured in the Performance standards of Section 7.8 of the ULDC. Noise shall be measured from the residential property line closest to the area under excavation. (ONGOING: CODE ENF)

Is hereby amended to read:

All uses shall not exceed **45**dBA as measured in the Performance standards of Section 7.8 of the ULDC. Noise shall be measured from the residential property line closest to the area under excavation. (ONGOING: CODE ENF)

- 4. Hours of operation shall not apply to the accessory asphalt or ~~concrete~~ batch plant. (ONGOING: ZONING - Code En9 (Previously Condition G.5 of Resolution R-2000-1235, Petition DOA89-052(B))
- 5. The rock processing plant, accessory asphalt plant and concrete batch plant shall be located a minimum of **2,500** feet from the property lines of the developments currently known as Deer Run, White Fences and Equestrian Estates. (ONGOING: ZONING - Code En9 (Previously Condition G.6 of Resolution R-2000-1235, Petition DOA89-052(B))

I. LANDSCAPE/BUFFERING

- 1. Condition H.1 of Resolution R-2000-1235, Petition DOA89-052(B) which currently states:

The petitioner shall provide a minimum twenty-five (**25**) foot wide Alternative No. 4 landscape buffer along the north boundary of Sections **28 & 27** and east boundaries of Sections **17** and **20**. (DRC: ZONING)

Is hereby amended to read:

The petitioner shall provide a minimum twenty-five (25) foot wide Alternative No. 4 landscape buffer along the north boundary of Sections 28 & 27. (DRC: ZONING)

- 2. Condition H.2 of Resolution R-2000-1235, Petition DOA89-052(B) which

currently states:

The DRC may permit the buffer required along Sections **17** and **20** by Condition **H.1.** above, and fifty percent (50%) of the required landscaping along Southern Boulevard, to be converted to an equivalent cash amount in order to purchase and install a greater number of smaller native trees within the wildlife corridor in order to enhance the habitat. All required native trees shall be a minimum of **18"** high at time of planting. This conversion shall be subject to approval by ERM and the Zoning Division as an Alternative Landscape Betterment Plan. (DRC: ZONING)

Is hereby amended to read:

a. The petitioner shall provide a minimum fifteen (15) feet high berm graded at a 5:1 slope with native landscape plantings within the western side of the 400 feet wide wildlife corridor.

b. The petitioner shall provide a minimum fifteen (15) feet high berm graded at a 3:1 slope along the Southern Boulevard frontage (Section 32 west of L-8 Canal) and an alternative slope ratio/overall height for the landscaped berm along the west property line north to the existing Corbett Substation subject to FP&L guidelines.

c. The plateau of the berms shall include a double row of canopy trees planted fifteen (15) feet on center with fifty (50) percent of the trees a minimum fourteen (14) feet high.

d. All berm slopes shall be planted with native grasses and ground cover. (DRC: ZONING/LANDSCAPE)

3. The petitioner shall further enhance the wildlife corridor by providing one (**1**) native trees a planting, a minimum of eighteen inches (**18"**) in height for every 2500 square feet of land area in the corridor. (DRC: ZONING) (Previously Condition H.3 of Resolution R-2000-1235, Petition DOA89-052(B))

4. All landscaping required in the wildlife corridor shall be installed prior to commencement of any excavation activity within Phase **3** (aka Lake **#3**), unless the wildlife corridor is dedicated to the County, including the associated funds to plant the landscaping as specified in Conditions **H.1 - H.3** above. (DRC: ZONING) (Previously Condition H.4 of Resolution R-2000-1235, Petition DOA89-052(B))

5. All outdoor lighting used to illuminate the subject property shall be shielded and directed down and away from adjacent residential properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning) (Previously Condition H.5 of Resolution R-2000-1235, Petition DOA89-052(B))

6. Rock plant lighting shall not exceed fifty (50) feet in height, measured from finished grade to highest point, provided the lighting is shielded and directed away from residential areas. All other outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning) (Previously Condition H.6 of Resolution R-2000-1235, Petition DOA89-052(B))

7. The required perimeter landscape buffer shall be installed adjacent to the asphalt **batch/concrete** plant if the plant is not located within the

existing rock processing area. (DRC: ZONING - Landscape) (Previously Condition H.7 of Resolution R-2000-1235, Petition DOA89-052(B))

J. LITTORAL SHELVES

1. All littoral shelves along the following sections lines shall be constructed at a minimum **20:1** slope and be a minimum of **92** feet wide, measured from top of bank to edge of pit: east sides of Sections **17, 20, 29, 32, 27** and **34**, south sides of Sections **32, 33** and **34**, north side of Sections **28 & 27**. (ONGOING: ERM) (Previously Condition 1.1 of Resolution R-2000-1235, Petition DOA89-052(B))
2. Condition 12 of Resolution R-2000-1235, Petition DOA89-052(B) which currently states:

All littoral shelves shall be created by grading only. Littoral shelves shall not created by excavation. (ONGOING: ERM)

Is hereby amended to read:

All littoral shelves as may be required by the ERM agreement shall be created by grading only. Littoral shelves shall not created by excavation. (ONGOING: ERM)

K. MONITORING

1. The Excavation Activity Monitoring Report required by Section 7.6.H.5.a. of the ULDC shall be submitted on or before January 30 annually. This excavation activity report shall include certification and documentation that all seismograph instruments have been re-calibrated within the calendar year. (DATE: MONITORING - Zoning) (Previously Condition J.1 of Resolution R-2000-1235, Petition DOA89-052(B))
2. The annual Excavation Activity Monitoring Report shall contain a current aerial photograph of the site clearly outlining the areas of current and completed excavation. The acreage of each area shall be provided. Additional information may be required by the Development Review Committee (DRC). (ONGOING - Zoning) (Previously Condition J.2 of Resolution R-2000-1235, Petition DOA89-052(B))
3. The Maintenance and Monitoring Report of Reclaimed Areas required by Section 7.6.H.5.b. of the ULDC shall be submitted on or before January 30 annually. (DATE: MONITORING-Zoning) (Previously Condition J.3 of Resolution R-2000-1235, Petition DOA89-052(B))
4. In accordance with good record keeping practices, the petitioner shall maintain a daily blasting log with the following minimum information:
 - a. Name of operator or responsible person;
 - b. Date and time of blast;
 - c. Blast location (face and bench);
 - d. Monitoring location;
 - e. Distance to monitoring site;
 - f. Distance to nearest residential structure;
 - g. Lbs. of explosive, total;

- h. Lbs of **explosive/8** millisecond delay;
 - i. Peak ground vibrations for all **3** components of motion;
 - j. Peak airblast and frequency roll-off of the airblast channel;
 - k. Trigger settings for vibration and airblast;
 - l. Frequencies of peak ground vibrations; and
 - m. Other information required by the ULDC or as deemed necessary by the DRC. (ONGOING: DRC) (Previously Condition **J.4** of Resolution R-2000-1235, Petition DOA89-052(B))
5. The blasting log shall be made available to the public or any government official on request. (ONGOING: CODE ENF) (Previously Condition J.5 of Resolution R-2000-1235, Petition DOA89-052(B))
 6. The petitioner shall keep time histories (wave traces) for all events which exceed **0.10 in/sec**. The petitioner shall provide written notification, with the seismograph reading, to the Zoning Director within **24** hours of any blasting event which exceed a ground vibration of **0.20 in/sec**. (ONGOING: CODE ENF) (Previously Condition J.6 of Resolution R-2000-1235, Petition DOA89-052(B))
 7. The petitioner shall maintain all blasting activity logs for a minimum of three (**3**) years. (ONGOING: CODE ENF) (Previously Condition J.7 of Resolution R-2000-1235, Petition DOA89-052(B))

L. PARKS/PLANNING

1. The petitioner shall coordinate with the County Park & Recreation Department in providing an end use plan that allows for public boating access to on site lakes and other public recreational uses within the projects boundaries. (ONGOING - PARKS) (Previously Condition K.1 of Resolution R-2000-1235, Petition DOA89-052(B))
2. Should any archeological materials be uncovered, all work on the pit shall cease until such time as “the find” has been examined, catalogued, and recorded and preservation status determined, as required by ULDC Section 7.13 Archeological Resource Protection. (ONGOING: CODE ENF-PLANNING) (Previously Condition K.2 of Resolution R-2000-1235, Petition DOA89-052(B))

M. PHASING

1. Condition L.1 of Resolution R-2000-1235, Petition DOA89-052(B) which currently states:

Prior to certification of the Phasing Plan by the DRC, the Plan shall be revised to indicate completion of the subphases adjacent to the Wildlife Corridor along the L-8 canal first within Lakes 1 and 2. (DRC: ZONING)

Is hereby amended to read:

Prior to certification of the Phasing Plan by the DRC, the Plan shall be revised to indicate completion of the subphases adjacent to the Wildlife Corridor along the L-8 canal first within Lake 1. (DRC: ZONING)

2. A maximum of **3** subphases (maximum **240** acres) shall be in active excavation at any time. (ONGOING: CODE ENF - Zoning) (Previously

N. RECLAMATION

1. A minimum of **300** acres of reclaimed area shall be provided, consistent with the graphic depiction on the overall excavation plan submitted by the applicant dated November **22, 1996**. (DRC: ZONING) (Previously Condition M.1 of Resolution R-2000-1235, Petition DOA89-052(B))
2. A minimum of **1** subphase shall be reclaimed annually, until completion of the project. (ONGOING: ZONING) (Previously Condition M.2 of Resolution R-2000-1235, Petition DOA89-052(B))
3. Prior to December **31, 1999**, the petitioner shall complete reclamation of all previously excavated areas within Lake **1**. (DATE: MONITORING - Zoning) (Previously Condition M.3 of Resolution R-2000-1235, Petition DOA89-052(B))

O. SEPARATION

1. The petitioner shall meet the following separation requirements, measured as a radius from the closest residence to the edge of pit being excavated:

SEPARATION

Property Line	Separation
North - Section 17	900 feet
North - Section 28 & 27	1120 feet
South - Section 32	900 feet
South - Section 33	900 feet
East - Sections 17 & 20	900 feet
East - Sections 27 & 34	1320 feet
West	900 feet

(Previously Condition N.1 of Resolution R-2000-1235, Petition DOA89-052(B))

P. SETBACK

1. Condition 0.1 of Resolution R-2000-1235, Petition DOA89-052(B) which currently states:

The petitioner shall comply with the following minimum setbacks, measured from the property line to the top of bank:

SETBACKS

Property Line	Required Setback
North - Section 17	50 feet
North - Section 28 & 27	568 feet
South	108 feet
East - Section 17	308 feet
East - Section 20	450 feet
East - Sections 27 & 34	108 feet
West	795 feet
Internal R-O-W	50 feet
Processing Equipment	2,500 feet from residential uses/800 feet from all property lines, whichever is greater
Stockpiles	Same as above
Accessory buildings	100 feet

Is hereby amended to read:

The petitioner shall comply with the following minimum setbacks, measured from the property line to the top of bank:

SETBACKS

Property Line	Reauired Setback
North - Section 17	50 feet
North - Section 28 & 27	568 feet
South	108 feet
East - Section 17	308 feet
East - Section 20	450 feet
East - Sections 27 & 34	108 feet
West	795 feet
Internal R-O-W	50 feet
Processing Equipment	2,500 feet from residential uses/800 feet from all property

	lines and 200 feet from Southern Boulevard right of way in Section 32 only
Stockpiles	Same as above
Accessory buildings	100 feet

Q. SIGNS

1. Condition P.I of Resolution R-2000-1235, Petition DOA89-052(B) which currently states:

Freestanding point of purchase signs fronting on Southern Boulevard shall be limited as follows:

- a. **Maximum sign height, measured from finished grade to highest point - ten (10) feet;**
- b. **Maximum sign face area per side - 100 square feet;**
- c. **Maximum number of signs - one (1); and**
- d. **Style - monument style only. (CO: BLDG)**

Is hereby amended to read:

Freestanding point of purchase signs fronting on Southern Boulevard shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. Maximum sign face area per side - 100 square feet;
- c. Maximum number of signs - two (2); and
- d. Style - monument style only. (CO: BLDG)

R. TOWERS

1. The heat dispensing towers height shall be a maximum of one hundred and twenty (120) feet high unless additional height is required to comply with Department of Environmental Protection guidelines. (DRC: HEALTH)

2. Aircraft obstruction lighting for the heat dispensing towers shall be subject to FAA/FAR guidelines Part 77 and if required, shall be limited to red steady burning type lighting. (DRC: AIRPORTS/ZONING)

S. USE LIMITATION(S)

1. All pumps shall be limited to electric only. (CODE ENF: ONGOING)

T. WATER SUPPLY

1. Applicant agrees to create equivalent water storage to replace water storage used by the power plant within eight (8) years of the use of water storage by power plant facilities by dredging existing mined areas or other alternatives acceptable to the County. (UTILITIES: MONITORING)

2. Applicant shall not negatively affect water quality or temperature in a manner that will prohibit discharge of water from the mined area to the surrounding canal system as determined by agencies with jurisdiction over the subject area. (ONGOING: SFWMD)

U. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning) (Previously Condition Q.1 of Resolution R-2000-1235, Petition DOA89-052(B))

2. Condition Q.2 of Resolution R-2000-1235, Petition DOA89-052(B) which currently states:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, **and/or** any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; **and/or**
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of **PZ&B** or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

Is hereby amended to read:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)