

RESOLUTION NO. R-2004-0401

RESOLUTION APPROVING ZONING PETITION DOA1989-052F
DEVELOPMENT ORDER AMENDMENT
PETITION OF PALM BEACH AGGREGATES, INC.
BY CARLTON FIELDS, PA, AGENT
(PALM BEACH AGGREGATE 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 DOA1989-052F was presented to the Board of County Commissioners at a public hearing conducted on February 26, 2004; 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 has considered the findings in the staff report and 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 DOA1989-052F, the petition of Palm Beach Aggregates, Inc., by Carlton Fields, PA, agent, for a Development Order Amendment to 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 February 26, 2004, 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on February 26, 2004.

Filed with the Clerk of the Board of County Commissioners on 29 day of March, 2004.

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

OVERALL

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 measured 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 01° 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;

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:

Bounded on the South by the North right-of-way line of State Road 80; bounded on the Est 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 lien of State Road 80.

Together With:

PARCEL B

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).

Together With:

PARCEL 1

A Being a parcel of land lying within the East one-half of Sections 30, 19 and 18, Township 43 South, Range 40 East, Palm Beach County, Florida, said parcel being more particularly described as follows-

Commence at the Southeast corner of said Section 30, thence North 00 degrees 49 minutes 09 seconds East (bearings are based on State Plane Coordinate System, Florida East Zone, NAD 83, adjustment of 1990) along the East line of said Section 30, a distance of 286.75 feet; thence North 88 degrees 37 minutes 31 seconds West along the Easterly extension of a line parallel with and 13.00 feet North of the centerline of an East-West field ditch for a distance of 24.00 feet to the Point of Beginning of the following described parcel thence continue North 88 degrees 37 minutes 31 seconds West, along said line, being 13.00 feet North of and parallel with the centerline of said field ditch a distance of 2,460.91 feet point being approximately 10.0 feet Easterly of the Easterly traveled edge of the Easterly North-South rock road, as measured along aforesaid East-West line; thence

North 01 degrees 16 minutes 02 seconds East along a line, lying approximately 10.0 feet East of the traveled edge of said Easterly North-South rock road, a distance of 1,415.91 feet, thence North 02 degrees 14 minutes 30 seconds East along line lying approximately 10.00 feet East of the traveled edge and its Northerly extension, a distance of 11,648.98 feet to the Northerly toe of slope of the Southerly East-West rock road; thence North 89 degrees 47 minutes 27 seconds East along the Northerly toe of slope of the Southerly East-West rock road and its Easterly extension, a distance of 2,201.61 feet, to the Easterly line of said Section 18; thence South 00 degrees 54 minutes 47 seconds West along the East line of said Section 18 a distance of 2,714.41 feet, to the Southeasterly corner of said Section 18, also being the Northeasterly corner of said Section 19; thence South 00 degrees:56 minutes 51 seconds West along the East line of said Section 19, a distance of 5,467.86 feet to the Southeasterly corner of said Section 19; thence North 88 degrees 43 minutes; 41 seconds West along the South line of Said Section 19, a distance of 24.00 feet; thence, South, 00 degrees 49 minutes 09 seconds West, along a line 24.00 feet West of and parallel with the East line of said Section 30, a distance of 4,942.55 feet, to the Point of Beginning.

Containing 703.88 acres, more or less.@

Together with:

Parcel 2

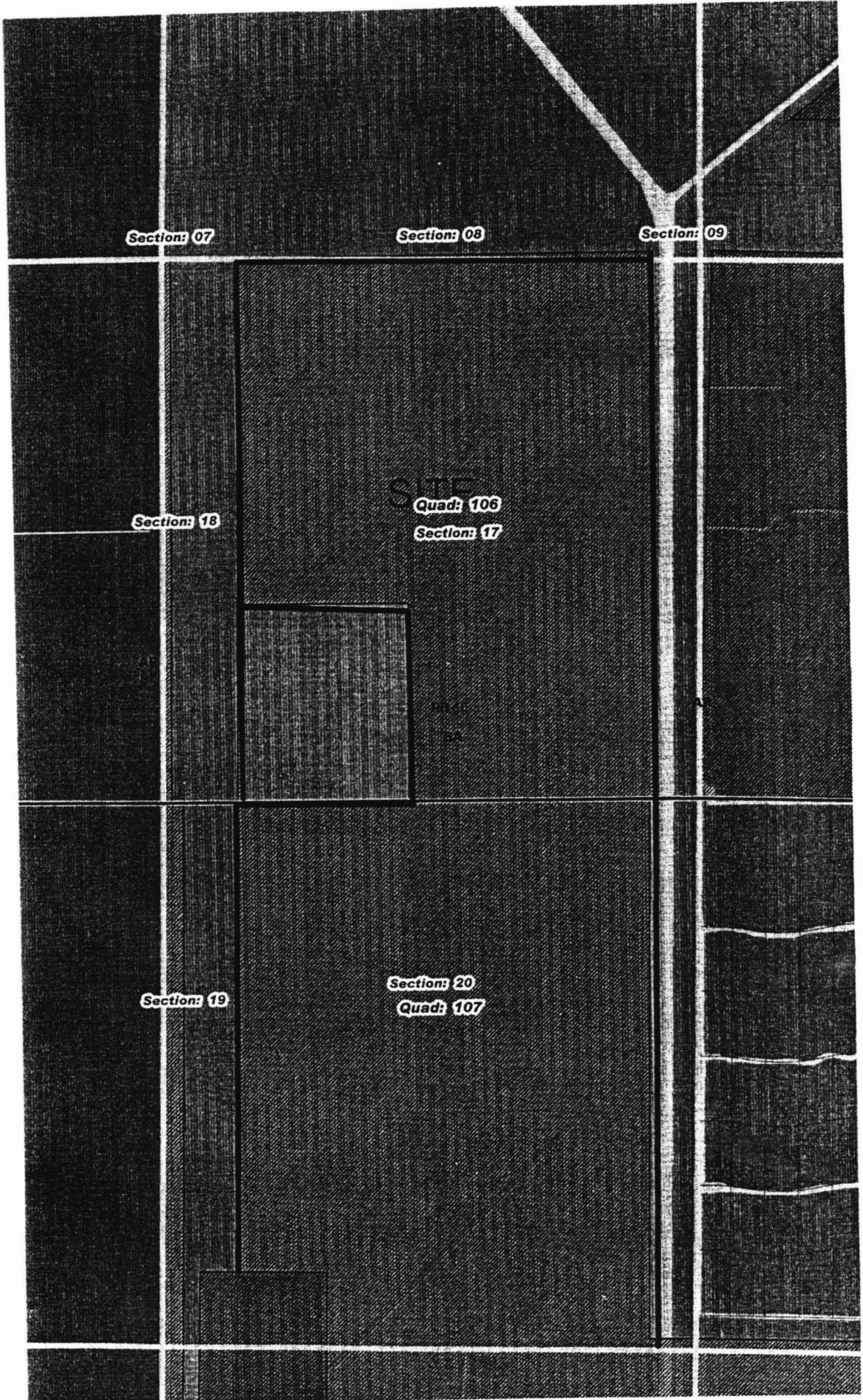
A Being a parcel of land lying in Section 18, Township 43 South, Range 40 East and Section 13, Township 43 South, Range 39 East Palm Beach County, Florida, said parcel being more particularly described as follows:

Commence at the Southeast corner of said Section 18, thence North 00 degrees 54 minutes 47 seconds East along the Easterly line of said Section 18, a distance of 2,714.41 feet, to the intersection of the Easterly extension of the Northerly toe of slope of the Southerly East-West rock road; thence South 89 degrees 47 minutes 27 seconds West along the Northerly toe of slope of the Southerly East-West rock road and its Easterly extension, a distance of 2,201.61 feet, to the Point of Beginning of the following described parcel; thence continue South 89 degrees 47 minutes 27 seconds West along the Northerly toe of slope of the Southerly East-West rock road, a distance of 5,113.51 feet to the intersection with a North-South line, said line being the Northerly extension of the East toe of slope of the Easterly North-South road, approximately along the North-South one quarter section line of said Section 13; thence South 00 degrees 04 minutes 24 seconds West along the Easterly toe of slope of the Easterly rock road and its Northerly extension, a distance of 2,575.77 feet to the Southerly edge of an existing East-West rock road; thence South 89 degrees 34 minutes 23 seconds East along the Southerly edge of said East-West rock road and North of the Northerly edge of an existing East-West canal, for a distance of 5,013.90 feet to the Westerly line of said Parcel 1 (see Note below); thence North 02 degrees 14 minutes 30 seconds East along the West line of Parcel 1, a distance of 2,633.81 feet to the point of Beginning.

Containing 302.69 acres, more or less.@

Overall Boundary 4047.96 Acres

EXHIBIT B
VICINITY SKETCH



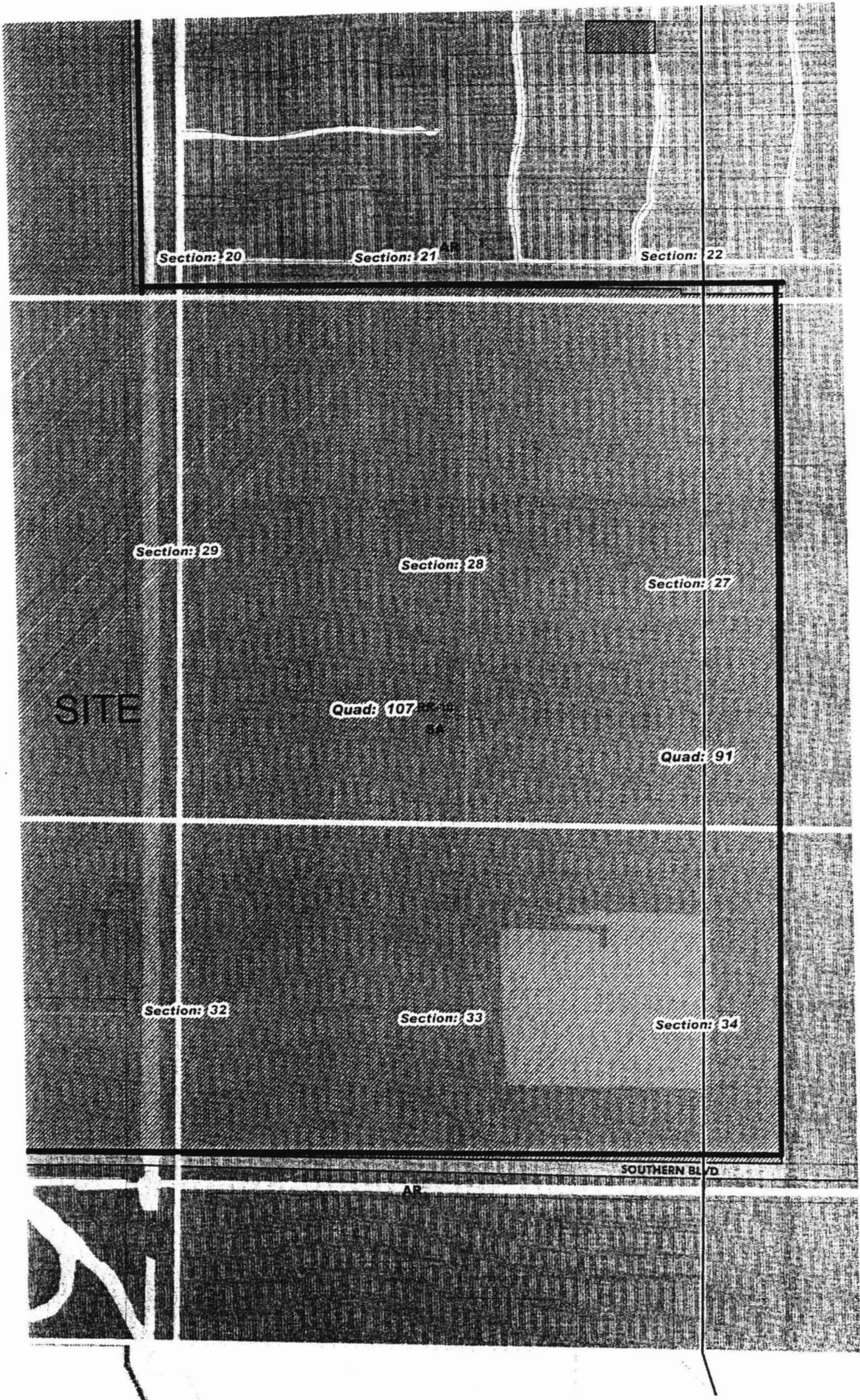


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified. Compliance of conditions by the appropriate entity has been indicated in each condition.

A. ALL PETITIONS

1. Condition A.1 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2002-0496 (Petition SR1989-052A), R-2002-0009 (Petition 89-052(C)) and R-2002-1472, Petition DOA89-052(D) 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.

The "C" petition was evaluated upon the representations and analysis the 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.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2003-0324 (Petition 1989-052E) have been consolidated as contained herein. The property owner(s) shall comply with all previous conditions of approval and deadlines established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING – Zoning) [This condition is applicable to the overall site.]

2. The power plant parcel is limited to a nominal 3,300 megawatt facility fueled by natural gas as the primary sources of fuel, except that low sulfur distillate may be used as a secondary fuel source for up to 500 hundred hours per year if approved by the Public Service Commission (PSC) or Florida Department of Environmental Protection (FDEP).
 - a. In the event that any other source of fuel is proposed or required by the owner, 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 the request were a new petition being reviewed for the first time. (ONGOING: HEALTH/DEP– Zoning) [This condition is applicable to the power plant only.]
3. Condition A.2 of Resolution R-2003-0324, Petition EAC1989-052(E), 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 June 14, 2002. All modifications must be approved by the Board of County Commissioners unless the changes are required to meet conditions of approval or the ULDC.

Is hereby amended to read:

Development of the subject property is limited to the uses presented to the Board of County Commissioners indicated on the site plans dated November 7, 2003 and February 18, 2004. All modifications must be approved by the Board of County Commissioners, unless the changes are required to meet conditions of approval or the ULDC.

a. Changes resulting from the SFWMD reservoir project on lands owned by the SFWMD shall not require a Development Order Amendment to modify these conditions of approval. These conditions F.2, F.3, F.5, I.2, I.3, I.4, J.1 and J.2 will be modified pursuant to an agreement to be entered into between Palm Beach County (PBC), South Florida Water Management District (SFWMD) and Palm Beach Aggregates (PBA) by September 30, 2004 regarding the wildlife corridor, landscaping, and littoral shelves for consistency with SFWMD plans for its reservoir projects. (ONGOING: ZONING – Zoning) [This condition is applicable to Palm Beach Aggregates, SFWMD and the power plant.]

4. Condition A.3 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

All plans submitted dated October 25, 2001 (Power Plant) and June 14, 2002 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.

Is hereby amended to read:

All plans submitted dated November 7, 2003 (Power Plant) and February 18, 2004 (Excavation, phasing and reclamation) shall receive final approval by the Development Review Officer (DRO). 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. (DRO:ZONING-Zoning) [This condition is applicable to Palm Beach Aggregates and the power plant.]

5. Condition A.4 of Resolution R-2003-0324, Petition EAC1989-052(E)) which currently states:

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 – Zoning

Is hereby amended to read:

Prior to approval of the Final Excavation Plan by the Development Review Officer (DRO), the petitioner shall amend all plans to ensure compliance with the ULDC and applicable conditions of approval. The plans shall clarify

setback, separation, reclamation and buffering requirements by further graphic delineation and plan notes. (DRO: ZONING – Zoning) [This condition is applicable to Palm Beach Aggregates only.]

6. **Resolution R-89-2225 is hereby repealed.** (Previous Condition A.5 of Resolution R-2003-0324, Petition EAC1989-052(E)).
7. Condition A.6 of Resolution R-2002-1472, Petition DOA89-052(D), which currently states:

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.

Is hereby amended to read:

The power plant shall be limited to an electrical power generating facility requiring approval of the Governor and Cabinet sitting as the Power Plant Siting Board, or a power generating facility regulated as a public utility. (ONGOING: CODE ENF – Zoning) [This condition is applicable to the power plant only.]

8. Condition A.7 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

The petitioner shall have three (3) years from adoption of the resolution approving Petition DOA1989-052D to commence development of the Power Plant on the site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted.

Is hereby amended to read:

The property owner(s) shall have three (3) years from adoption of the resolution approving Petition DOA1989-052F to commence development of the power plant. A maximum of one (1) administrative time extension for a maximum of twelve (12) months may be granted. (DATE: MONITORING – Zoning) [This condition is applicable to the power plant only.]

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: CODE ENF – Zoning) (Previous Condition B.1 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]
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: CODE ENF – Zoning) (Previous Condition B.2 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

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 – Zoning) (Previous Condition C.1 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

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

BLASTING REGULATIONS

PARAMETER	INSTRUMENT REQUIREMENTS	PERFORMANCE REQUIREMENTS
Ground 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)
Ground vibrations Non-monitoring alternative	Scaled distance	Minimum square root scaled distance of 200 ft/lb ² , or 1320 feet to closest residence, whichever is greater
Airblast	Monitor with low frequency roll off of 2 Hz	133 dBLinear peak (equates to approximately 90 - 110 dBA)
Airblast	Monitor with low frequency roll off of 5 or 6 Hz	129 dBLinear peak
Airblast	Non-monitoring alternative	Minimum cube root scaled distance of 500 ft/lba
Flyrock	Visual observations	Not more than half the distance from the blast site to the property line
Preblast inspections	Documented inspection reports for operator and requestor	Upon request by any property owner within 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

(ONGOING: CODE ENF – Zoning) (Previous Condition C.2 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

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
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(ONGOING: CODE ENF – Zoning) (Previous Condition C.3 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

4. **No blast shall be detonated within the required separation areas set forth in Condition N.1.** (ONGOING: CODE ENF – Zoning) (Previous Condition C.4 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]
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 – Zoning) (Previous Condition C.5 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]
6. **The petitioner shall install a temporary fence indicating the required separation (see Condition N.1) 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: CODE ENF/DRO – Zoning) (Previous Condition C.6 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only].
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: CODE ENF/DRO – Zoning) (Previous Condition C.7 of Resolution R-2002-1472, Petition DOA89-052(D)) [This condition is applicable to Palm Beach Aggregates only.]
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 – Zoning) (Previous Condition C.8 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]
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 – Zoning) (Previous Condition C.9 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

D. DRI

1. Condition D.1 of Resolution R-2003-0324, Petition EAC1989-052(E) which currently states:

No subphase shall exceed eighty (80) acres of removal or disturbance of solid minerals or overburden per year.

Is hereby amended to read:

No subphase shall exceed one-hundred (100) acres of removal or disturbance of solid minerals or overburden per year. Removal or disturbance of solid materials or overburden required to implement the SFWMD reservoir system shall be exempt from this requirement. (ONGOING: CODE ENF – Zoning) [This condition is applicable to Palm Beach Aggregates only.]

2. **Daily water consumption for the mine shall not exceed 1.5 million gallons per day (mgd).** (ONGOING: SFWMD-Zoning) (Previous Condition D.2 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]
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) (Previous Condition D.3 of Resolution R-2003-0324, Petition EAC1989-052(E)). [Note: Completed.] [This condition is applicable to Palm Beach Aggregates only.]

E. ENGINEERING

1. Condition E.1. of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

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-Eng)

Is hereby amended to read:

Prior to final approval of the master plan/site plan by the Development Review Officer (DRO), 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. (DRO: ENG-Eng)

- 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-Eng) (Previous Condition E.1.a of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

Condition E.1.b of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

- 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&L 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.

Is hereby amended to read:

- b. The property owner shall convey to Palm Beach County 200 feet of road right of way for Okeechobee Boulevard from the northeast corner of Section 29, Range 40, Township 43, westerly crossing the Florida Power and Light transmission line and passing north of the FPL Corbett Substation. All right of way shall be conveyed within ninety (90) days of a determination that the right of way is required. Right of way conveyance shall be free of all encumbrances and encroachments. The Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, except for the existing Florida Power and Light easements through the site. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." The property owner shall also be responsible for coordinating with the Roadway Production Division concerning any transmission facilities relocations within the proposed alignment and there shall be no mining activity within this new alignment including the Florida Power and Light Easement. Final alignment of Okeechobee Boulevard shall be approved by the County Engineer. (ONGOING: ENG – Eng) [This condition is applicable to Palm Beach Aggregates only.]
2. **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 – Eng) (Previous Condition E.2.a of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]
 - b. **Permits required by Palm Beach County for this construction shall be obtained prior to May 1, 1997.** (DATE: MONITORING – Eng) (Previous Condition E.2.b of Resolution R-2003-0324, Petition EAC1989-052(E)). [NOTE: Completed.] [This condition is applicable to Palm Beach Aggregates only.]

- c. **Construction shall be completed prior to July 1, 1997.** (DATE: MONITORING – Eng) (Previous Condition E.2.c of Resolution R-2003-0324, Petition EAC1989-052(E)). [NOTE: Completed.] [This condition is applicable to Palm Beach Aggregates only.]
3. **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 – Eng) (Previous Condition E.3 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]
4. **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) (Previous Condition E.4 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

5. Condition E.5 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states

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).

Is hereby deleted. [REASON: Impact fees are now a code requirement.]
[This condition/requirement should be applicable to Palm Beach Aggregates and the power plant.]

6. Condition E.6 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

LANDSCAPE WITHIN MEDIAN OF SOUTHERN BOULEVARD

- a. **Prior to December 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. (DATE: MONITORING – Eng) (Previous Condition E.6.a of Resolution R-2003-0324, Petition EAC1989-052(E)).

- 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 June 30, 2003. (DATE: MONITORING – Eng) (Previous Condition E.6.b of Resolution R-2003-0324, Petition EAC1989-052(E)).

- 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 June 30, 2003.** (DATE: MONITORING – Eng) (Previous Condition E.6.c of Resolution R-2003-0324, Petition EAC1989-052(E)).

Is hereby amended to state:

LANDSCAPE WITHIN THE MEDIAN OF SR 80

- a. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of SR 80. This landscaping and irrigation shall strictly conform with the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below. [This condition is applicable to Palm Beach Aggregate only.]
- b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to October 1, 2004. (DATE: MONITORING – Eng) [This condition is applicable to Palm Beach Aggregates only.]
- c. All installation of the landscaping and irrigation shall be completed prior to March 1, 2005. (DATE: MONITORING – Eng) [This condition is applicable to Palm Beach Aggregates only.]
- d. At the petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner. (ONGOING: ENG – Eng) [This condition is applicable to Palm Beach Aggregates only.]
- e. At the option of the petitioner, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along SR 80. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING: ENG – Eng) [This condition is applicable to Palm Beach Aggregates only.]
- f. The petitioner may elect to design, install and perpetually maintain an alternative to this median landscaping condition acceptable to the County Engineer and approved by the Board of County

Commissioners. This alternate design to the Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County. Any necessary permit(s) for this landscaping and irrigation alternative plan shall be applied for prior to October 1, 2004. [This condition is applicable to Palm Beach Aggregate only.]

- g. Installation of any landscaping and irrigation option outlined in a, d, or e above shall be completed prior to March 1, 2005. (DATE: MONITORING – Eng) [This condition is applicable to Palm Beach Aggregates only.]
7. **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 – Eng) (Previous Condition E.7 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates and the power plant.]
8. a. **The Property Owner shall fund the construction of an eastbound turn lane, plus appropriate tapers, on Southern Boulevard at it's Intersection with Forest Hill Boulevard (an add/drop lane of a half lane under the ART-PLAN). Funding in the amount of \$185,000 shall be provided to the Land Development Division prior to December 1, 2003.** (DATE: MONITORING/ENG – Eng) [This condition is applicable to Palm Beach Aggregates only.]
- b. **Funding of the thru lane shall include but not be limited to the design, construction, utility relocation, review fees, permit fees, construction administration, testing, and surveying and shall be based on a certified cost estimate provided by the Developers Engineer and approved by the County Engineer.** (DATE: MONITORING/ENG – Eng) (Previous Condition E.8.A of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]
9. Condition E.9 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

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 PRMT: MONITORING – Eng) (Previous Condition E.9.a of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to both Palm Beach Aggregates and the power plant.]

Is hereby amended to state:

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 the contract has been awarded 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. Phasing for this site may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (DATE:MONITORING:Eng) (BLDG PRMT: MONITORING – Eng) (Previous Condition E.9.a of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to both Palm Beach Aggregates and the power plant.]

F. ERM

1. Condition F.1 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

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.

Is hereby amended to read:

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 Development Review Officer (DRO) Site Plan certification. This condition will expire for reservoir areas which are completed and accepted for possession by SFWMD. (DRO: ERM – ERM) [This condition is applicable to Palm Beach Aggregates only.]

2. Condition F.2 of Resolution R-2003-0324, Petition EAC1989-052(E) which currently states:

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 – ERM)

Is hereby amended to read:

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 final approval by the Development Review Officer (DRO). (DRO: ERM – ERM) [This condition is applicable to Palm Beach Aggregates and SFWMD.]

3. Condition F.3 of Resolution R-2003-0324, Petition EAC1989-052(E) which currently states:

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 – ERM)

Is hereby amended to read:

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 final site plan approval by the Development Review Officer (DRO). (DRO: ERM – ERM) [This condition is applicable to Palm Beach Aggregates and SFWMD.]

4. **Maximum depth of all excavation shall be -50 feet from OWL.** (ONGOING: ERM – ERM) (Previous Condition F.4 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates and SFWMD.]
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.** (DRO: ERM-ERM) (Previous Condition F.5 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates and SFWMD.]
6. Condition F.6 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

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.

Is hereby deleted. [REASON: No prior agreement has been entered.]

G. HEALTH

1. Condition G.1 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:
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.

Is hereby amended to read:

Prior to final site plan approval by the Development Review Officer (DRO), an application and engineering plan to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 64E-6 FAC and Palm Beach County ECR-I shall be submitted to the Palm Beach County Health Department. (DRO: HEALTH – Health) [This condition is applicable to Palm Beach Aggregates and the power plant.]

2. Condition G.2 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

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)

Is hereby amended to read:

Prior to final site plan approval by the Development Review Officer (DRO), an application and engineering plans to construct a non-transient, non-community water systems in accordance with Rule 62-555 FAC and Palm Beach County ECR-II shall be submitted to the Palm Beach County Health Department. (DRO: HEALTH – Health) [This condition is applicable to Palm Beach Aggregates and the power plant.]

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 Severna Street, West Palm Beach, Florida 33401 at time such applications are submitted to the permitting authority. (ONGOING: HEALTH – Health) (Previous Condition G.3 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates and the power plant.]**
4. Pursuant to Condition A.2, the property owner(s) shall use ultra low sulfur distillate with sulfur content no greater than 0.0015% by weight as secondary fuel. If this level distillate fuel is not available then the fuel sulfur level shall not be more than 0.05% sulfur by weight. The low sulfur distillate fuel shall be used for no more than 500 hours, per 12-month rolling total. (ONGOING: HEALTH/CODE ENF – Health) [This condition is applicable to the power plant only.]
5. Upon submittal of an air permit application to the Florida Department of Environmental Protection (FDEP); the property owner(s) shall submit to Palm Beach County Health Department (PBCHD) a multi-source NAAQS and Class II PSD Increment analyses for criteria pollutant, for the entire project at build out. The increment analyses shall include all the contributions from other sources significantly impacting the site if the predicted increase in impacts for these pollutants is above the significant impact level for a Class II established by EPA. Approval for this project is contingent upon predicted impacts from the multi-source Class II increment analysis demonstrating consumption of no more than 50 % of the available increment (total aggregate from all sources). This condition shall be included in the air permit application to Florida Department of Environmental Protection (FDEP). The applicant shall seek further approval from the ULDC and the Board of County Commissioners if a higher percent of the increment is consumed. (ONGOING: HEALTH/CODE ENF – Health) [This condition is applicable to the power plant only.]

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 – Zoning) (Previous Condition H.1 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**
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) (Previous Condition H.2 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**
3. **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 – Zoning) (Previous Condition H.3 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**
4. Condition H.4 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

Hours of operation shall not apply to the accessory asphalt or concrete batch plant.

Is hereby amended to read:

Hours of operation shall not apply to the accessory asphalt /or concrete batch plant or power plant or any activities, excluding blasting, west of the Florida Power and Light (FP&L) transmission line right-of-way, which includes portions of Section 13, Township 43S, Range 39E, and portions of Sections 19, 20 and 30, Township 43S, Range 40E. (ONGOING:CODE ENF-Zoning) [This condition is applicable to Palm Beach Aggregates only.]

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: CODE ENF -Zoning) (Previous**

Condition H.5 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

I. LANDSCAPE/BUFFERING

1. **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 – Zoning) (Previous Condition I.1 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to the Palm Beach Aggregates.]
2.
 - 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 – Zoning) (Previous Condition I.2.d of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]
3. **The petitioner shall further enhance the wildlife corridor by providing one (1) native tree sapling, a minimum of eighteen inches (18") in height for every 2500 square feet of land area in the corridor.** (DRC: ZONING – Zoning) (Previous Condition I.3 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]
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.** (DRO: ZONING – Zoning) (Previous Condition I.4 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]
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) (Previous Condition I.5 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to both Palm Beach Aggregates and the power plant.]
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) (Previous Condition

I.6 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

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) (Previous Condition I.7 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

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. This criteria may be deleted or modified with a modification of the existing excavation Restrictive Covenant Agreement.** (ONGOING: ERM-ERM) (Previous Condition J.1 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]
2. **All littoral shelves as may be required by the ERM agreement shall be created by grading only. Littoral shelves shall not be created by excavation.** (ONGOING: ERM – ERM) (Previous Condition J.2 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

K. MONITORING

1. Condition K.1 of Resolution R-2003-0324, Petition EAC1989-052(E) which currently states:

The Excavation Activity Monitoring Report required by Section 7.6.H.5.a. of the ULDC shall be submitted on or before March 15 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)

Is hereby amended to read:

The Excavation Activity Monitoring Report required by Section 7.6.H.5.a. of the ULDC shall be submitted to the Zoning Division and Environmental Resources Management Department on or before March 15 annually. This excavation activity report shall include certification and documentation that all seismograph instruments have been re-calibrated within the calendar year. (DATE: ZONING/ERM– Zoning)[This condition is applicable to Palm Beach Aggregates only.]

2. Condition K.2 of Resolution R-2003-0324, Petition EAC1989-052(E) which currently states:

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 – Zoning)

Is hereby amended to read:

The annual Excavation Activity Monitoring Report pursuant to Condition K.1 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 Officer. (DATE: ZONING/ERM – Zoning) [This condition is applicable to Palm Beach Aggregates only.]

3. Condition K.3 of Resolution R-2003-0324, Petition EAC1989-052(E) which currently states:

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 March 15 annually. (DATE: MONITORING - Zoning)

Is hereby amended to read:

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 March 15 annually including a map identifying ownerships of land as shown on plan dated February 18, 2004. (DATE: MONITORING - Zoning) [This condition is applicable to Palm Beach Aggregates only.]

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 – Zoning) (Previous Condition K.4 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**

5. **The blasting log shall be made available to the public or any government official on request. (ONGOING: CODE ENF – Zoning) (Previous Condition K.5 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**

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 – Zoning) (Previous Condition K.6 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**

7. **The petitioner shall maintain all blasting activity logs for a minimum of three (3) years.** (ONGOING: CODE ENF – Zoning) (Previous Condition K.7 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

L. PARKS

1. Condition L.1 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

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-Parks)

Is hereby deleted. [REASON: SFWMD will determine the suitability for public access and recreational use of the site based upon District Policy.]

M. PHASING

1. **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 – Zoning) (Previous Condition M.1 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

2. Condition M.2 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

A maximum of 3 subphases (maximum 240 acres) shall be in active excavation at any time.

Is hereby amended to read:

A maximum of three (3) sub-phases (a maximum of 300 acres) shall be in active excavation at any time. This condition shall not apply to lands owned by the SFWMD. (ONGOING: CODE ENF – Zoning) [This condition is applicable to Palm Beach Aggregates only.]

N. RECLAMATION

1. Condition N.1 of Resolution R-2003-0324, Petition EAC1989-052(E)), which currently states:

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.

Is hereby deleted. REASON:[Not applicable].

[This condition is applicable to Palm Beach Aggregates only.]

2. Condition N.2 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

A minimum of 1 subphase shall be reclaimed annually, until completion of the project.

Is hereby amended to read:

All reclamation shall be consistent with the South Florida Water Management District Plan or by agreement with SFWMD, Palm Beach County and Palm Beach Aggregates. (ONGOING: ZONING – Zoning) [This condition is applicable to Palm Beach Aggregates only.]

3. **Prior to December 31, 1999, the petitioner shall complete reclamation of all previously excavated areas within Lake 1.** (DATE: MONITORING – Zoning) (Previous Condition N.3 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

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

(DRO: Zoning – Zoning) (Previous Condition O.1 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

P. SETBACK

1. Condition P.1 of Resolution R-2003-0324, Petition EAC1989-052(E), 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 - Sections 13, 17,18	50 feet
North - Sections 28 & 27	568 feet
South	108 feet
East - Section 17	308 feet
East - Section 27 & 34	108 feet
West - Section 32	795 feet
West – Sections 13,19,30	108 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

Is hereby amended to read:

The property owner(s) shall comply with the following minimum setbacks, measured from the property line to the top of bank for all excavation related activity:

SETBACKS

Property Line	Required Setback
North - Sections 13, 17, 18	50 feet
North - Sections 28 & 27	568 feet
South	108 feet
East - Section 17	308 feet
East - Section 27 & 34	108 feet
West - Section 32	795 feet
West – Sections 13, 19, 30	108 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	<u>Same as above, except 300 feet for S, E and W property lines</u>
Accessory buildings	100 feet

(DRO: Zoning – Zoning) [This condition is applicable to Palm Beach Aggregates only.]

Q. SIGNS

1. **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 – Zoning) ((Previous Condition Q.1 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates and the power plant.]

R. TOWERS

1. Condition R.1 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

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.

Is hereby amended to read:

The heat dispensing towers height shall be a maximum of one hundred and twenty (120) feet high unless additional height is approved to comply with Florida Department of Environmental Protection guidelines and approved by the Governor and Cabinet sitting as the Power Plant Siting Board. Additional height to accommodate safety clearance, emission air monitoring and noise attenuation equipments shall not exceed an overall height of one hundred and fifty (150) feet of each tower. (DRO/BLDG PRMT: HEALTH/BLDG – Health) [This condition applies to Palm Beach Aggregates and the power plant.]

2. Condition R.2 of Resolution R-2003-0324, Petition EAC1989-052(E) which currently states:

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)

Is hereby amended to read:

Aircraft obstruction lighting for the heat dispensing towers shall be subject to FAA/FAR guidelines Part 77, and shall be limited to red steady burning type lighting, unless otherwise required by FAA. (DRO: AIRPORTS/ZONING) [This condition applies to Palm Beach Aggregates and the power plant.]

S. USE LIMITATION(S)

1. Condition S.1 of Resolution R-2003-0324, Petition EAC1989-052(E)- which currently states:

All pumps shall be limited to electric only.

Is hereby amended to read:

All pumps shall be limited to electric only. This condition shall not be applicable to the SFWMD. (CODE ENF: ONGOING – Zoning) [This condition is applicable to Palm Beach Aggregates only.]

T. WATER SUPPLY

1. Condition T.2 of Resolution R-2003-0324, Petition EAC1989-052(E) which currently states:

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. (ONGOING: MONITORING -Utilities) (Previous Condition T.2 of Resolution R-2003-0324, Petition EAC1989-052(E)) [This condition is applicable to Palm Beach Aggregates only.]

Is hereby deleted. [REASON: PBCWUD no longer required these conditions since SFWMD has now a contract with PBA on the use of pits for this exact use.]

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: MONITORING - Utilities) [This condition is applicable to both Palm Beach Aggregates and the power plant.]

(Previous Condition T.2 of Resolution R-2003-0324, Petition DOA/EAC1989-052(E))

3. The Palm Beach County Water Utilities Department shall provide potable water, reclaimed water and wastewater service to all portions of the subject property except those unincorporated areas where the Palm Beach County Water Utilities Department has granted or assigned utility service area rights to a public or privately owned portable water, reclaimed water and/or wastewater utility or in areas where the Palm Beach County Water Utilities Department is specially excluded from providing utility service by Florida Statue. (ONGOING: UTILITIES – Utilities) [This condition is applicable to Palm Beach Aggregates, SFWMD and the power plant.]

U. PLANNING

1. Condition U.1 of Resolution R-2003-0324, Petition EAC1989-052(E) which currently states:

Should any archeological materials be uncovered, the Planning Director shall be contacted immediately, and 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 – Planning)

Is hereby amended to read:

Should any archeological materials be uncovered, the Planning Director shall be contacted immediately, and 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 the ULDC. (ONGOING: CODE ENF/PLANNING – Planning). [This condition is applicable to Palm Beach Aggregates and the power plant.]

V. 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) (Previous Condition V.1 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates, SFWMD and the power plant.]
2. **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. (ONGOING: MONITORING – Zoning) (Previous Condition V.2 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates, SFWMD and the power plant.]

- 3. Responsibility of the owners for compliance with a particular condition shall be as set forth on the following chart.

CONDITION NUMBER AND DESCRIPTION	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
A.1 PREVIOUS CONDITIONS	YES	YES	YES
A.2 POWER PLANT LIMITATIONS	NO	NO	YES
A.3 LIMITATION ON USE	YES	YES	YES
A.4 FUTURE MODIFICATION TO PLANS	YES	NO	YES
A.5. DRO APPROVAL	YES	NO	NO
A.6 RESO REPEALED	N/A	N/A	N/A
A.7 CLASS A CONDITONAL USE FOR POWER FACILITY REQUIRING APPROVAL OF GOVERNOR	NO	NO	YES
A.8 COMMENCEMENT DATE FOR POWER PLANT SITE	NO	NO	YES

CONDITION NUMBER AND DESCRIPTION	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
B.1 ACCESS LIMITATION	YES	NO	NO
B.2 INTERNAL CIRCULATION PATTERN	YES	NO	NO
C.1 BLASTING BEST MANAGEMENT STANDARDS	YES	NO	NO
C.2 BLASTING REGULATIONS	YES	NO	NO
C.3 BLASTING STANDARDS	YES	NO	NO
C.4 BLAST SEPARATION	YES	NO	NO
C.5 BLASTING CRITERIA	YES	NO	NO
C.6 FENCE REQUIRED	YES	NO	NO
C.7 SEISMOGRAPH CALIBRATION	YES	NO	NO
C.8 SEISMOGRAPH LOCATION	YES	NO	NO
C.9 SEISMOGRAPH CALIBRATION	YES	NO	NO
D.1 DRI SUB PHASE LIMITS	YES (ONLY FOR AREAS NOT OWNED BY SFWMD)	NO	NO
D.2 DRI WATER CONSUMPTION LIMIT	YES	NO	NO
D.3 DRI BINDING LETTER	YES	NO	NO
E.1 A & B OKEECHOBEE ROW	YES	NO	NO
E.2 A & B CONSTRUCT TURN LANES	YES	NO	NO
E.3 TURN LANE MAINTENANCE	YES	NO	NO
E.4 ROW DRAINAGE	YES	NO	NO
E.5 FAIR SHARE FEE	YES	NO	YES
E.6 MEDIAN LANDSCAPE	YES	NO	NO
E.7 COMPLIANCE TO	YES	NO	YES

CONDITION NUMBER AND DESCRIPTION	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
MANDATORY TRAFFIC PERFORMANCE STANDARDS			
E.8 CONSTRUCT EASTBOUND TURN LANE SR 80 FOREST HILL BLVD	YES	NO	NO
E.9 NO PERMITS FOR POWER FACILITY UNTIL CONSTRUCT EASTBOUND TURN LANE SR 80 FOREST HILL BLVD	YES	NO	YES
F.1 GROUND WATER MONITORING	YES - REQUIREMENT EXPIRES WHEN SFWMD ACCEPTS POSSESSION OF COMPLETED RESERVOIRS	NO	NO
F.2 WILDLIFE CORRIDOR	YES	YES	NO
F.3 WILDLIFE CORRIDOR PLAN	YES	YES	NO
F.4 MAXIMUM DEPTH	YES	YES	NO
F.5 TIMING OF CONVEYANCE FOR WILDLIFE CORRIDOR	YES	YES	NO
F.6 MODIFY EXISTING RESTRICTIVE COVENANT IF REQUIRED FOR VARIATION IN APPROVED PLAN	NO	NO	NO
G.1 HEALTH WELL PERMITS.	YES	NO	YES
G.2 HEALTH SEPTIC PERMITS	YES	NO	YES
G.3 HEALTH AIR PERMITS	YES	NO	YES
G.4 HEALTH AIR PERMITS	NO	NO	YES
G.5 HEALTH AIR PERMITS	NO	NO	YES
H.1 HOURS OF OPERATION	YES	NO	NO

CONDITION NUMBER AND DESCRIPTION	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
H.2 HOURS OF OPERATION	YES	NO	NO
H.3 HOURS OF OPERATION	YES	NO	NO
H.4 HOURS OF OPERATION	YES	NO	NO
H.5 HOURS OF OPERATION	YES	NO	NO
I.1 LANDSCAPE BUFFERS	YES	NO	NO
I.2 ALTERNATIVE LANDSCAPE BETTERMENT PLAN (ALBP)	YES	NO	NO
I.3 WILDLIFE CORRIDOR ENHANCEMENT	YES	NO	NO
I.4 LANDSCAPE TIMING	YES	NO	NO
I.5 OUTDOOR LIGHTING	YES	NO	YES
I.6 OUTDOOR LIGHTING HEIGHT LIMITATION	YES	NO	NO
I.7 LANDSCAPE REQUIRED FOR ASPHALT/CONCRETE PLANT	YES	NO	NO
J.1 LITTORAL SHELVES	YES	NO	NO
J.2 LITTORAL SHELVES	YES	NO	NO
K.1 MONITORING	YES	NO	NO
K.2 AERIAL PHOTOS REQUIRED	YES	NO	NO
K.3 MAINTENANCE MONITORING	YES	NO	NO
K.4 BLASTING RECORD	YES	NO	NO
K.5 BLASTING LOG AVAILABILITY	YES	NO	NO
K.6 TIME HISTORY	YES	NO	NO
K.7 LOG MAINTENANCE	YES	NO	NO
L.1 PARKS COORDINATION	NO	NO	NO
M.1 PHASING	YES	NO	NO
M.2 SUB PHASE	YES	NO	NO

CONDITION NUMBER AND DESCRIPTION	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
ACTIVITY LIMITS			
N.1 RECLAMATION MINIMUM	YES	NO	NO
N.2 PHASING PLAN	NO Condition has been deleted.	NO	NO
N.2 ANNUAL RECLAMATION	YES	NO	NO
N.3 RECLAIM EXISTING EXCAVATED AREA	YES	NO	NO
O.1 SEPARATIONS	YES	NO	NO
P.1 SETBACKS	YES	NO	NO
Q.1 SIGNS	YES	NO	YES
R.1 HEAT DISPENSING TOWERS HEIGHT LIMITATION	YES	NO	YES
R.2 HEAT DISPENSING TOWERS FAA LIGHTING	YES	NO	YES
S.1 USE LIMITATION ON PUMPS	YES	NO	NO
T.1 WATER SUPPLY - CREATE ADDITIONAL STORAGE	NO Condition has been deleted.	NO	NO
T.1 WATER SUPPLY – APPLICANT SHALL NOT NEGATIVELY EFFECT WATER QUALITY	YES	NO	YES
T.2 WATER SUPPLY – UTILITY SERVICE AREA RIGHTS	YES	YES	YES
U.1 PLANNING / ARCHEOLOGICAL PRESERVATION	YES	NO	YES
V.1 COMPLIANCE	YES, for those conditions to be maintained in compliance by Palm Beach Aggregates, Inc.	YES, for those conditions to be maintained in compliance by South Florida Water Management District	YES, for those conditions to be maintained in compliance by Power Plant Operator
V.2 COMPLIANCE	YES, for those conditions to be maintained in compliance by	YES, for those conditions to be maintained in compliance by	YES, for those conditions to be maintained in compliance by

CONDITION NUMBER AND DESCRIPTION	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
	Palm Beach Aggregates, Inc.	South Florida Water Management District	Power Plant Operator

4. The electric power facility site, the SFWMD reservoir site, and the Palm Beach Aggregates excavation site shall be treated as separate approvals for enforcement purposes. A violation of a condition on one site shall not affect the compliance status of the other sites. (ONGOING: MONITORING – Zoning)
5. The petitioner contains all the above conditions of approval shall mean property owner(s). (ONGOING: MONITORING – Zoning)